

COUNCIL

TUESDAY, 20TH SEPTEMBER 2016, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 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.

2 MINUTES OF THE COUNCIL MEETING HELD ON TUESDAY, 19 JULY 2016

(Pages 5 - 14)

3 MAYORAL ANNOUNCEMENTS

4 PUBLIC QUESTIONS

Members of the public who have requested the opportunity to ask question(s) on any item(s) on the agenda will have three minutes to put their question(s) to the relevant Councillor. Members of the public will be allowed to ask one short supplementary question.

5 EXECUTIVE CABINET

(Pages 15 - 16)

To consider the attached general report of the Executive Cabinet meeting held on 25 August 2016.

6 GOVERNANCE COMMITTEE

To consider a general report of the Governance Committee meeting held on 14 September (report to follow).

7 EFFICIENCY PLAN

(Pages 17 - 26)

To consider the attached report of the Director of Policy and Governance.

8	DRAFT HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT	(Pages 27 - 54)
	To consider the attached report of the Chief Executive.	
9	FOOTPATH NO 1 CROSTON: PROPOSED CONFIRMATION OF PUBLIC PATH EXTINGUISHMENT ORDER SECTION 118 HIGHWAYS ACT 1980	(Pages 55 - 76)
	To consider the attached report of the Director of Policy and Governance.	
10	QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 8 (IF ANY)	
11	TO CONSIDER THE NOTICES OF MOTION (IF ANY) GIVEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 10	
12	EXCLUSION OF THE PUBLIC AND PRESS	
	To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act.	
	By Virtue of Paragraph 3: Information relating to the financial or business affairs of any particular person (including the authority holding that information).	
13	FLEET STREET EXTRA CARE SCHEME	(Pages 77 - 90)
	To consider the attached report of the Chief Executive.	
14	MARKET WALK EXTENSION	(Pages 91 - 118)
	To consider the attached report of the Chief Executive plus the following appendices:	
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A	APPENDIX A - PLANNING APPROVAL AND CONDITIONS	(Pages 119 - 132)
B	APPENDICES B1, B2 AND B3 - LAYOUT PLANS	(Pages 133 - 138)
C	APPENDIX C - CHORLEY MARKETS OUTLINE STRATEGY 2017 - 2026	(Pages 139 - 148)
D	APPENDIX D - MARKETS CONSULTATION PLAN	(Pages 149 - 150)
E	APPENDIX E - GERALD EVE - REVIEW OF COVENANTS	(Pages 151 - 212)
F	APPENDIX F - ESTIMATED RENTAL VALUE SCHEDULE	(Pages 213 - 214)
G	APPENDIX G - HIGH LEVEL COST ESTIMATE	(Pages 215 - 216)
H	APPENDIX H - PHASING AND PROGRAMME PLANS	(Pages 217 - 222)

I APPENDIX I - TOWN CENTRE CAR PARKING STRATEGY

(Pages 223 -
238)

J APPENDIX J - PUBLIC REALM IMAGES

(Pages 239 -
266)

K APPENDIX K - INITIAL DESIGN - EXISTING MARKET WALK

Due to the size of the document this is not attached to the agenda but available to view in the Members Room or can be printed on request.

15 APPROPRIATION OF PART OF FLAT IRON CAR PARK TO FACILITATE THE MARKET WALK EXTENSION

(Pages 267 -
284)

To consider the attached report of the Chief Executive.

16 ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE MAYOR

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Council.

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

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/documents/s60977/Appendix%203%20Standing%20Orders%20Jan%202016.pdf> and scroll to page 49

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MINUTES OF COUNCIL

MEETING DATE Tuesday, 19 July 2016

MEMBERS PRESENT: Councillor Doreen Dickinson (Mayor), Councillor Mark Perks (Deputy Mayor) and Councillors Aaron Beaver, Martin Boardman, Alistair Bradley, Charlie Bromilow, Terry Brown, Henry Counce, Paul Clark, Alan Cullens, John Dalton, Graham Dunn, Christopher France, Gordon France, Margaret France, Jane Fitzsimons, Tom Gray, Mark Jarnell, Hasina Khan, Zara Khan, Paul Leadbetter, Margaret Lees, Roy Lees, Sheila Long, Adrian Lowe, Marion Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Beverley Murray, Debra Platt, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

OFFICERS: Gary Hall (Chief Executive), Jamie Carson (Director (Early Intervention and Support)), Chris Sinnott (Director (Policy and Governance)), Asim Khan (Director (Customer and Digital)), Chris Moister (Head of Legal, Democratic & HR Services) and Carol Russell (Democratic Services Manager)

APOLOGIES: Councillors Eric Bell, Jean Cronshaw, Anthony Gee, Danny Gee and Keith Iddon

16.C.346 Declarations of Any Interests

There were no declarations of interest received.

16.C.347 Minutes of the Annual Council meeting held on Tuesday, 17 May 2016

RESOLVED – That the minutes of the Annual meeting of the Council held on 17 May 2016 be approved as a correct record for signature by the Mayor.

Councillor Richard Toon referred to the Annual Meeting and wished to apologise to Members for not following protocol in supporting the election of the new Mayor, by raising a matter regarding the future of Coppull Children's Centre. He had raised the matter of Councillor Paul Leadbetter's response to his invitation to attend an event at the Children's Centre and he now accepted that Councillor Leadbetter hadn't in fact

refused, but had said he would attend if he could get time off work. Councillor Leadbetter acknowledged the correction.

16.C.348 Mayoral Announcements

The Mayor referred to the recent and very tragic death of Connor Whittingham, son of Paul Whittingham the Council's Planning Manager, in a motorbike accident. On behalf of all Councillors she had sent a card expressing their sincere condolences and deepest sympathy for his loss.

The Mayor reported that in a change to the usual tradition of inviting a small number of councillors to join her for a drink after each Council meeting, she hoped all councillors would join her for drinks after the November Council meeting on 22 November.

The Mayor informed Members about her first fundraising event of the year which was an afternoon Murder Mystery event in the Lancastrian on Sunday 18 September.

16.C.349 Public Questions

There were no public questions for consideration.

16.C.350 Chorley Council Annual Report 2015/16

The Executive Leader, Councillor Alistair Bradley presented the Council's Annual Report which had been produced by the Director of Policy and Governance and summarised the Council's achievements during 2015/16.

The report detailed performance against each of the Council's key priority areas, highlighting successful delivery of key projects and also included new investment which had totalled £4.422m in 2015/16.

In response to a request from Councillor Paul Leadbetter for an update on proposals for the Market Walk extension, the Leader reported that Council would be asked to make a final decision in the autumn time. There was a move towards the 75% pre-let target with interest from both retail and entertainment, both key areas identified in the town centre masterplan.

The challenges for the Council for 2016/17 and into the future were an increasing population in Chorley; budget pressures from reduced central government funding; and addressing the level of deprivation which still existed in parts of the Borough.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED – that the report be noted.**

16.C.351 Executive Cabinet

Members considered a general report of the meeting of Executive Cabinet held on 30 June 2016.

In response to a question from Councillor John Walker, Chair of the Overview and Scrutiny Committee, regarding the task group review into staff sickness absence, Councillor Peter Wilson said he would ensure the recommendations which had now been agreed by the Executive were implemented as soon as possible.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED – that the report be noted.**

16.C.352 Revenue and Capital Budget Monitoring - Provisional Outturn 2015-16

Councillor Peter Wilson, Executive Member for Resources, presented the Provisional Revenue and Capital Outturn for 2015/16 which had been agreed by the Executive Cabinet on 30 June 2016. The report required full Council approval to a number of recommendations.

Councillor Bradley raised an issue relating to the payment of grant packages to businesses in the Borough following a discussion which had been held on social media about the closure of the Dukpond Restaurant in Cleveland Street, Chorley and whether or not they had received a business grant from the Council. The debate stemmed from a post on the Chorley Conservative Councillors facebook page.

Councillor Bradley confirmed that no grant money had been given to the business concerned and expressed his disappointment that rather than seeking to find out the truth, there had been a highly political debate on social media which did not help the Council's genuine efforts to promote economic prosperity in the Borough. He invited the Leader of the Conservative Group to apologise.

In response Councillor Paul Leadbetter said that comments were in relation to if the business had received a grant. The business in question had not been in receipt of a grant and as a result the correct position had been posted on the facebook page.

The Executive Member for Resources, Councillor Peter Wilson proposed and the Executive Leader, Councillor Alistair Bradley seconded and it was

RESOLVED – that approval be given to the following:

- 1. Slippage requests and other transfers to reserves as outlined in Appendix 2 of the report to finance expenditure on specific items or projects in 2016/17.**
- 2. The set aside of £80,000 from the 2015/16 surplus on Market Walk and £70,000 from other in-year revenue underspends to fund the additional one-off costs of the new Management Structure.**
- 3. The transfer of £50,000 from in-year revenue underspends to the Buildings Maintenance Fund to finance asset improvements in 2016/17.**
- 4. The transfer of £0.415m underspend in respect of the Central Government Business Rates Retention (BRR) Levy Budget to the BRR Equalisation Reserve.**

5. **The financing of the 2015/16 Capital Programme to maximise the use of funding resources available to the Council.**

16.C.353 Scrutiny Reporting Back: Annual Report of the Overview and Scrutiny Committee

The Chair of the Overview and Scrutiny Committee, Councillor John Walker presented Scrutiny Reporting Back, a summary of the work of the Committee in 2016/17.

The report contained information on the key areas of work undertaken by the Committee including:

- Challenging performance, inviting Executive Members to the Committee to talk about their portfolio performance;
- Task Group Reviews on the Single Front Office and Staff Sickness Absence;
- Crime and Disorder Scrutiny on PCSO deployment in neighbourhood policing;
- The call in of an Executive Member decision on Community Action Plans; and
- Financial scrutiny of the draft budget proposals for 2016/17.

The Chair thanked Members and Officers for their contributions to the work of the Committee in 2015/16, in particular Councillor Murray who had attended the Performance Panel on a number of occasions. He referred to recent correspondence received from the police regarding the future of PACT meetings following the scrutiny of PCSO deployment, and said he would circulate the information to all councillors.

Councillor John Walker, Chair of the Overview and Scrutiny Committee proposed and Councillor Hasina Khan, as the former Vice Chair seconded and it was **RESOLVED – that the report be noted.**

16.C.354 Overview and Scrutiny Committee and Task and Finish Groups

Members considered a general report of the meeting of the Overview and Scrutiny Committee held on 7 July 2016, including business considered by the Performance Panel on 16 June and an update on Task Group reviews.

Councillor Walker thanked both County Councillor Steve Holgate and Councillor Hasina Khan for attending the meeting on 7 July to talk about the work of the LCC Health Scrutiny Committee on the closure of accident and emergency services at Chorley Hospital.

Councillor John Walker, Chair of the Overview and Scrutiny Committee proposed and Councillor Roy Lees, Vice Chair seconded, and it was **RESOLVED – that the report be noted.**

16.C.355 Governance Committee

Members considered a general report of the work of the Governance Committee held on 22 June 2016.

Councillor Paul Leadbetter, Chair of the Governance Committee proposed and Councillor Alan Cullens seconded and it was **RESOLVED – that the report be noted.**

16.C.356 Questions Asked under Council Procedure Rule 8

Councillor John Walker submitted the following question under Procedure Rule 8:

“At the Council meeting on the 1st March it was unanimously agreed by the Council that the Chief Executive write to the Chair of United Utilities, the water regulator, Members of Parliament and other bodies to express our complete dismay at the disadvantage being placed on children in the Borough because public funds aimed at children's education are being diverted to United Utilities balance sheet. Have we had any responses from the relative parties? If so what is the outcome?”

As a response to the question, a letter from the Chairman of United Utilities had been circulated which indicated that the company had met with local authorities in the region to explain the basis of their charging scheme which was detailed in the letter. They were unable to offer a discount to schools but were keen to work with schools on reducing their consumption. There was also a Government review underway in relation to concessionary schemes for water and drainage charges which could revise the position.

Councillor Walker expressed concern that OFWAT had not responded to the Council's original letter and the Executive Leader confirmed that Lindsay Hoyle MP had now referred this issue to the Secretary of State for Education.

RESOLVED – that the question and response be noted.

16.C.357 To consider the Notices of Motion (if any) given in accordance with Council procedure Rule 10

There were no motions for consideration under Procedure Rule 10.

16.C.358 Membership of Committees

Members were asked to agree changes in the membership of two Committees.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED – that the membership of Committees be revised as follows:**

- **Councillors Adrian Lowe and Roy Lees to replace Councillors Aaron Beaver and Charlie Bromilow as substitute members on the Licensing and Public Safety Committee.**
- **Councillor Charlie Bromilow to replace Councillor Aaron Beaver on the Overview and Scrutiny Committee.**

16.C.359 Exclusion of the Public and Press

RESOLVED - that the press and public be excluded for the remaining items of business on the grounds that it involves the disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act.

16.C.360 Proposals for an Integrated Community Wellbeing Service

Councillor Alistair Bradley, Executive Leader presented a report of the Director of Policy and Governance on the proposals for the creation of an Integrated Community Wellbeing service by the Council and Lancashire Care NHS Foundation Trust (LCFT).

A business case for the development of the service had been agreed at the Council meeting in November 2015 and the Public Services Transformation Working Group had been tasked with developing proposals and had agreed outline arrangements in June 2016.

Members were asked to agree the scope of the service which would include 45 FTE posts from across the current early intervention and support directorate, and the phased establishment of the new service in three stages:

- An enabling phase, in the first year - to develop agreements, governance, policies and protocols.
- Phase 1, April 2017 to October 2018 – to establish and develop the service; and
- Phase 2, from October 2018 - to make decisions for the longer term based on evaluation to date.

The majority of staff would be seconded to the new business partnership with the LCFT, with joint appointments being made to the senior management team. A joint Executive Group would be established to make strategic decisions which would include two representatives from the Council's Executive Cabinet. LCFT's Board would be considering these proposals and their commitment to the development of the joint service at a Board meeting later in July 2016.

In debating the proposals, Members raised the issue of the risk of losing some direct control of services, but the benefits of the new service were felt to outweigh the risks involved. Councillors Leadbetter and Boardman raised the issue of phasing and the business partnership model. The development of the foundations of the service was essential, timescale being less important. Questions around bearing any losses incurred by the new service as well as any profit would need to be addressed in the governance arrangements. LCFT as an organisation was constituted differently to local authorities.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED –**

- 1. That the Council approves the creation of an Integrated Community Wellbeing Service in line with the proposals contained within the report.**

2. **That the Executive Leader be authorised to appoint two members of the Executive Cabinet to the joint the Executive Group.**
3. **That the Public Service Transformation Working Group monitor and review progress in implementing the programme plan and report to Executive Cabinet and Council as necessary.**
4. **That the Chief Executive be authorised to identify budget needed for the enabling phase of the project from underspends or reserves.**

16.C.361 Digital Health Village, Euxton Lane

Councillor Alistair Bradley, Executive Leader presented a report of the Chief Executive on progress in bringing forward land allocated for the development of a Digital Health Village at Euxton Lane.

Following on from consideration of this issue at Executive Cabinet in June 2016, the report gave the detailed background to the proposals which were in line with the Council's economic development strategy of inward investment in the Borough to increase sites for employment use, create jobs and to generate income from business rates.

The development of a Digital Health Village in partnership with the current landowner at Euxton Lane would focus on the business sectors of health and digital. The development of a Digital Office Park within that scheme would to be led by this Council as a commercial venture, subject to a successful ERDF bid for £4.1m.

The report detailed the partnership arrangements in place to deliver the project; the detailed proposals for the digital health village and digital office park in terms of land usage; and the financial implications for both this Council and the wider project.

The Executive Leader, Councillor Alistair Bradley proposed and the Deputy Leader, Councillor Peter Wilson seconded and it was **RESOLVED –**

1. **That the positive progress in bringing forward the Euxton Lane site for development is noted and approval is given to proceeding with the Digital Office Park as a commercial venture;**
2. **That approval is given to the use of prudential borrowing to fund the Council's £4.05m contribution to the Digital Office Park;**
3. **That it is recognised that there is a risk that the Digital Office Park could generate revenue deficits in the initial years of occupancy;**
4. **That delegated authority for the sign-off of the appointment of the main contractor and project delivery related contracts being given to the Executive Member for Economic Development and Public Service Reform; and**

5. **As recommended by Executive Cabinet at its meeting of 30 June 2016, approval be given to the purchase of the site notionally allocated for the Digital Office Park as a commercial transaction and for revenue generating employment uses, in the event that Members decide not to proceed with the Digital Office Park. Approval is given to the use of prudential borrowing to fund this purchase.**

16.C.362 Land Swap with the HCA

The Executive Member for Resources Councillor Peter Wilson submitted a report of the Chief Executive seeking approval for a land swap, along with a balancing payment between the Council and the Homes and Communities Agency (HCA).

The HCA is a government agency tasked with bringing forward sites for residential development. It holds land within the Borough which is not suitable for residential development but may be suitable for employment use. Similarly the Council holds land which is suitable for residential development but wishes to expand employment sites in order to attract new businesses, create job opportunities and increase income from business rates.

The Council and HCA had worked together on a land exchange agreement, using the District Valuer to value all sites concerned. The proposals would transfer 3 sites from the Council to the HCA and 3 sites from the HCA to the Council. It also included some very minor (slips and slivers) pieces of land which on their own had no value.

The Executive Member for Resources, Councillor Peter Wilson proposed and the Executive Leader, Councillor Alistair Bradley seconded and it was

RESOLVED –

1. **That approval be given to the proposed land swap of parcels of land detailed within the report of the Chief Executive; and**
2. **The Chief Executive be given authority to negotiate the terms of the transfer of the land indicated, in line with the appropriate valuation methodologies and to reach agreement on the issues raised in paragraphs 28 to 38 of the report.**

16.C.363 Acquisition of Land, Group 1 Buckshaw Village, Chorley

The Executive Member for Resources, Councillor Peter Wilson submitted a report of the Chief Executive seeking approval to the acquisition of land at Group 1, Buckshaw Village in line with the Council's strategy of increasing available employment sites to attract new business, create jobs and increase income from business rates.

The current owner of the land had an outstanding S106 contribution of around £1m, due to the Council towards infrastructure costs. Therefore the acquisition of this site would be in part settlement of this, along with a contribution from the Council of around £400k. The report detailed the Council's intention for the site which was to develop office and other units for rental.

The Executive Member for Resources, Councillor Peter Wilson proposed and the Executive Leader, Councillor Alistair Bradley seconded and it was

RESOLVED –

1. **That the terms of the acquisition provisionally agreed, be approved and authority granted to the Head of Legal Democratic and HR Services to complete the acquisition of the freehold title to the land at Buckshaw Village for the sum £1,400,000 plus £73,500 VAT and Stamp Duty Land Tax contributions; and**
2. **That approval be given to prudential borrowing to fund the £393,000 funding gap.**

Mayor

Date

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Executive Cabinet

1. Any Cabinet recommendations on the reports that require Council decisions appear as separate items on the agenda.

GENERAL REPORT OF MEETING HELD ON 25 AUGUST 2016**Chorley Council Performance Monitoring Report – First Quarter 2016/17**

2. The Deputy Leader and Executive Member (Resources) presented the report of the Director of Policy and Governance that set out the Council's performance against the delivery of the Corporate Strategy and key performance indicators during the first quarter of 2016/17, 1 April to 30 June 2016.
3. Overall performance of the 2015/16 key projects was good, with 88% on track or complete. Only two projects (12%) were currently rated as off track, the delivery of the Friday Street Health Centre was rated red due to external factors outside of the Council's control and the Delivery of the Community action Plans, currently rated amber following a review of scope. Actions to address the issues had been identified in both cases and were being implemented.
4. Members discussed the merits and disadvantages of the Community Action Plan pilot scheme that had been recently undertaken and the Cabinet agreed that lessons had been learnt throughout the process. A full review of all of the Community Action Plans would be undertaken over the next few months.
5. The Botany Bay Masterplan was progressing well and the Council would continue to work with all relevant stakeholders including nearby residents on the proposals. It is anticipated that the Masterplan will be brought to a future Council meeting to agree a broad direction of travel before undertaking a more formal consultation. A planning application is expected to be considered early in 2017.
6. Performance of the Corporate Strategy indicators and key service delivery measures is also good with 80% of the Corporate Strategy indicators and 86% of key service measures performing above target or within the 5% tolerance. Only two indicators are performing below target, the percentage of 16-18 year olds who are not in education, employment or training (NEET) and percentage of customer's dissatisfied with the service they have received from the Council. Action plans have been developed to improve performance and recent results are already showing improvement.

Revenue and Capital Budget Monitoring 2016/17 Report 1 (end of June 2016)

7. The Deputy Leader and Executive Member (Resources) presented the report of the Chief Executive setting out the provisional revenue and capital outturn figures for the Council as compared against the budgets and efficiency savings targets set for the financial year 2016/17.
8. The projected revenue outturn showed a forecast underspend of £245,000 against budget, however no action was required at this stage of the year. The latest forecast excluded any variation to projected expenditure on investment items added to the budget in 2016/17 and any remaining balances at year end would be transferred into specific reserves and matched to expenditure in future years.
9. In the 2016/17 budget the expected net income from Market Walk after deducting financial costs was £0.942m with the latest projection showing a forecast return of £1.002m. The overall forecast of capital expenditure in 2016/17 was £14.006m.
10. The Council was expected to make an overall target saving of £150k in 2016/17 from management of the establishment, with savings of £100k already having been achieved for the year.

11. The Council's Medium Term Financial Strategy proposes that working balances would reach £4.0m over the three year life span of the MTFS to 2018/19 due to the financial risks facing the Council. A budgeted contribution into General Balances of £500k was contained within the new investment package for 2016/17 with the current forecast to the end of June showing that the General Fund balance could be around £3.430m by the end of the financial year. Following approval of the recommendations in the report, the forecast balance would reduce to £3.363m and be on target to achieve £4.0m by 2018/19.

Select Move Policy Amendments

12. The Deputy Leader and Executive Member (Resources) presented the report of the Director of Early Intervention and Support outlining the outcome of the consultation and subsequent amendments to the Select Move Allocations Policy.
13. Following approval earlier in the year, a consultation programme had been undertaken and involved gathering input from customers, stakeholders and partner agencies. A summary of the consultation comments were provided in appendix one of the report and were in the main, minor changes to the policy. Once all the partners within the Select Move partnership had obtained final sign off from their respective boards and Elected Members, an implementation plan would be established, that would also involve working with the software provider Abritas to make the necessary changes to the system in order to maintain the policy changes.
14. Approval was given to adopt the amendments to the Select Move common allocations policy to be implemented in accordance with the plan developed by the Select Move Partnership and to extend the pilot to allocate 25% outside the allocations policy for a further 12 months.

Cotswold Supported Housing, Concierge Service Contract

15. The report of the Director of Early Intervention and support was presented by The Deputy Executive Leader and Executive Member (Resources) presented the report of the Director of Early Intervention and Support providing the details of a procurement exercise being undertaken to renew the contract for the delivery of the concierge service for Cotswold Supported Housing, including the evaluations criteria which would be used to award the contract.
16. Approval was granted for the contract award procedure, evaluation criteria and weightings that would be used to award the new contract for the provision of night caretaking and concierge service at Cotswold Supported Housing, along with delegated authority for the Executive Member (Resources) to award the contract to the successful bidder.

Recommendation

17. To note the report.

COUNCILLOR ALISTAIR BRADLEY
EXECUTIVE LEADER

DS



Report of	Meeting	Date
Director of Policy & Governance	Full Council	20/09/16

EFFICIENCY PLAN

PURPOSE OF REPORT

- As part of the December 2015 Spending Review, the Secretary of State for Communities and Local Government made an offer to councils to take up a four-year funding settlement for the period 2016/17 to 2019/20. To accept this offer, an Efficiency Plan must be prepared and published by 14th October 2016. The report proposes that the offer is accepted as it will create some certainty of resources and will be consistent with the Council's approach to the MTFS.
- The purpose of this report therefore is to produce the required documentation to meet the criteria set by the Secretary of State for Communities and Local Government to secure a 4 year funding settlement. Budget decision making reports are therefore separate to this efficiency plan.

RECOMMENDATION(S)

- That Council approves the Efficiency Plan included within Appendix 1.
- That Council approves to submit the Efficiency Plan to satisfy the conditions of acceptance of the four year funding settlement for the period 2016/17 to 2019/20.
- Note that the budget gap and savings identified in the efficiency plan are subject to change and will be updated and refined during budget setting process.

EXECUTIVE SUMMARY OF REPORT

- This report describes the details of the four year settlement offered by the Secretary of State for Communities and Local Government for the period 2016/17 to 2019/20. It describes the implications it has for CBC's MTFS and the reasons why this offer should be accepted.
- As part of the acceptance of the offer this report also provides an appended efficiency plan that will be published on the Council's website.

Confidential report Please bold as appropriate	Yes	No
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Key Decision? Please bold as appropriate	Yes	No
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Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by	2, a contract worth £100,000 or more
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	£100,000 or more	
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

- 8. The Council will receive a four year funding settlement for the period 2016/17 to 2019/20. This offer relates to the RSG and transition funding already incorporated within the MTFS and ensures that it will remain unchanged “barring exceptional circumstances and subject to the normal statutory consultation process for the local government finance settlement”.
- 9. An Efficiency Plan must be prepared and published by 14th October 2016.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 10. If the four year offer is not accepted the RSG funding would be subject to the existing yearly process for determining the local government finance settlement. The Council will be exposed to additional risk as any national shift in economic performance will be disproportionately applied to those authorities that have not accepted the four year settlement.

CORPORATE PRIORITIES

- 11. This report relates to the following Strategic Objectives:

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

BACKGROUND

Chorley Borough Council MTFS

- 12. Table 1 sets out the funding included in CBC’s final settlement, the figures for 2016/17 to 2018/19 are included in the Council’s MTFS approved by Full Council in March 2016.

Table 1: Revenue Support & Transitional Grant Included in Final Settlement

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Revenue Support Grant (RSG)	(1.370)	(0.707)	(0.299)	0.156
Transitional Grant	(0.027)	(0.027)	0.000	0.000
Total	(1.397)	(0.734)	(0.299)	0.156

13. The Council's MTFs outlines a potential budget deficit of £3m in 2018/19 as well as actions the Council could take to bridge this gap. In 2019/20 the Council will receive a reduction in RSG of £455k therefore increasing the budget gap the Council must meet.

Details of the Multi-Year Settlement

14. In December 2016 the provisional local government finance settlement stated that it would offer any council a four-year funding settlement to 2019/20. The final local government finance settlement confirmed the deadline for this request to be 14th October 2016.

A letter dated 10th March 2016 from the Secretary of State for Communities and Local Government clarified what the four year offer involved. The relevant lines that are included in the multi-year settlement offer are the Revenue Support Grant and the Transitional Grant

- In addition, tariffs and top-ups in 2017-18, 2018-19 and 2019-20 will not be altered for reasons related to the relative needs of local authorities, and in 2019/20 may be subject to the implementation of 100% business rates retention.
- To ensure that the reforms are fiscally neutral local government will need to take on extra responsibilities and functions. DCLG and the Local Government Association will soon be publishing a series of discussion papers which will inform this and other areas of the reform debate.
- The Government will need to take account of future events such as the transfer of functions to local government, transfers of responsibility for functions between local authorities, mergers between authorities and any other unforeseen events. However, barring exceptional circumstances and subject to the normal statutory consultation process for the local government finance settlement, the Government expects these to be the amounts presented to Parliament each year.

Accepting the Offer

15. The grants outlined in Table 1 are only part of the Council's funding allocation. The acceptance of the four year settlement does not provide Chorley with any further clarification on what the business rates baseline funding will be on the implementation of 100% business rates retention. In addition the settlement agreement does not provide certainty on the level of New Homes Bonus the Council will receive over the 4 year period, this is still being considered by the DCLG post-consultation and it is not known when the new NHB allocations will be announced.
16. Despite these uncertainties it is still in the best interest of the Council to accept the four year offer. Due to uncertainties in the national and global economic environment it is expected the grants will only vary downwards in the coming years. By not accepting the offer the Council exposes itself to an unwarranted level of funding risk.
17. To accept the four year offer, an Efficiency Plan has been prepared and is included within Appendix 1. No guidance has been issued from Government for the production of these plans but it must cover the full 4 year period and be open and transparent about the benefits this will bring to both the council and the community. Further the Government does not expect this to be a significant burden on councils but rather a drawing together of existing corporate plans and strategies, and this has been the approach adopted to produce this Efficiency Plan.

IMPLICATIONS OF REPORT

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

Finance	x	Customer Services	
Human Resources		Equality and Diversity	
Legal		No significant implications in this area	

COMMENTS OF THE STATUTORY FINANCE OFFICER

19. The Medium Term Financial Strategy agreed by Full Council in March 2016 incorporates the funding provided within the four year settlement offer. If this offer is accepted, it provides greater certainty as the RSG funding received would not be less than outlined in the final settlement and would not be subject to the yearly process determining the local government finance settlement.

COMMENTS OF THE MONITORING OFFICER

20. No comment

Chris Sinnott
DIRECTOR OF POLICY & GOVERNANCE

Report Author	Ext	Date	Doc ID
James Thomson	5025	09/9/16	Efficiency Plan

Background Papers - General Fund Revenue and Capital Budget and Council Tax 2016/17			
Report Author	Ext	Date	Doc ID
Susan Guinness/James Thomson	5101/5025	01/03/16	App F 2016-17 MTFS, item 16.C.316



APPENDIX 1

CHORLEY BOROUGH COUNCIL EFFICIENCY PLAN

Introduction

Our Efficiency Plan 2016/17 has been developed so that the Council can qualify for the four year funding settlement from Government for the period 2016/17 to 2019/20.

The Council's [Transformation Strategy](#) is supported by the [MTFS](#). These documents outline the challenges, both financial and non-financial, facing the Council and its approach to meeting these challenges. These include managing demand, generating income through investments and growing the business rates base as well as reducing costs. These strategies illustrate how the Council can maintain financial sustainability whilst also investing in the Borough to meet the needs of its residents and businesses.

The Council has a three-year budgeting approach, which means that each year the budget process is focused on identifying the savings and income generation required to maintain the Council's financial sustainability over the three-year period. The publication of four year funding allocations as part of the 2016/17 settlement has greatly assisted the Council in updating the MTFS and complements our approach to the planning and delivery of budget savings.

The Current Position

The Council has a strong track record of high performance in meeting its stakeholder's needs as well as:

- Continuing to achieve savings targets, and not increasing council tax for four years. Savings of £2.8m have been generated since 2014/15.
- Undertaking innovative initiatives, such as the purchase of the Market Walk Shopping Centre that generates approximately £1m in net revenue to the Council every year.
- Sharing services with other organisations including Shared Financial & Assurance Services function that has generated approximately £590k savings since its inception for Chorley and South Ribble Councils.
- Investing and delivering in priority areas such as increasing the number of new homes as well as establishing and supporting new businesses and increasing employment.

Despite these successes Chorley Council recognises the future challenges it faces including generating income and efficiency savings to meet the estimated budgetary pressures. Chorley's MTFS approved in March 2016 estimated a budget gap of £3m by 2018/19. It is recognised that a further reduction in RSG of £455k as well as assumed inflationary cost increases will further extend this budget gap. Table 2 highlights that the gap in 2019/20 is currently estimated at £3.4m including the use of the estimated unallocated new homes bonus grant.

To meet the increasing budget gap the Council will consider focussing on the following areas:

1. Generating efficiency savings
2. Reducing the cost of the Council's contracts
3. Generating new sources of income and Council Tax
4. Growing the business rates base

Implementing a New Management Structure

In order to meet the challenges facing the Council a new management structure was approved in January 2016. The structure was linked to both the aims of the Transformation Strategy and the Council's commitment to increase income streams as outlined in the MTFS. This includes a new Director's post that has responsibility for expanding the business rates base and generating income through the Council's current and future assets. As such the new structure is crucial for the Council's future viability and sustainability. In addition, the new structure generated savings of £330k, 4% saving on staffing costs.

Generating Efficiency Savings - Transformation Strategy

The Transformation Strategy is the Council's response to the widely recognised budgetary, demographic and policy challenges facing public services over the coming years, which make transformational change the only option. The Council's ambition is to both reform public services in Chorley and Lancashire, whilst meeting the budgetary pressures identified above. At this stage an estimated £750k saving is assumed as part of the strategy. Further details of the major strands that impact on efficiency are outlined below.

Integrated Community Wellbeing Service

The Transformation Strategy will facilitate a greater integration of public services. In partnership with Lancashire Care NHS Foundation Trust (LCFT) the Council is implementing an Integrated Community Wellbeing Service. The proposal is to integrate public services that relates to promoting health and wellbeing of individuals or communities and are aimed particularly around prevention and early intervention.

The service will consist of functions drawn from both LCFT and Chorley Council and will include around 45 FTE from Chorley Council. The partnership is currently in the enabling phase but when implemented is expected to generate efficiency savings for the Council and its partners.

Worksmart Programme

The Worksmart Programme will maintain the momentum already generated at the Council and continue to encourage behavioural change to develop a shared culture of smarter working within the organisation. To this end, it will maximise the use of technology and digital information management, make the most of flexible working practices and improve working environments. Budget savings of £280k have already been achieved through restructuring front office functions. The Worksmart Programme will look to build on these efficiencies by consolidating office space, reducing reliance on non-digital communication and embedding a culture of efficient work practices.

Community Action, Coproduction and Shared Services

The Council will facilitate the empowerment of communities and residents to take an active role in their community, realising the value of key local assets. Residents will be engaged, communities more resilient with increased customer satisfaction and improved long term outcomes.

Contract Savings

The Council has a strong track record in generating efficiencies through contract negotiation including £170k of savings in ICT contracts over the past four years. The Council will continue to scrutinise its current contracts and actively seek to generate savings through effective procurement processes. It is assumed that a £500k reduction in the cost of the Council's contracts is achievable by 2019/20.

Generating New Sources of Income

Generating Income through Council Owned Assets

The refreshed 2014 Economic Regeneration Strategy identified that the Council would take a hands-on approach to inward investment by buying land and developing employment space or by working with partners to do the same. Some of the current large scale projects that are being developed are described below:

- A £9m investment in a **retirement living complex** in Chorley with 65 units that the Council will rent to tenants. The project is a partnership between Chorley Council, Lancashire County Council and the Home & Communities Agency.
- A £12m **extension of Chorley's Market Walk Shopping Centre** to bring major retailers, restaurants and a cinema complex to Chorley town centre. The purchase of the current shopping centre has been very successful in generating income for the Council and the extension is expected to further grow this income stream.

Due to construction times and the profiling of occupancy rates it is assumed that net income of £100k in 2018/19 and £550k in 2019/20 can be generated through investing in income generating assets.

Fees & Charges

The Council will conduct a thorough interrogation of its fees and charges to maximise the income the Council's assets can generate. In addition the Council will investigate the potential introduction of new fees and charges that in accordance with cost reduction proposals, could address the budget deficit.

Increasing Council Tax

Due to the continued expansion of housing in Chorley the Council Tax Base included in Table 2 is assumed to grow by 1% per year. Potential increases in Council Tax based on this growth are modelled below:

% Increase In CTAX	2017/18 £	2018/19 £	2019/20 £
0.50	(32,000)	(65,000)	(99,000)
1.00	(64,000)	(130,000)	(198,000)
1.50	(96,000)	(196,000)	(299,000)
2.00	(128,000)	(262,000)	(400,000)

Growing the Borough's Business Rates Base

Chorley has a range of employment sites totalling 86 hectares either with planning consent or allocated in the [Chorley Local Plan](#). If brought forward, the employment sites would have the potential to create thousands of jobs for local people. Indeed, developing just half of the sites could provide over 3,000 jobs. The [2014 Economic Regeneration Strategy](#) cited the Council's ambition to facilitate 50% of these employment sites by 2022 by taking a hands-on approach by buying land and developing employment space or by working with partners to do the same.

As part of the 2016/17 budget setting process an analysis of future business developments was undertaken and identified potential business rates growth of approximately £1m by 2019/20. As the timing and value of this growth is uncertain Chorley Council has set aside investment funding to bring forward employment sites

Some of this investment set aside to develop sites has already allowed the Council to agree outline approval for a £4.1m European Regional Development Fund Grant towards the construction of a state-of-the-art £9m **Digital Office Park**. The Digital Office Park will be a new prestigious development owned by Chorley Council to put Chorley and Lancashire in the centre of the expanding digital economy. The centre will provide 5,000 m² of bespoke digital office and start up accommodation.

Despite the ambition of the Council to expand the business rates base the Council will continue not to include any growth in the retained business rates budget until it can be assumed the growth is permanent. Growth in the retained business rates income budget can be uncertain as there are numerous reasons why, despite new developments being completed, the rates base may not expand. These include:

- The rateable value of new commercial properties are provided by the Valuation Office Agency (VOA), however, the Council often experiences delays in receiving these rateable values. The VOA has a backlog of appeals and so the budget implications of new developments and the resultant appeals may not be understood until future financial years.
- During 2016/17 appeals have resulted in an erosion of the business rates base. It is common for successful appeals to be granted without the knowledge of the Council for example in 2016/17 a successful appeal was granted for a large motorway service station.
- Chorley Council has other large sites, such as Chorley and South Ribble District General Hospital, that represent a significant risk to the Council's income stream if valuations were to fall.
- The VOA will be conducting a national revaluation of business rates base in 2016/17 leading to further uncertainty in Chorley Borough Council's retained business rates income.

The business rates base will be monitored closely and if expansion is realised, growth in the business rates base will be brought into the budget during the budget setting process. As per table 2 it is anticipated that £300k of growth in retained business rates income is achievable by 2019/20. This represents approximately 8% of the current retained business rates budget.

Mitigating Risk

The 2016/17 MTFS identified a need for working balances to reach £4.0m by 2018/19. Working balances are there to protect Councils against the 'peaks and troughs' in expenditure and income and they allow fluctuations to be managed by bringing budgets back into balance. The increased reliance on business rates to fund the Council's expenditure creates uncertainty over the MTFS period. Variances against the forecast business rates base can be created by numerous occurrences including appeals, delays in receiving valuations and a slowdown in the economy. Increasing working balances enable the Council to better manage these unforeseen variances.

Working balances will also be increased to fund the unavoidable one-off expenditure of any future restructures the Council undertakes.

Table 2 illustrates that by building sufficiently high reserves in the years up to 2018/19 the budget gap forecast in 2018/19 can be managed, in conjunction with income generation and efficiency savings, using these general balances. The forecast remaining general balances in 2019/20 is £2.9m leaving the Council in a strong position to manage the fundamental changes expected in Local Government financing in 2019/20.

Monitoring the Efficiency Plan

This Efficiency Plan will be made available on the Chorley Council website and will be monitored as part of any review and update of the MTFS.

Table 2: Updated Financial Position of Chorley Borough Council 2016/17 to 2019/20

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Revenue Support Grant	(1.397)	(0.734)	(0.299)	0.156
Retained Business Rates	(4.378)	(4.378)	(4.378)	(4.378)
Council Tax (assuming 1% increase in Band D properties)	(6.242)	(6.415)	(6.479)	(6.544)
New Homes Bonus (Estimated)	(4.455)	(4.148)	(2.754)	(2.461)
Total Funding	(16.471)	(15.675)	(13.910)	(13.226)

Budgeted Use of NHB	4.455	2.444	1.703	1.444
Budgeted Net Expenditure	12.016	13.330	14.776	15.174
Total Net Expenditure	16.471	15.774	16.479	16.619
Net Budget (Surplus)/Gap	0.000	0.099	2.569	3.393

Estimated Savings and Income Generation

	2016/17 £m	2017/18 £m	2018/19 £m	2019/20 £m
Efficiency Savings				
Transformation Strategy			(0.500)	(0.750)
Contract Savings				(0.500)
Estimated Efficiency Savings	-	-	(0.500)	(1.250)

Income Generation				
Net Income Generating Council Owned Assets			(0.100)	(0.550)
Fees and Charges		(0.280)	(0.580)	(0.850)
2% Increase Council Tax		(0.128)	(0.262)	(0.400)
Retained Business Rates Income				(0.300)
Total Income Generation	-	(0.408)	(0.942)	(2.100)
Total Estimated Savings	-	(0.408)	(1.442)	(3.350)

Estimated Budget (Surplus)/Gap	0.000	(0.309)	1.127	0.043
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Estimated General Balance	(3.360)	(3.860)	(4.120)	(2.993)
Forecast General Balances after Budget Gap	(3.360)	(3.860)	(2.993)	(2.950)

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Report of	Meeting	Date
Chief Executive	Council	20 September 2016

DRAFT HOUSEHOLDER DESIGN GUIDANCE SUPPLEMENTARY PLANNING DOCUMENT

PURPOSE OF REPORT

1. To seek approval of the attached draft Householder Design Guidance Supplementary Planning Document (SPD) for public consultation.

RECOMMENDATION(S)

2. To approve the draft Householder Design Guidance Supplementary Planning Document (SPD) for public consultation for a 6 week period from 4th October – 15th November 2016.

EXECUTIVE SUMMARY OF REPORT

3. The Householder Design Guidance Supplementary Planning Document (SPD) replaces the Householder Design Guidance Supplementary Planning Guidance (adopted February 2008). The replacement Householder Design Guidance SPD continues to provide help for people who wish to extend or alter their property and aims to achieve high quality extensions which respect their surroundings and protect the amenity of neighbours. The draft SPD will be subject to a 6 week public consultation from 4th October – 15th November 2016.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

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

BACKGROUND

5. Supplementary Planning Documents (SPDs) offer local planning authorities the opportunity to add guidance in specific policy areas. They are documents that must be prepared in consultation with interested parties, and must be subject to a screening process to discover whether a sustainability appraisal would be required. Unlike Development Plan Documents (DPDs) SPDs do not require independent examination before they are adopted.

6. The Householder Design Guidance SPD will replace the existing Householder Design Guidance Supplementary Planning Document adopted in February 2008. The new SPD is intended to provide more positive and comprehensive guidance and will form part of the Local Development Framework for Chorley. The SPD continues to provide help for people who wish to extend or alter their property and aims to achieve high quality extensions which respect their surroundings and protect the amenity of neighbours. The SPD sets out the general principles which should be considered when designing an extension and gives specific advice on particular types of extensions and alterations which should be addressed as part of any planning application. The SPD does not introduce new policies.
- 7 This SPD relates to the design standards set within Policy 17 (Design of New Buildings) of the Central Lancashire Core Strategy (2012), Policy HS5 (House Extensions) and Policy BNE1 (Design Criteria for New Development) of the adopted Chorley Local Plan (2012-2026) and the Central Lancashire Design Supplementary Planning Document (2012).

MAIN CHANGES

8. The main changes reflected in the draft Supplementary Planning Document are:
 - To alter guidance following changes to Permitted Development Rights (2015 and Technical Guidance issued April 2016) which allow you to make alterations to, or extend your home without applying for planning permission. For example two storey and first floor extensions can result in an overbearing addition not only with respect to over-dominance of neighbouring/affected private amenity space but also in relation to the existing /parent building. Permitted development rights now allow extension of a property of more than one storey with habitable room windows as long as it remains no less than 7 metres away from any facing boundary/garden (see Rear Extension diagrams on page 11 of the SPD)
 - To incorporate interface distances where there is a difference in levels between properties (see para 2.6).
 - To streamline previous guidance on general design and incorporate it within the Specific Advice Section (see Section 2 pages 5 -15).
 - To include information on Tree Preservation Orders (TPOs) and direct people to where detailed information on TPOs can be found (see page 4).
 - To move guidance on protected species (certain plants and animals) to the 'other consents and regulations' section (see page 3).
 - To include more positive and clearer wording throughout the document so it is apparent that the information is guidance but any applications contrary to the guidance will need to be justified
 - To direct people to online application information, and include relevant web links to information, planning policies and guidance on the Council's website (see pages 1 – 3).

NEXT STAGES

- 9 If approved for public consultation, the Householder Design Guidance SPD will be consulted on for a six week period from 4th October – 15th November 2016. Following consultation any comments will be analysed and the SPD finalised.
- 10 The final SPD will then be reported to Council with a recommendation to adopt on 24th January 2017 for use for development control purposes. Under the planning regulations, the revised SPD along with a statement setting out the people consulted when preparing the SPD, a summary of the main issues raised and how these issues have been addressed must be made available for a minimum of 4 weeks before it is adopted.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

12 No Comments

COMMENTS OF THE MONITORING OFFICER

13 No Comments

GARY HALL
Chief Executive

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alison Marland	5281	8 September 2016	***

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Householder Design Guidance

Supplementary Planning Document

Draft September 2016



This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515281 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી. આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون کیجئے: 01257 515823

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1 Introduction

- 1.1 This guidance provides help for people who wish to extend or alter their property. It sets out the general principles which should be considered when designing an extension as well as giving advice on particular types of extensions and alterations. The aim is to achieve high quality extensions which respect their surroundings and protect the amenity of neighbours.
- 1.2 This guidance is in the form of a Supplementary Planning Document. Once adopted, this SPD should be afforded significant weight as a material consideration in determining planning applications.
- 1.3 This SPD supports the design standards set within Policy 17 (Design of New Buildings) of the Central Lancashire Core Strategy, Policies HS5 (House Extensions) and BNE1 (Design Criteria for New Development) of the adopted Chorley Local Plan (2012-2026) and the Central Lancashire Design Supplementary Planning Document. These documents can be found at <http://chorley.gov.uk/Pages/AtoZ/Planning-Policy.aspx> The SPD replaces the Householder Design Guidance Supplementary Planning Document (February 2008). If properties have, historically, been altered in a manner that conflicts with this guidance, such changes will not set a precedent for future decisions, where planning permission is required.

Do I Need Planning Permission?

- 1.4 If you are considering extending or altering your home you should first establish whether or not you require planning permission. Planning permission can be required for a range of operations from digging a ditch to constructing a raised patio or decked area, pruning a tree, erecting a conservatory or extension or converting an outbuilding.
- 1.5 In some cases “Permitted Development Rights” may allow you to make alterations to, or extend, your home without applying for planning permission or only applying for “Prior Approval”. The regulations relating to permitted development are complex and in some instances, permitted development rights may have been withdrawn by the imposition of an Article 4 Direction in a conservation area, or a planning condition attached to an earlier permission. More information can be found on the Councils website at www.chorley.gov.uk/planning.
- 1.6 Advice can also be found on if planning permission is needed on the Planning Portal at www.planningportal.gov.uk. Extensions are specifically covered at https://www.planningportal.co.uk/info/200130/common_projects/17/extensions. At this link there is also technical guidance (Permitted Development Rights for Householders April 2016) which provides advice on how to interpret the legislation.
- 1.7 Other consents which need to be considered are referred to in para 1.14.

Pre-Application Advice

- 1.8 The Council has a formal pre-application advice service for planning schemes, only for people who need planning permission. It provides a general level of advice to members of the public about the planning process without the need to pay a fee for householder developments. More information can be found at

www.chorley.gov.uk/planning. The Council's duty planning officer can also offer general advice during office hours. Advice is also available from the planning portal website www.planningportal.gov.uk.

Planning Requirements for all Planning Applications

- 1.9 The Council has prepared a validation checklist which outlines the level of detail/the information required for different types of application. This document, together with the necessary application forms, is available on the Council's website at www.chorley.gov.uk/planning.

The Site Appraisal

- 1.10 It is important when beginning to think about extending your property to undertake a site appraisal to inform the shape, position, size and scale of the extension which in turn will inform the level of additional accommodation which is possible. Any alteration or extension should be designed to relate to and enhance its surroundings. A careful analysis of the existing building and its setting will provide a good basis for the design of any scheme. Consideration should be given to the type of design; and contemporary designs that do blend in can be just as successful and acceptable where they complement the existing context.
- 1.11 When considering applications for extensions and alterations, there are many planning related considerations that will be taken into account by the Council. These include, for example:
- The design quality of the extension;
 - Its impact on the amenity of neighbours;
 - Its relationship with adjoining properties;
 - Impact on the streetscene/landscape and character of the area;
 - Impact on protected species such as bats, newts and some birds;
 - Access, parking and vehicle turning arrangements;
 - Impact on trees and other landscape features such as watercourses, ponds and hedgerows;
 - Impact on archaeology or other heritage assets.
- 1.12 Certain other matters, that are not land use planning matters, will not be taken into account by the Council but need to be explored by the householder as they could impact on the proposal. These include, for example:
- Whether or not third party consents are required;
 - Property values;
 - Rights of access;
 - Restrictive covenant

Talking to your Neighbours

- 1.13 Before applying for planning permission it is a good idea to speak to neighbours who may be affected by the proposal or other interested bodies such as Parish Councils. This can help to resolve potential conflicts at an early stage and also reduce the number of objections. Once an application is received the Council will undertake consultations with relevant statutory bodies and adjacent properties and residents who may be affected by the proposal.

Other Consents and Regulations

1.14 As this SPD and the principles contained within it relate solely to planning issues you should be aware that other consents may be required before works are undertaken. These may include:

- **Building Regulations** – These cover/control the technical aspects of construction and are entirely separate from the planning system. Further information can be found on the Council's website <http://chorley.gov.uk/Pages/AtoZ/Building-regulations.aspx> or by calling 01257 515151.
- **Land Owner** – You may need consent from previous or adjoining land-owners depending on the nature of the works proposed. Planning permission or any similar consent does not override rights derived from ownership or other sources.
- **Party Wall Act** – This controls works that are close to, or on, the boundary of your property, or affect an existing boundary or party wall. Information is available at https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16 Advice can also be obtained from an appropriately qualified person (solicitor), but it is not a matter that is controlled by the Council.
- **Water, Waste and Pollution Controls** – Advice on these matters should be sought from the Environment Agency, from whom consent may also be required. <https://www.gov.uk/government/organisations/environment-agency>
- **Protected Species** – The planning authority is required to take account of the impact of any development on protected species and habitats and this will be considered as part of the planning application process.. Planning permission does not override the legislation relating to protected species. The Central Lancashire Biodiversity and Nature Conservation SPD offers further advice and can be found at <http://chorley.gov.uk/Pages/AtoZ/Planning-Policy.aspx>

Listed Buildings and Conservation Areas

1.15 Over 400 buildings in the Borough are of national significance in terms of their architectural or historic interest. These are designated as Listed Buildings. A smaller number of buildings have been identified, on similar grounds, as locally important. In addition, nine areas are currently designated as Conservation Areas:

- | | | |
|----------------------------------|--------------|-----------------|
| • St George's Street,
Chorley | • Bretherton | • White Coppice |
| • St Laurence's, Chorley | • Brindle | • Withnell Fold |
| • Abbey Village | • Croston | |
| | • Rivington | |

1.16 The locations of listed buildings and conservation areas can be viewed on the Council's website on the My Maps section at <https://myaccount.chorley.gov.uk/MyChorley.aspx?iv=tabsd>.

1.17 More planning controls apply to Listed Buildings and in Conservation Areas than elsewhere to allow the Local Planning Authority to preserve, protect and enhance their heritage value. Separate consent is required for demolition and special controls apply in conservation areas to the display of advertisements and in relation to trees. Whilst it may be possible to alter or extend listed buildings or buildings in conservation areas, proposals often require a greater understanding of design, materials and context than elsewhere. For Listed Buildings any proposals should also be accompanied by a heritage statement, which includes details on how the proposal takes into account the significance of the heritage asset and avoids causing harm.

- 1.18 There may also be occasions where dwellings are located in or close to Registered Parks and Gardens or Scheduled Ancient Monuments and these will need to be reflected in the proposal.
- 1.19 It is strongly recommended that you contact the Council for advice prior to undertaking detailed design work in respect of heritage assets.
- 1.20 Works to locally listed buildings are less tightly controlled but schemes should comply with the general guidelines set out in this document. Reference should also be made to the Chorley Local Plan and Core Strategy design policies at paragraph 1.3

Key Points: Listed Buildings and Conservation Areas

- Extensions should be designed to preserve or enhance the special character of Conservation Areas.
- Extensions to Listed Buildings should respect the character and scale of the original building and be designed to complement that character.

Tree Preservation Orders

- 1.21 A Tree Preservation Order (TPO) protects trees (all types and species, including hedgerow trees, but not hedges, bushes or shrubs) which are considered to make a significant visual amenity value. impact on their local surroundings. A TPO can cover anything from a single tree to groups of trees and woodland. Trees in conservation areas are also protected. Guidance on TPOs can be found at http://planningguidance.communities.gov.uk/?post_type=&s=tree+preservation+orders.
- 1.22 It is an offence to cut down, top, lop, uproot or wilfully destroy a tree without the planning authority's permission. All TPOs are shown on the My Map section of the Councils website at www.chorley.gov.uk.

Key Points: Tree Preservation Orders

- A TPO is normally made without giving prior notice to the land owner. There is chance to make representations after notice has been given.
- An application must be made to the Council before any works to a protected tree are made.
- New requests to protect trees can be made to the Council in writing stating the reasons after which the Council will undertake an assessment.

2 Specific Advice

- 2.1 The following sections provide specific advice about certain types of extensions or alterations and should be read in the context of relevant policies within the Development Plan. As schemes are likely to relate to several of the following sections, relevant advice from each should be applied.
- 2.2 The National Planning Policy Framework sets out the Government's planning guidance on the delivery of sustainable development through the planning system. It states that; "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- 2.3 When considering extending/undertaking alterations to any residential property, good design should begin with an appraisal of the context, whether it be distinct features in the immediate locality, landscape features, including trees, site conditions such as variations in land levels, the existing dominant architectural language or style and the overall mass and scale, of the parent building or found in the immediate area. See paragraphs 1.10 to 1.12.
- 2.4 Permitted development rights allow householders to improve and extend their homes without the need to seek a specific planning permission where that would be out of proportion with the impacts of works carried out. For definition "dwelling house" does not include buildings containing one or more flats or a single flat contained within a building. The definition of an "original" building means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date. Where planning permission has been granted for a replacement dwelling, the term "original" means the new replacement dwelling becomes the original.
- 2.5 The Central Lancashire Rural Development Supplementary Planning Document provides guidance on the threshold size of extensions in the Green Belt and the Area of Other Open Countryside (Local Plan Policy BNE2) within Chorley borough. Proposals for extensions to dwellings in the Green Belt and the Area of other Open Countryside, which have an increase of over 50% of the volume of the original building, will be considered inappropriate. See Section I of the SPD which can be viewed at <http://chorley.gov.uk/Documents/Planning/Planning%20Policy/Rural%20Development%20SPD%20-%20Final%20Version%20v1.pdf>
- 2.6 Any extension can have a noticeable effect on the amenities of neighbours. In particular there can be an overbearing effect on or a poor outlook created for neighbours where main windows to habitable rooms face onto new development. This can be exacerbated by development on sloping sites. Therefore, where the proposed slab levels are 0.5 metres or more above that of neighbouring existing housing, the above spacing guidelines should be increased by 1 metre for every 0.25 metre difference in the slab levels.

Front Extensions

- 2.7 Extensions that project forward of the original building have a significant effect on the building itself and on the wider streetscape. Inappropriate front extensions upset building lines and architectural rhythms, and appear unduly prominent in the streetscene. In general terms, they are rarely acceptable.
- 2.8 Front extensions may be acceptable, however, in cases where there is no distinct building line or form, in a street with a wide variety of architectural styles for example. It is wise to seek informal advice at an early stage from the Council, should you wish to pursue a front extension.

- 2.9 The most common form of front extension is a porch. In order to ensure that it does not significantly alter the principal elevation of the building by altering its focal point, or changing its character. The form and scale of a proposed porch should respect the proportions of the original building, and should complement rather than compete with existing features, such as bay windows.
- 2.10 On a terraced street where porches are not characteristic of the original design, their addition can have a detrimental effect on terraced houses; as terraces depend upon conformity, rhythm and consistent design to provide much of their architectural interest and integrity. In such cases a single porch can cause severe detriment to the character and appearance of the whole terrace and would be resisted by the Council.

Key Points: Front Extensions

- Are not acceptable where they would upset established building lines and character.
- In cases where porches may be acceptable, they should be subservient to the original building and complement rather than compete with existing features.
- Porches are rarely acceptable on terraced properties, unless they are identified as having been an original feature of a terrace.

Side Extensions

- 2.11 The side elevation of a property will often provide scope for an extension. In such cases the success of a design will generally depend upon establishing a good relationship with the style and form of the building and the surrounding streetscape. It is important that the design relates to the whole structure of which it is part, whether that is a simple dwelling, a pair of semi-detached or a group of dwellings.
- 2.12 An extension should generally be subservient in design to the parent property. To achieve this, elevations should ideally be set back from the existing elevation and the ridge height made lower than the main ridge by a minimum of 1 metre from the existing elevation and the ridge height made lower than the main range.

Semi-Detached and Terraced Houses

- 2.13 Extensions to such dwellings must be subservient and maintain the overall integrity of the streetscape. Particular care is needed to avoid upsetting the balance between the subject building and its twin or neighbours. Subservience can be achieved in many ways, as outlined elsewhere in this document, including stepping the front elevation back and lowering eaves and ridge.

Detached Houses

- 2.14 There is a greater degree of flexibility when extending detached properties, especially where there is no obvious streetscape pattern. Subservience remains important, however, as it allows the viewer to appreciate the original building and extension, and ensures that the extension does not dwarf the original building.

Gaps Between Buildings – The Terracing Effect

- 2.15 The gaps between buildings often contribute to the quality and appearance of a street or locality. Care must therefore be taken, to ensure that this character is not eroded by building on these gaps and changing the balance between buildings and spaces.
- 2.16 Where spaces are filled by side extensions, the buildings can appear cramped. This effect, known as the ‘terracing effect’, creates the impression of one enormous and unrelieved mass of building.
- 2.17 In order to overcome this, two storey side extensions should normally leave a gap of at least 1m between the extension and the boundary with the adjacent property. If however this distance cannot be achieved, a reduction may be considered acceptable where a substantial set back from the front elevation is provided (minimum of 2 metres) sufficient to give a visual break between two properties

Key Points: Side Extensions

- Should not lead to an unacceptable loss of space between an original building and its neighbours.
- Should be subservient to the original building.
- Should be set back no less than 1 metre from the main elevation of the existing building
- In order to avoid terracing, side extensions should leave a reasonable gap (at least 1m) between an extension and the boundary with the adjacent property, or incorporate in some circumstances a substantial set back from the front elevation which creates a clear visual break between properties.
- If there is no route to the rear of the property there should be sensitive siting/storage of wheelie bins.
- The interface distances at paragraph 2.6 will be applied where there is a difference in levels between properties.



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Failing to employ adequate setbacks or principles of subservience can result in the creation of a terracing effect and the appearance of an unrelieved mass of building frontage

Rear Extensions

- 2.18 There are many different styles of rear extension and it is important that the design complements the original building, the key issues normally being the roof arrangement, massing and detailing. Due to the more substantial scale of a two-storey rear extension, greater care should be taken with its design and detailing to ensure that a satisfactory relationship is achieved between the original building and the extension.
- 2.19 Rear extensions may not be seen from the public highway but can have a very significant impact upon the amenity of neighbours. Equally such extensions impact upon the space around buildings, which is an important consideration in relation to the character and amenity of an area.
- 2.20 Whilst there are differences in terms of what is acceptable between single and two storey extensions, the Council uses the '45-degree' guidelines. It relates to main living areas such as living rooms, bedrooms, dining rooms and kitchens, it usually does not apply to utility rooms, toilets, staircases or landings. This seeks to:
- Maintain a satisfactory relationship between existing buildings and proposed extensions.
 - Avoid overbearing impacts on adjacent properties and amenity areas.
 - Prevent excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties.
- 2.21 In relation to neighbouring conservatories the angle will be drawn from the edge of the pane of glass closest to the back of the original house. Where there is a significant change in ground levels a stricter standard will be applied.

Single Storey Rear Extensions

- 2.22 The '45-degree' guideline in assessing loss of light and over-dominance in relation to rear single storey extensions will be applied in most cases. Any proposed single storey rear extension should not project more than 3 metres beyond a '45-degree' guideline, drawn on plan, from the near edge of the closest ground floor habitable room window on an adjoining property.

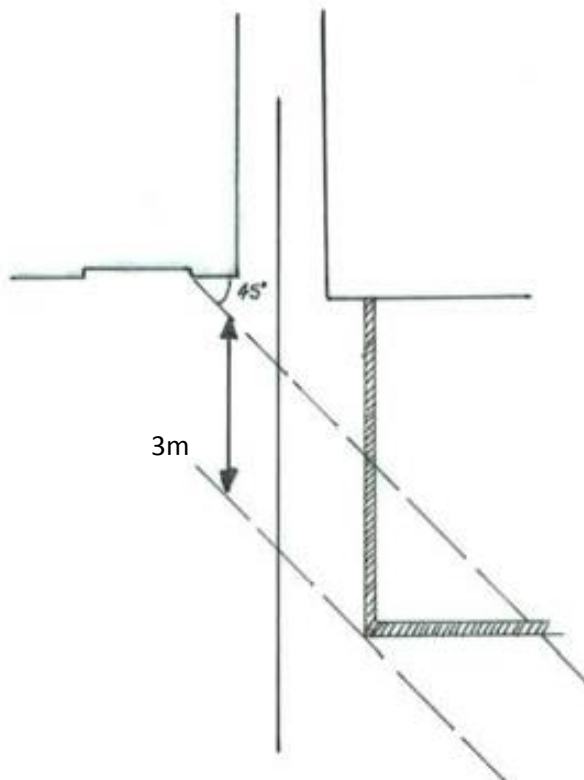


Illustration showing how the 3 metre plus '45-degree' guideline will be applied in the case of single storey rear extensions

Two Storey Extensions

- 2.23 The '45-degree' guideline is applied in the assessment of first floor and two storey rear extensions. Any proposed extension should not project beyond a '45-degree' guideline drawn from the near edge of the closest ground floor habitable room window on an adjoining/affected property.

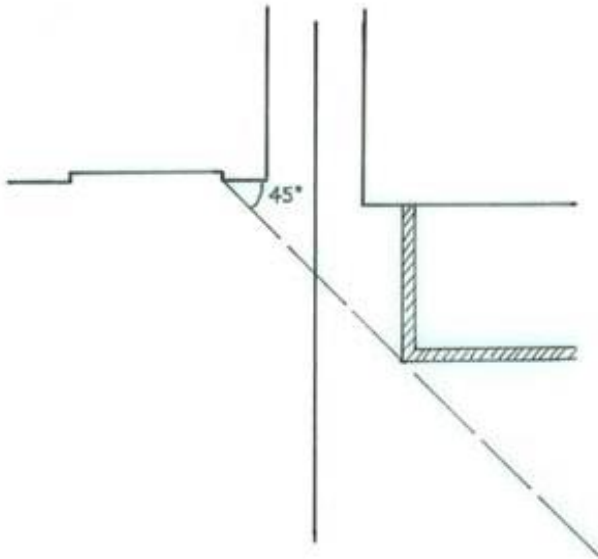


Illustration showing how the '45-degree' guideline will be applied in the case of two-storey/first floor rear extensions

- 2.24 In the interests of reducing the visual impact of any blank façade/gable wall upon neighbours any blank wall should be located a minimum of 12 metres from any facing habitable room windows at first floor.
- 2.25 Two storey and first floor extensions, without proper consideration, can result in an overbearing addition, not only with respect to the over-dominance of neighbouring/affected private amenity space but also in relation to the existing/parent building. Where the extension or large part of the house has more than one storey, it must be a minimum 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. The interface distances at paragraph 2.6 will be applied where there is a difference in levels between properties.
- 2.26 For this reason it is imperative to ensure any such proposal remains visually subservient to the original building, usually by setting the roof ridge and eaves below that of the existing although in some cases it may be more practical to match the existing eaves line with regards to dealing with drainage and roof construction. In order to achieve a satisfactory proportion, such extensions should always have a greater eaves length than depth.

Hipped Roofs

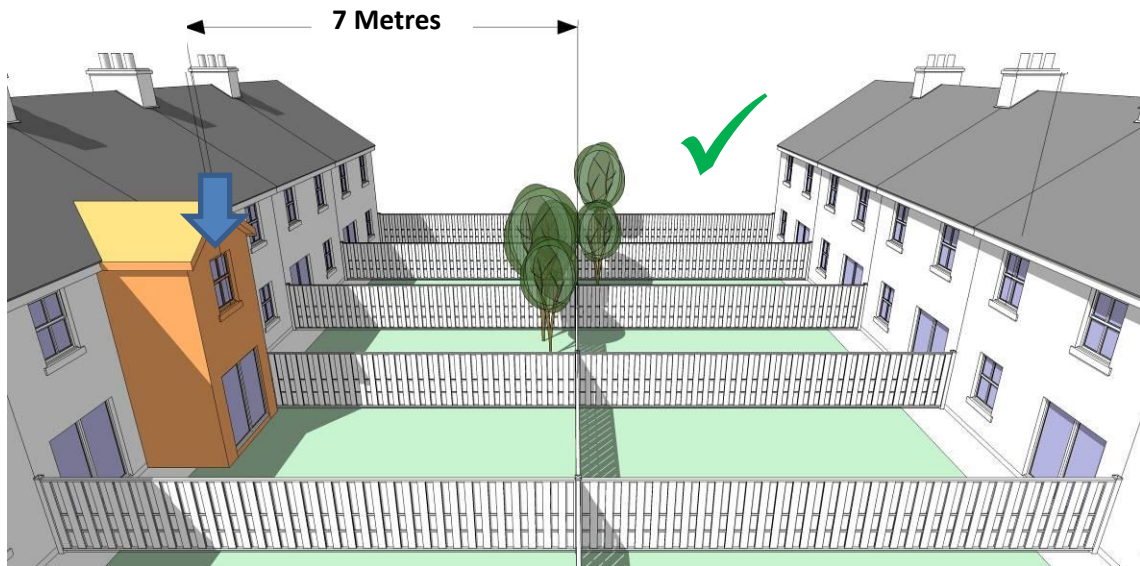
2.27 In relation to hipped roofs the roof style should match the original building.

Key Points: Rear Extensions

- Shall remain visually subservient to the parent/original building.
- Single storey extensions shall project no further than 3 metres beyond a '45-degree' guideline drawn from the near edge of any ground floor habitable room window on an adjoining/neighbouring property.
- Single, first floor and two storey floor rear extensions shall not project beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window on an adjoining/affected property.
- Blank walls on any proposed extension shall be located no less than 12 metres from any neighbouring/facing habitable room windows.
- A two storey extension with habitable room windows should be located no less than 7 metres from any facing boundary/garden.
- The interface distances at paragraph 2.6 will be applied where there is a difference in levels between properties.

Rear Extensions

Any first floor proposed facing windows must be located no less than 7 metres from any facing boundary/garden.



Two storey/first floor extensions shall remain visually subservient and respond well to the overall scale and form the original/parent building

Extensions on Corner Plots

- 2.28 Whilst extensions on corner plots should adhere to the guidance outlined elsewhere in this document, there are a number of further matters to consider. Corner plots require special consideration due to the open character of such sites, particularly if they are located on a road junction.
- 2.29 Extensions in such locations must achieve a degree of compatibility with two, potentially very different, streetscapes.
- 2.30 Ideally, as a general rule for both single and two-storey extensions, a gap of 1m should remain between the extension and any side boundary and not appear over dominant in the street scene.

Key Points: Extensions on Corner Properties/Locations/Plots

- Should not compromise existing building lines where this would be of detriment to the street scene.
- Shall remain visually subservient to the original/parent building in terms of overall scale and roof form.
- Where there is an inherent staggered building line shall adopt a similar staggered approach regarding overall sideward projection.
- Are visible from a number of locations. It will therefore be especially important to assess their impact and produce a high standard of design and detailing
- The interface distances at paragraph 2.6 will be applied where there is a difference in levels between properties.

Conservatories

- 2.31 Conservatories are a popular means to extend properties. As they constitute an extension, their design should take into account the guidance within this document to ensure a satisfactory relationship with the original building.
- 2.32 Many buildings do not lend themselves to extension with a conservatory. Severe detriment can be caused to the architectural quality of small, simple dwellings by the addition of an off-the-peg conservatory.
- 2.33 However, should the principle be acceptable, the design of a conservatory should relate to the original building. A highly detailed conservatory, with fussy period detailing such as finials, for instance, is unlikely to be suitable for a simple rural building with limited detailing. Many modern 'off the shelf' conservatory designs are not suitable for traditional buildings and, where planning permission is required, are unlikely to be permitted.
- 2.34 Where dwarf walls are to be incorporated into the design they should be of a material and finish compatible with the original building.
- 2.35 Conservatories sited adjacent to a boundary with a neighbour should have a solid side, or be obscure glazed, or be screened by a fence or wall. The elevation facing the neighbour should not contain any opening windows.

Key Points: Conservatories

- Many properties cannot accommodate a conservatory extension due to their size or design.
- Design and detailing of any conservatory should relate to that of the original building.
- Conservatories close to a boundary with a neighbour should pay careful attention to the impact on neighbours' amenity. For privacy's sake, it may be advisable to incorporate a solid side, obscure glazing, or screening in the form of a fence or wall. A neighbour facing elevation in close proximity to a boundary should not contain any opening windows.

Dormers, Rooflights & Roof Extensions

2.36 The roof of a building is an important element of its design. Unsympathetic alterations can have a dramatic and adverse effect.

Dormer Windows

- 2.37 Some roof alterations are permitted development. However, throughout the Borough, there are many examples of badly designed and executed dormer windows which cause detriment to the character of the buildings to which they are attached as well as to the surrounding area, due to their prominent position and unattractive form. They may also increase the extent to which neighbouring properties are overlooked.
- 2.38 Dormers need to be carefully designed on the front elevations of properties, due to their prominence. Where they are acceptable on the front elevation they should cumulatively occupy less than 1/3rd of the width of the roof slope on which they are sited. Any front dormer window should be set at least 1 metre from the flank wall of the house, and/or the boundary line with the adjoining property.
- 2.39 Where rear dormer windows need planning permission they should cumulatively occupy less than 2/3rds of the width of the roof.
- 2.40 Dormers will not be acceptable if they are built off the house walls or project above the ridge of the roof and should be set below the ridge. They should be designed with care, to be subordinate to the main roof structure and set in from the side elevations. Flat roofed dormers do not sit comfortably with pitched roofs and are unlikely to be acceptable, particularly on front elevations.
- 2.41 Where dormers are considered acceptable, they should be designed to complement the original building in terms of style, detailing and materials. The roof pitch should normally match that of the original roof. The section of the dormer construction between window and sides should be kept to a minimum and should be of vertically hung material to match the main roof or lead. Dormer windows should have a vertical alignment and be of a lesser proportion than windows on the existing elevations of the house.
- 2.42 Dormers are unlikely to be acceptable in the roofs of converted farm buildings unless they relate to the design of an adjacent building.

Rooflights

- 2.43 Roof lights often represent an easy opportunity to obtain natural light into loft conversions or roof space and may not need planning permission. However, they should generally be restricted to the rear or least visible elevations of the original building.
- 2.44 Roof lights should be introduced with caution. Too many destroy the character of an unbroken roof slope and can create an unacceptable level of clutter on the roof of the original building. If more than one roof light is proposed on any roof plane, careful thought should be given to size and siting.
- 2.45 Flush fitting 'conservation style' roof lights should be used on listed buildings and in conservation areas.

Roof Extensions

- 2.46 Increasing the height of a dwelling by amending the roof pitch or eaves height, will significantly affect the character and proportions of the building and will impact on the surrounding streetscape.
- 2.47 Such changes are unlikely to be acceptable in areas where roof pitches and heights are consistent, as they will cause detriment to the visual impact of the streetscape altering its rhythm and form.

Key Points: Dormers, Rooflights & Roof Extensions

- Proposed dormers shall be contained well within the body of the roof, by being well set back from the party/end walls, below the ridge of the roof and above the eave gutterline.
- Proposed dormers shall be aligned vertically with the existing window arrangement and in most circumstances be set off the flank/party walls of the original/parent building by no less than 1 metre.
- In most circumstances the roof ridge of proposed dormers shall be set down from the main roof ridge and shall be set up from the eaves.
- Rooflights should, where possible, be located on the rear or least visible roof slopes.
- Excessive numbers of Rooflights are detrimental.

Dormers and Roof Extensions

Proposed dormers shall be set up from the eaves



Proposed Dormers shall be aligned vertically with the existing window arrangement and be set off the gable /party walls of the original/parent building.



Proposed roof-lifts/alterations shall not be of detriment to the overall street scene or compromise the inherent roof form found in the immediate context or dominate the property.

3 Balconies & Terraces

- 3.1 The installation of balconies and terraces is almost always problematic, and in many cases unacceptable. In most suburban areas, such features will lead to unacceptable overlooking of neighbouring properties. One possible solution is to incorporate some form of privacy screen. However it is imperative to consider the impact any screen will have on neighbours in terms of its appearance and potential to overshadow. Privacy screens can significantly increase the visual impact of a proposal, and should only be used with great care. Ideally they should be designed into the fabric of an extension rather than be added as an afterthought.

Key Point: Balconies & Terraces

- Balconies or terraces, which lead to an unacceptable level of overlooking or are visually intrusive, are unacceptable.

4 Garages and Outbuildings

- 4.1 It is important to consider and understand that garages and other outbuildings, whether or not they require planning permission, can have a similar impact as other extensions. Such features should, therefore, respect the scale, character and materials of the original property and care should be taken to safeguard the amenities of neighbours.
- 4.2 Outbuildings should generally be sited in an inconspicuous position and should be commensurate in scale and function to the original property. It will rarely be acceptable to site outbuildings in front of the original property as they would then be too prominent; and conflict with any established building lines. Ideally garages at the side of an original building should be set back from the main building line, with space for car parking, and preferably turning, in front of the garage.
- 4.3 In rural areas outbuildings should normally be sited close to the house; otherwise they may intrude into the open/ rural character of the area to which gardens can make an important contribution. The siting and design of outbuildings needs particular care in rural areas, where they can be particularly prominent, in conservation areas, and in the setting of Listed Buildings. It is unlikely that planning permission will be forthcoming for more than equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside.
- 4.4 Outbuildings should be constructed in a style that reflects the original building, in terms of materials, detailing and proportion. Garage doors should generally be the width of a single car to minimise their visual impact upon their surroundings. In a double garage, this can be achieved by using two doors with a pillar between.
- 4.5 In the past, garages have been developed with 'storage' space above which has later been converted to habitable rooms. In many cases, this scale of building will require planning permission and is unlikely to be acceptable. Any space above ground floor will be restricted to storage use and should not be capable of later conversion to residential use.
- 4.6 Care must always be taken to ensure that any outbuildings and other structures, such as decking, do not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.

Key Points: Garages & Outbuildings

- Proposals should respect the design, materials and form of the original building, its setting and the residential amenities of neighbours.
- The siting of such buildings should respect established building lines
- A minimum 6 metre long parking space should be provided between any garage and the highway to allow for the garage door to be opened when a car is in front of it, without the car having to overhang the highway.
- Existing outbuildings and extensions will be taken into account in the assessment of proposed rural extensions and cumulatively shall not result in an unacceptable loss of private amenity space or over dominate the site.

5 Access and Parking

- 5.1 The design of extensions should ideally not involve the loss of existing off-street parking provision and should meet the Councils parking standards. If this is not possible replacement provision can be considered, elsewhere within the curtilage provided there is no detriment to the overall streetscape, unacceptable loss of amenity space, traffic hazard nor harm to the amenities of neighbours.
- 5.2 Off-street parking should generally be provided at a ratio of 1 space for a single bed dwelling, 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property. This will include garages. Car parking spaces occupy a space 2.5m by 5.5m but parking spaces in front of a garage should be 2.5m by 6m to allow for opening/closing doors. If a garage is to be classified as a parking space the size must be 6m by 3m and conditions may be imposed to retain it for parking if it is relied on as a parking space. Relaxation of the parking standards may be accepted in highly accessible locations if it can be demonstrated that on-street parking is not causing a traffic hazard or harming the amenities of neighbours.
- 5.3 On main roads, such as classified roads or roads with a speed limit greater than 30mph, turning space should be provided within the site. Proposals that result in the loss of existing manoeuvring facilities are unlikely to be acceptable. Where gates are proposed, they should be positioned to allow a vehicle to pull off the carriageway even when the gates are closed. So gates should be set at least 5 metres from the back edge of the footpath and open into the site. Alternatively, 5m plus the width of the gate if they open out of the site. Appropriate visibility will also be needed, the standards for which will vary depending on the location and site.
- 5.4 The creation of a new hardstanding and access is only likely to require planning permission if the access is to/from a classified road or where permitted development rights have been withdrawn.
- 5.5 Further detailed or technical advice can be obtained from Lancashire County Council which is the Highway Authority for the area at www.lancashire.gov.uk or Tel: 0300 123 6780.

Key Points: Access & Parking

- Access and parking space should not prejudice highway safety and should respect the amenities of neighbours.

6 Works to Front Gardens

- 6.1 Most walls and fences up to 2 metres if not fronting a highway (1 metre if fronting a highway) to the rear of a dwelling will not require planning permission. But they can look intrusive and overshadow neighbouring land. Care should therefore be taken in the choice of material, detailed design and siting.
- 6.2 The treatment of front boundaries contributes a great deal to the character of buildings and of the wider scene. Here, careful thought should be given to the impact of demolition. In some areas, consent to demolish will be required and is unlikely to be acceptable where harm would be caused to the streetscene.
- 6.3 Associated with this, a popular solution to ever-increasing car parking problems is to surface front gardens. This greatly alters the setting of the building and streetscape, often causing detriment and, where such proposals require permission, is unlikely to be permitted.
- 6.4 Detailed guidance on how you can install a new driveway or hard surface in your front garden and what works will require planning permission can be found at <http://www.communities.gov.uk/publications/planningandbuilding/pavingfrontgardens> The purpose of the guidance is to advise householders of the options for achieving permeability and meeting the condition for permitted development status.

7 Boundary Treatments

- 7.1 Boundary treatments, whether traditional or modern, contribute a great deal to the streetscape and character of an area. They define areas of private space and often make a positive contribution to the setting of the building. Poorly designed boundary treatments can undermine the quality of the built environment.
- 7.2 The removal of enclosure alters the hierarchy of spaces, making it difficult to identify where public space ends and private space starts. This can produce very confused and awkward rhythms in the streetscene.
- 7.3 Where new boundary treatments are proposed, care must be taken to ensure that the proposed materials and detailing take a lead from the surroundings. Care should be taken to ensure that proposed walls and fences do not harm the streetscene or cause detriment to the amenities of neighbours.
- 7.4 Where estates are open plan, or have a distinctive, sylvan character, the erection of walls and fences at the front of the property is unlikely to be acceptable. Such areas often have permitted development rights removed or conditions/covenants associated with the land to restrict such development. The character of such estates is derived from the open, landscaped environment and physical built barriers will significantly detract from that character. Likewise, development that would obstruct visibility, for highway purposes, or would otherwise cause highway danger, will also be unacceptable.
- 7.5 In rural areas, any new boundary treatment should be of the traditional style typical of the immediate locality. Standard modern solutions will generally have an adverse visual impact.

Key Points: Boundary Treatments

- The removal or substantial alteration of historic boundary treatments is unlikely to be acceptable.
- Boundary treatments should be designed in materials and details that respect the surrounding streetscape or area.
- Boundary treatments must not be oppressive and should allow the building within the site to remain engaged with the wider streetscape.

8 Solar Panels and Wind Turbines

- 8.1 Chorley Council is committed to the incorporation of sustainable energy sources into domestic dwellings. Many of the technologies are applicable at a micro scale for integration into new and refurbished buildings or for 'retro-fitting' to existing structures.

Solar Panels

- 8.2 In general terms, planning permission will not be required for the installation of solar panels on the roofs of existing dwellings, provided that the panels are roof mounted and fitted flush with the external plane of the roof slope so that there is no material alteration to the shape of the dwelling house. There may, however, be a need for planning permission if the property is in a conservation area and, if the property is a Listed Building, there will also be a need to obtain Listed Building consent.
- 8.3 Whether formal permission is needed or not, however, design principles are still relevant and should be taken into account when contemplating where to site such an installation. The guidance concerning rooflights should be used as a guide and panels should preferably be sited on least visible roof slopes, away from eaves, verges and ridge. It is, however, recognised that their efficiency is dependant on solar gain, which will have a bearing on siting and orientation.
- 8.4 This said, highly visible solar panels are unlikely to be acceptable in sensitive areas such as Conservation Areas or on Listed Buildings.

Wind Turbines

- 8.5 Building mounted and small freestanding turbines have a strong contemporary design that will often contrast with traditional buildings and streetscapes. Where they are to be incorporated into traditional layouts care will therefore be needed to ensure that their siting does not cause detriment to the historic form. Design solutions should be sought that will minimise views of the turbine and, wherever possible, siting in prominent locations should be avoided. The location should also be selected so as to avoid an adverse impact on neighbouring properties.
- 8.6 Building-mounted turbines should, so far as practicable, be sited so as to minimise their effect on the external appearance of the building and streetscape, for example upon non-public frontages and below the highest part of the roof or chimney. This may mean that they have to be sited in a location that is not as effective as other, more prominent locations. A balance should be sought between the visual impact of the proposal and its performance.

- 8.7 In terms of all forms of sustainable energy devices, it is advised that you contact the planning department at an early stage to discuss design and siting issues, as well as any need to submit a planning application.

Key Points: Solar Panels and Wind Turbines

- Solar panels should be sited on the least visible roof slopes and installed flush with the roof plane.
- Highly visible solar panels are unlikely to be acceptable in sensitive areas such as Conservation Areas or on Listed Buildings.
- Building mounted wind turbines should be carefully sited, to minimise any impact on the building or streetscape.

9 Checklist for Avoiding Common Mistakes

- 9.1 As emphasised throughout this guide, the key to designing any alteration or extension is to appreciate the character and form of both the building and its setting.
- 9.2 Most applications are successful. Those that are refused are often rejected because mistakes have been made during the design process. Care should be taken to avoid the following errors:
- Limited contextual analysis so that the proposal fails to respect the building or its wider setting.
 - Use of a standard design that fails to respect the particular character of the original building and/or locality.
 - Lack of a clear design rationale that fails to secure a proposal that complement its context.
 - Lack of commitment to a quality outcome and consequent failure to respect architectural principles or traditions.
 - Competent contextual analysis, but no evidence that this has informed the design solution put forward.
 - A lack of clarity in the plans submitted making it very difficult to understand exactly what is being proposed.
 - Allowing the internal layout to dictate an inappropriate external design.
 - A proposal that is poorly designed with little consideration given to its surroundings, compromising the streetscape and neighbours amenity.

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Report of	Meeting	Date
Director of Policy and Governance	Council	20 September 2016

**FOOTPATH NO.1 CROSTON
PROPOSED CONFIRMATION OF PUBLIC PATH
EXTINGUISHMENT ORDER UNDER S.118 HIGHWAYS ACT
1980**

PURPOSE OF REPORT

1. To update members’ on a longstanding issue of a public footpath which remains to be legally diverted subject of an earlier report to full Council on 6 November 2012 and to seek members’ approval to confirm i.e. make permanent a Public Path Extinguishment Order as an unopposed order.

RECOMMENDATION(S)

2. That members note the completion of a public footpath dedication agreement on 24 May 2016 under Section 25 Highways Act 1980 between the landowners and Lancashire County Council adjacent to a ditch under the railway line at Croston as shown between the points A-B on the map attached as Appendix B.
3. Members approve the certification of the footpath diversion order made by Chorley Council under Section 257 Town and Country Planning Act 1990 in 1996 and confirmed in 2011 in light of the fact that the works requested by Lancashire County Council notified to the landowner have been completed following a satisfactory inspection by officers of the Public Rights of Way Team at Lancashire County Council. The section of footpath between the points A-B-C on the plan in Appendix C shall not be so certified as this section is subject of the extinguishment order.
4. Members approve the confirmation as an unopposed order of the public path extinguishment order made by Chorley Borough Council under Section 118 Highways Act 1980 on 14 May 2015 in respect of a short length of newly diverted Footpath No.1 Croston subject of the 1996 Order once the 1996 order has been certified in accordance with paragraph 3 above.
5. Members approve the placing of any notices required under legislation to effect the above including advertisement in the local press.

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

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	

Safe Respectful Communities		Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

7. Members approved the recommendations in an earlier report regarding the issues addressed in this update report which was submitted to full Council on 6 November 2012. The 2012 report is attached as Appendix A.
8. Planning permission was granted in 1988 by the Council for the Twin Lakes Industrial Estate at Croston. The site is affected by Public Footpath No. 1. A diversion was desirable away from the existing route within the Industrial Estate for reasons of public safety and site security. Whilst a public footpath is maintainable at public expense by Lancashire County Council (LCC) power to make footpath diversion orders under s.257 of the Town and Country Planning Act 1990 following the grant of planning permission rests with the Borough Council as local planning authority. Following an application in 1992 the Council's former Technical and General Services Committee authorised the making and advertising of a diversion order under s.257 of the 1990 Act. The order was made on 11 April 1996. The statutory process requires the making of the order followed by a consultation period during which statutory consultees may make representations about the order. If no objections are made the Order may be confirmed i.e. made permanent by Chorley Council. As long as the footpath meets the requirements of the diversion order e.g. it follows the route on the order map and is of the width specified in the order and is of satisfactory condition it is then certified. At this point the former footpath ceases to be a public right of way and the newly diverted route becomes the public footpath. Until this certification occurs the route through the Industrial Estate remains the legal footpath. No objections were received to the order as made. This was reported back to the Council's former Technical and General Services Committee on 5 June 1996 which authorised the confirmation of the order as unopposed.
9. The land within the Industrial Estate affected by the existing legal footpath and the proposed diverted route alongside the railway line is believed to be owned by Mr Keith Ruttle, his relatives or companies controlled by him.
10. A copy of the order and order map made on 11 April 1996 is appended to the 2012 report which is within Appendix A. The existing legal route through the Industrial Estate is shown by an unbroken black line running from Point "A" via Points "B", "C", "D" to Point "E". The proposed diverted route is shown by a broken black line running from point "A" via point "F" to Point "E" and adjacent to the railway line. In practice for many years the diverted route is the route as walked by local users, except that the route as walked does not veer westwards and cross a ditch at a point approximately halfway between the end of the buildings on the Industrial Estate and Point "F" as shown in the plan.
11. In October 2010 officers from LCC's Public Rights of Way Team met with a legal officer at the Council to advise that the 1996 diversion order had never been confirmed i.e. made permanent. Extensive searches in the Borough Council's archives failed to reveal any evidence of confirmation of the order.
12. No objections within the statutory timetable had been reported to members in 1996 (including from Railtrack as predecessor to Network Rail Infrastructure Limited). However by 2010 it was known that Network Rail as the owner of land adjacent to the proposed diverted route objected to the order. This was because their own risk management policy

calls for expensive trespass proof fencing to be erected alongside any land to which the public have legal access. It is understood from conversations with Network Rail's engineer that this is Network's Rail's own policy in response to risk of trespass rather than a regulatory requirement in legislation. In contrast Network Rail advise that only ordinary fences are required alongside a ploughed field to which the public would not have lawful access. Network Rail indicated to the Council that they would object to the confirmation of the order. However the opportunity to object passed (28 days from the publication of the Notice of the making of the order) and once the order was confirmed objections could no longer be made on the merits of the order but instead only the validity of the order could be challenged and that must be within six weeks of the date of the notice of confirmation. A challenge to the validity of the order may only be made on narrow legal grounds to the High Court that there has been procedural irregularity in the making of the order or that the order is outside the Council's powers under the Act. Since no objections had been received within the notice period following the making of the order following consultation with the Chair of Development Control Committee the Council confirmed the order in June 2011. No challenge was made by any of the statutory consultees which include County Highways, Peak & Northern Footpaths Society, Network Rail, The British Horse Society, the Ramblers' Association, Ordnance Survey and the Open Spaces Society. The period for challenge expired in August 2011.

13. A site visit took place on 5 September 2011 to inspect the diverted footpath and check if its condition was such that the 1996 diversion order could be certified as being complied with. In attendance were the effective landowner Mr Keith Ruttle, LCC's Public Rights' of Way Officer, an officer from the Environment Agency, a Croston Parish Councillor and a solicitor from Chorley Council's legal department. Remedial works identified during the site visit which were not controversial as far as the landowner was concerned were the widening at certain points of the footpath, cutting back and removal of trees, removal of Japanese Knotweed and removal of hardcore. However it became apparent that the route as walked does not reflect the proposed diverted route on the Order map. Members should note that the route as currently used does not go to a corner point at point F but cuts across to point E in a westerly direction, keeping to the north side of a deep ditch whereas from the order map in Appendix A it can be seen that the diverted route continues over the ditch south-west to point F then north-west re-crossing the ditch to point E. It should be mentioned in passing that the order map reflects the plans submitted by the landowner's agents in 1992. In order to bring the physical route into line with the route on the order map a 15 metre extension to the existing culvert would be required. The Environment Agency would have required a substitute waterside habitat to mitigate for the loss of the length of bankside habitat. Manhole covers for future inspections and a headwall detail at the outfall might have been required as well. These works would require planning permission. The landowner objected to these proposed works involving a culvert extension as excessive and unnecessary considering that the route as walked is acceptable. Croston Parish Council shared this view.

OPTIONS

14. The easiest solution would appear to be for Chorley Borough Council to make the order afresh under s.257 Town and Country and Planning Act 1990 with a slightly amended order map which shows the route as walked. The most extensive of the works described above would not then be necessary. However Network Rail would then be able to object to the merits of making of the fresh order which would lead to an inquiry. The costs of an inquiry are potentially considerable and the result uncertain. Network Rail would probably seek the erection of a security fence for the full length of the footpath alongside the railway which would represent a significant cost. Orders under s.257 can only be made prospectively to facilitate development and not retrospectively.

15. The landowner, LCC and the Borough Council agreed on an alternative proposal which was satisfactory to all three parties. The landowners agreed to a voluntary dedication of a footpath over their land under s.25 of the Highways Act 1980. This dedication agreement was completed on 24 May 2016. It is between the landowners and Lancashire County Council and Chorley Council was not a party. The route follows that as currently walked without crossing the ditch before point "F". The plan to the dedication agreement is attached as "Appendix B".
16. Notice must be given to the public in the local press before the public path creation order is confirmed and notice given to the Croston Parish Council, affected landowners and occupiers. Site notices must also be posted at the ends of the proposed new footpath. The list of statutory consultees is similar to that under s.257 of the Town and Country Planning Act 1990 but statutory undertakers which include Network Rail are not amongst the list of prescribed bodies whom must be served notice under s.25 Highways Act 1980. LCC have confirmed that the procedures were followed.
17. Now that the more limited works identified above are completed (removal of trees, hardcore and Japanese Knotweed and widening to 2 metres) the diversion order made under s.257 of the 1990 Act and confirmed in 2011 may be certified by the Borough Council. This leaves a small part of the newly diverted legal footpath crossing the ditch. Chorley Council has made an order under s.118 of the Highways Act 1980 to extinguish this small and unused length of footpath.
18. Chorley Council has the power under s.118 Highways Act 1980 to extinguish a footpath in its area on the grounds that it is not needed for public use. As the length subject of the extinguishment order is not currently walked by the public because it is bypassed by a more convenient alternative route the grounds are met. A notice procedure contained in Schedule 6 to the Highways Act 1980 must be followed. Objections may be made within 28 days from publication. If no objection is made or is withdrawn the extinguishment order may then be confirmed by the Council. Before the order is confirmed as unopposed the council must have regard to whether the path would be used in the absence of the order and also the effect of the extinguishment on land served by the footpath. Temporary circumstances preventing or diminishing the use of the footpath by the public should be disregarded. The length of path to be extinguished is not used at present because the public have no means of safely and easily crossing the ditch. There is in practice no land served by this length of footpath which it is proposed to extinguish.
19. The order under s.118 Highways Act 1980 was made on 14 May 2015. A copy is attached as "Appendix C". Notice was given to the various statutory consultees on 19 May 2015. Site notices were posted and a press notice appeared also on 19 May 2015. No objections were received to the making of the order so it is now open to members to confirm the order as unopposed i.e. make it permanent.
20. If the recommendation to confirm the public path extinguishment order is approved a longstanding legal process regarding a diverted footpath can be finally resolved. The County Council will then maintain the diverted route as a public footpath and ensure that it remains free and unobstructed. In the past the route has not been eligible for improvement grants because it did not enjoy the status of a public footpath. Once it becomes part of the public footpath network then bids for such funding should not be rejected because the footpath is not part of the public footpath network.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. The Borough Council is responsible for advertising in the local press the confirmation of the extinguishment order under s.118 Highways Act 1980. However this is a one-off financial cost. Maintenance responsibility of public footpaths rests with Lancashire County Council.

COMMENTS OF THE MONITORING OFFICER

23. The legal issues are identified in the body of the report.

Background Papers			
Document	Date	File	Place of Inspection
1. Report to Planning Committee 1/09/92 2. Report to Technical and General Services Committee 05/06/96 3. Planning File Twin Lakes 4. Copy Dedication agreement dated 24 May 2016	1. 1/09/92 2. 05/06/96 3. 1988-98 4. 24/05/16	446	1. Town Hall 2. Town Hall 3. Planning Services Union Street 4. Town Hall

Report Author	Ext	Date	Doc ID
Alex Jackson	5166		

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Report of	Meeting	Date
Chief Executive	Council	6 November 2012

**FOOTPATH NO.1 CROSTON
 PROPOSED PUBLIC PATH CREATION AGREEMENT UNDER
 S.25 HIGHWAYS ACT 1980 AND PUBLIC PATH
 EXTINGUISHMENT ORDER UNDER S.118 HIGHWAYS ACT
 1980**

PURPOSE OF REPORT

1. To bring to members' attention a longstanding issue of a public footpath which remains to be legally diverted.

RECOMMENDATION(S)

2. That members support a proposed public footpath creation agreement under s.25 Highways Act 1980 between the landowner and Lancashire County Council adjacent to a ditch under the railway line at Croston as shown approximately on the map in Appendix 1.
3. Members approve the certification of the footpath diversion order made under s.257 Town and Country Planning Act 1990 in 1996 and confirmed in 2011 once the works required to bring that footpath into the specified condition, except where it crosses the ditch, and those works requested by Lancashire County Council and notified to the landowner in respect of the public path creation agreement under s.25 Highways Act 1980 have been completed to the satisfaction of Lancashire County Council.
4. Members approve a subsequent public path extinguishment order by Chorley Borough Council under s.118 Highways Act 1980 in respect of a short length of newly diverted Footpath No.1 Croston subject of the 1996 Order once it has been certified.
5. Members approve the placing of any notices required under legislation to effect the above including advertisement in the local press.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities		Quality Community Services and Spaces	X
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	

A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money	
---	--

BACKGROUND

7. Planning permission was granted in 1988 by the Council for the Twin Lakes Industrial Estate at Croston. The site is affected by Public Footpath No. 1. A diversion was desirable away from the existing route within the Industrial Estate for reasons of public safety and site security. Whilst a public footpath is maintainable at public expense by Lancashire County Council (LCC) power to make footpath diversion orders under s.257 of the Town and Country Planning Act 1990 following the grant of planning permission rests with the Borough Council as local planning authority. Following an application in 1992 the Council's former Technical and General Services Committee authorised the making and advertising of a diversion order under s.257 of the 1990 Act. The order was made on 11 April 1996. The statutory process requires the making of the order followed by a consultation period during which statutory consultees may make representations about the order. If no objections are made the Order may be confirmed i.e. made permanent by Chorley Council. As long as the footpath meets the requirements of the diversion order e.g. it follows the route on the order map and is of the width specified in the order and is of satisfactory condition it is then certified. At this point the former footpath ceases to be a public right of way and the newly diverted route becomes the public footpath. Until this certification occurs the route through the Industrial Estate remains the legal footpath. No objections were received to the order as made. This was reported back to the Council's former Technical and General Services Committee on 5 June 1996 which authorised the confirmation of the order as unopposed.
8. The land within the Industrial Estate affected by the existing legal footpath and the proposed diverted route alongside the railway line is believed to be owned by Mr Keith Ruttle or companies controlled by him.
9. A copy of the order and order map made on 11 April 1996 is attached as Appendix 1. The existing route through the Industrial Estate is shown by an unbroken black line running from Point "A" via Points "B", "C", "D" to Point "E". The proposed diverted route is shown by a broken black line running from point "A" via point "F" to Point "E" and adjacent to the railway line. In practice for many years the diverted route is the route as walked by local users, except that the route as walked does not veer westwards and cross a ditch at a point approximately halfway between the end of the buildings on the Industrial Estate and Point "F" as shown in the plan.
10. In October 2010 officers from LCC's Public Rights of Way Team met with a legal officer at the Council to advise that the 1996 diversion order had never been confirmed i.e. made permanent. Extensive searches in the Borough Council's archives failed to reveal any evidence of confirmation of the order.
11. No objections within the statutory timetable were reported to members in 1996 (including from Railtrack as predecessor to Network Rail Infrastructure Limited). However by 2010 it was known that Network Rail as the owner of land adjacent to the proposed diverted route objected to the order. This was because their own risk management calls for expensive trespass proof fencing to be erected alongside any land to which the public have legal access. It is understood from conversations with Network Rail's engineer that this is Network's Rail's own policy in response to risk of trespass rather than a regulatory requirement. In contrast Network Rail advise that only ordinary fences are required alongside a ploughed field to which the public would not have lawful access. Network Rail indicated to the Council that they would object to the confirmation of the order. However the opportunity to object has passed (28 days from the publication of the Notice of the making of the Order) and once the Order was confirmed objections could no longer be made but

instead only the validity of the Order could be challenged and that must be within six weeks of the date of the Notice of confirmation. A challenge to the validity of the Order may only be made on narrow legal grounds to the High Court that there has been procedural irregularity in the making of the Order or that the Order is outside the Council's powers under the Act. Since no objections had been received within the notice period following the making of the Order, following consultation with the Chair of Development Control Committee the Council confirmed the Order in June 2011. We are not aware of any challenge to the validity of the Order and the statutory period for such a challenge expired in August 2011.

12. A site visit took place on 5 September 2011 to inspect the diverted footpath and check if its condition was such that the 1996 diversion order could be certified as being complied with. In attendance were the effective landowner Mr Keith Ruttle, LCC's Public Rights of Way Officer, an officer from the Environment Agency, a Croston Parish Councillor and a solicitor from Chorley Council's legal department. Remedial works identified during the site visit which are not controversial as far as the landowner is concerned are the widening at certain points of the footpath, cutting back and removal of trees, removal of Japanese Knotweed and removal of hardcore. However it became apparent that the route as walked does not reflect the proposed diverted route on the order map. Members will note that whilst the route as currently used does not go to a corner at point F but cuts across to point E in a westerly direction, keeping to the north side of a deep ditch whereas from the Order map in Appendix 1 it can be seen that the diverted route continues over the ditch south-west to point F then north-west recrossing the ditch to point E. It should be mentioned in passing that the order map reflects the plans submitted by the landowner's agents in 1992. In order to bring the physical route into line with the route on the order map a 15 metre extension to the existing culvert would be required. The Environment Agency would require a substitute waterside habitat to mitigate for the loss of the length of bankside habitat. Manhole covers for future inspections and a headwall detail at the outfall might be required as well. These works would require planning permission. The landowner objected to these proposed works involving a culvert extension as excessive and unnecessary considering that the route as walked is acceptable. The Parish Council share this view.

OPTIONS

13. The easiest solution would appear to be for Chorley Borough Council to make the order afresh under the Highways Act 1980 S119 with a slightly amended order map which shows the route as walked. The most extensive of the works described above would not then be necessary. However Network Rail would then be able to object to the merits of making of the fresh order which would lead to an inquiry. The costs of an inquiry are potentially considerable and the result uncertain. Network Rail would probably seek the erection of a security fence for the full length of the footpath alongside the railway which would represent a significant cost.
14. The landowner, LCC and the Borough Council have agreed on an alternative proposal which is satisfactory to all three parties. The landowner will agree to a voluntary dedication of a footpath over his land under s.25 of the Highways Act 1980. This agreement will be between the landowner and Lancashire County Council and Chorley Council will not be a party. The route would follow that as currently walked without crossing the ditch before point "F". The legislation requires LCC as order making authority to consult Chorley Borough Council but does not require wider consultation. The creation agreement would then be advertised but there is no opportunity for objection.
15. Once the more limited works identified above are completed (removal of trees, hardcore and Japanese Knotweed and widening to 2 metres) the diversion order made under s.257 of the 1990 Act and confirmed in 2011 would be certified by the Borough Council. This will

leave a small part of the newly diverted legal footpath crossing the ditch. Chorley Council would also promote an order under s.118 of the Highways Act 1980 to extinguish this small and unused length of footpath.

16. Chorley Council has the power under s.118 Highways Act 1980 to extinguish a footpath in its area on the grounds that it is not needed for public use. As the length which it is proposed to extinguish is not currently walked by the public because it would have been bypassed by a more convenient alternative the grounds are met. A notice procedure contained in Schedule 6 to the Highways Act 1980 must be followed. Objections may be made within 28 days from publication. If no objection is made or is withdrawn the extinguishment order may then be confirmed by the Council. Before the order is confirmed as unopposed the council must have regard to whether the path would be used in the absence of the order and also the effect of the extinguishment on land served by the footpath. Temporary circumstances preventing or diminishing the use of the footpath by the public should be disregarded. The length of path to be extinguished is not used at present because the public have no means of safely and easily crossing the ditch. There is in practice no land served by this length of footpath which it is proposed to extinguish.
17. The Public Rights of Way officer at LCC is in agreement with the above approach. However authority will need to be sought from members of the County Council's Regulatory Committee.
18. If the recommendation is approved a longstanding legal process regarding a diverted footpath can be finally resolved. The County Council will then maintain the diverted route as a public footpath and ensure that it remains free and unobstructed. At present the route is not eligible for improvement grants because it does not have the status of a public footpath. Once it becomes part of the public footpath network then bids can be made for such funding.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

20. There is a statutory requirement to give notice of the public proposed public footpath creation agreement in the local press. This applies to the Lancashire County Council which will enter into the agreement under s.25 Highways Act 1980. The Borough Council is responsible for advertising the proposed extinguishment order under s.118 Highways Act 1980. However this is a one off financial cost. Maintenance responsibility of public footpaths rests with Lancashire County Council.

COMMENTS OF THE MONITORING OFFICER

21. The legal issues are identified in the body of the report.

Background Papers			
Document	Date	File	Place of Inspection
1. Report to Planning Committee 1/09/92 2. Report to Technical and General Services Committee 05/06/96 3. Planning File Twin Lakes	1. 1/09/92 2. 05/06/96 2. 1988-98	446	1. Town Hall 2. Town Hall 3. Planning Services Union Street

Report Author	Ext	Date	Doc ID
Alex Jackson	5166		

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CHORLEY BOROUGH COUNCILTOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257Chorley Borough Council (Footpath No. 1, Croston)
Public Path Diversion Order 1996

This Order is made by the Chorley Borough Council under Section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part III of the Town and Country Planning Act 1990, namely: the construction of 10 industrial units at the Twin Lakes Industrial Estate, off Brick Lane, Croston.

BY THIS ORDER:-

1. The footpath over the land shown by a bold black line on the attached map and described in Part 1 of the Schedule to this Order ("the Schedule") shall be diverted as provided below.
2. There shall be created to the reasonable satisfaction of Chorley Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part 2 of the Schedule and shown by bold black dashes on the attached map.
3. The diversion of the footpath shall have effect on the date on which Chorley Borough Council certify that the terms of Article 2 above have been complied with.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across that footpath belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.

SCHEDULEPart 1Description of Site of Existing Footpath

That length of Footpath No 1 Croston running south-westwards from point A on Brick Croft Lane, Croston and thence southwards in an irregular line over land situate at the Twin Lakes Industrial Estate, by way of points B-C-D to point E for a total distance of approximately 433 metres, as shown by the solid black line running between the aforesaid points marked on the Order map.

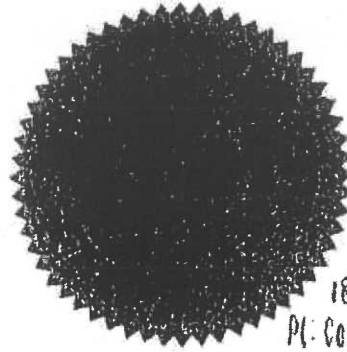
Part 2

Description of Site of New Footpath

Running from a point on Brick Croft Lane, Croston for a total distance of approximately 420 metres, firstly in a south westerly direction from point A to point E, and thence in a north westerly direction to point F, as shown by the bold black dashes between the aforesaid points marked on the Order map.

The width of the new footpath is to be 2 metres.

The Common Seal of the
Chorley Borough Council
was hereunto affixed
this 11th day of April 1996
in the presence of: -



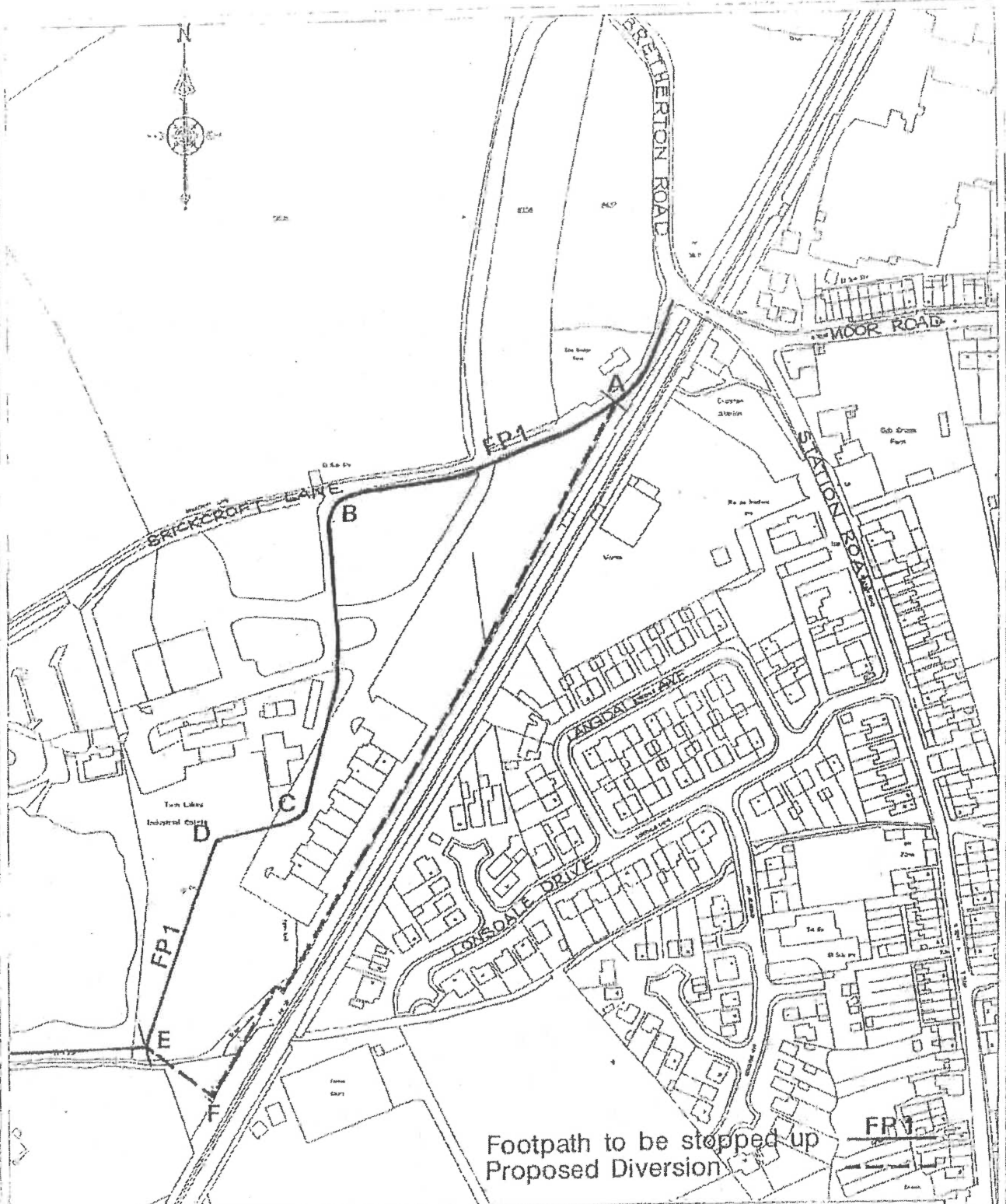
18,654
Pl. Comm: Min 232 (a)
1.9.92.

A. Hill

Mayor

A. Simon

Borough Solicitor

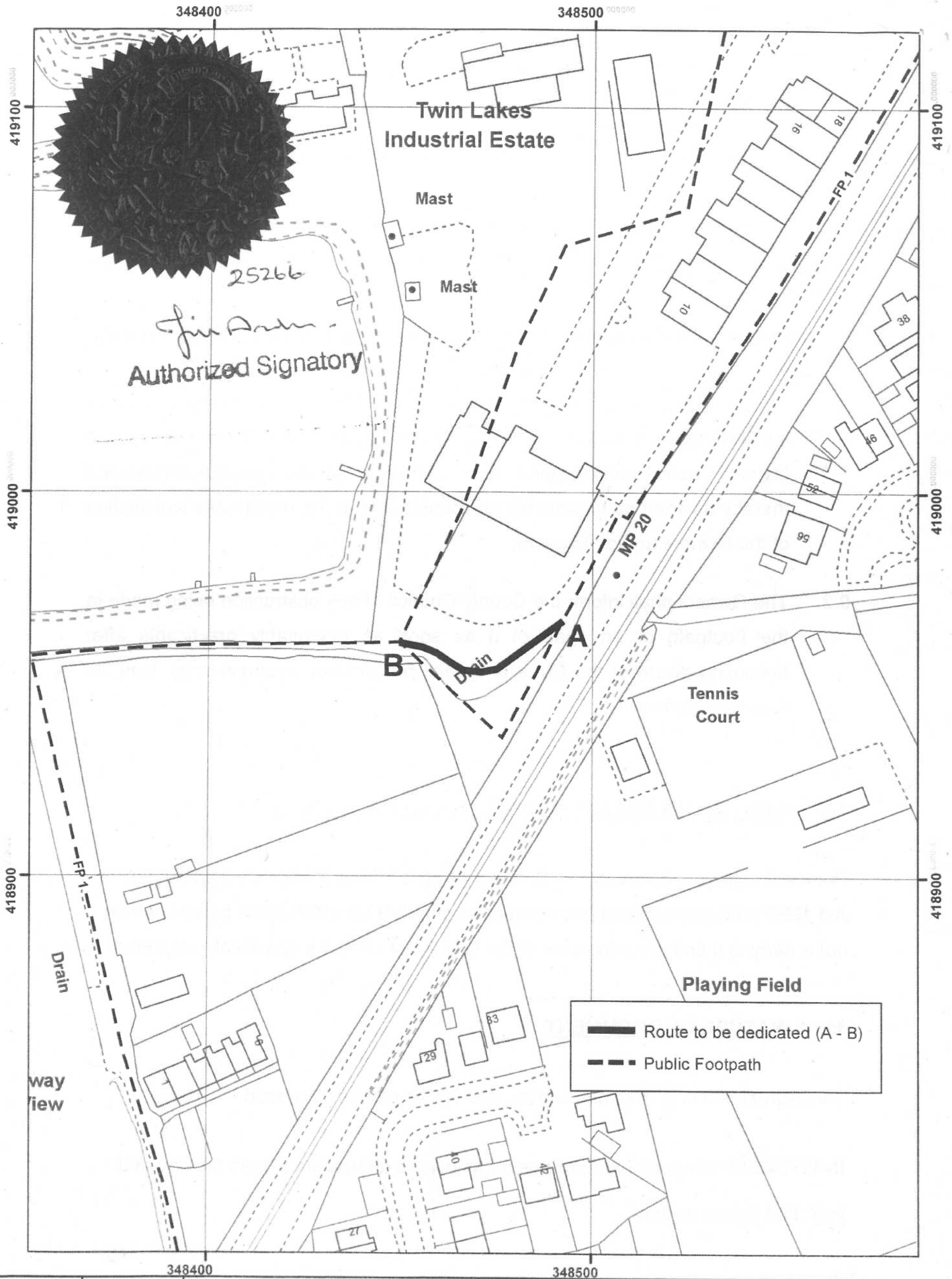


Footpath to be stopped up
Proposed Diversion

Title	Map Referred to in the Chorley Borough Council Public Footpath No1 Croston Public Path Diversion Order 1996	
Scale	1:2500	
Grid Ref.	J.R. Taylor, M.A. (Hons), Dip.T.P., M.R.T.P.I. Director of Technical Services	
Date	November '94	Chorley Borough Council



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Jo Turton,
Executive Director
for Environment.

Highways Act 1980 - Section 25
Proposed dedication of Public Footpath at Croston, Chorley Borough

1:1,250



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Agenda Page 73 Agenda Item 9
PUBLIC PATH EXTINGUISHMENT ORDER
SECTION 118 HIGHWAYS ACT 1980

Chorley Borough Council Public Footpath No. 1 (Croston)
Public Path Extinguishment Order 2015

This Order is made by Chorley Borough Council ('the Authority') under Section 118 of the Highways Act 1980 ("the 1980 Act") because it appears to the Authority that the section of footpath described in the Schedule to this Order is not needed for public use.

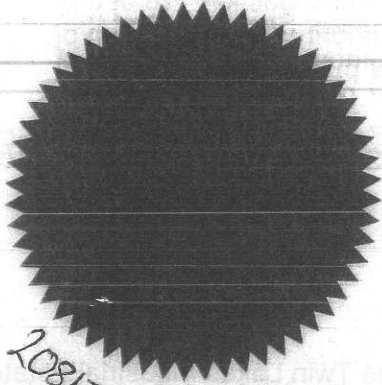
Lancashire County Council have been consulted as required by Section 120(2) of the 1980 Act and have consented to the making of this Order.

BY THIS ORDER

1. The public right of way over land situate to the south of the Twin Lakes Industrial Estate and shown by a bold continuous line on map attached to this order and described in the Schedule to this Order shall be extinguished after 7 days from the date of confirmation of this Order.
2. Where immediately before the date on which the said footpath is extinguished there is apparatus under, in , on, over , along or across it belonging to statutory undertakers for the purpose of their undertakings the undertakers shall continue to have the same rights in respect of the apparatus as they then had

**THE COMMON SEAL of
CHORLEY BOROUGH COUNCIL**

was hereunto affixed this 14 day of May 2015



20817

Authorised Signatory.....*[Handwritten Signature]*.....

THE SCHEDULE

Description of site of section of path to be extinguished by reference to the map attached to this order

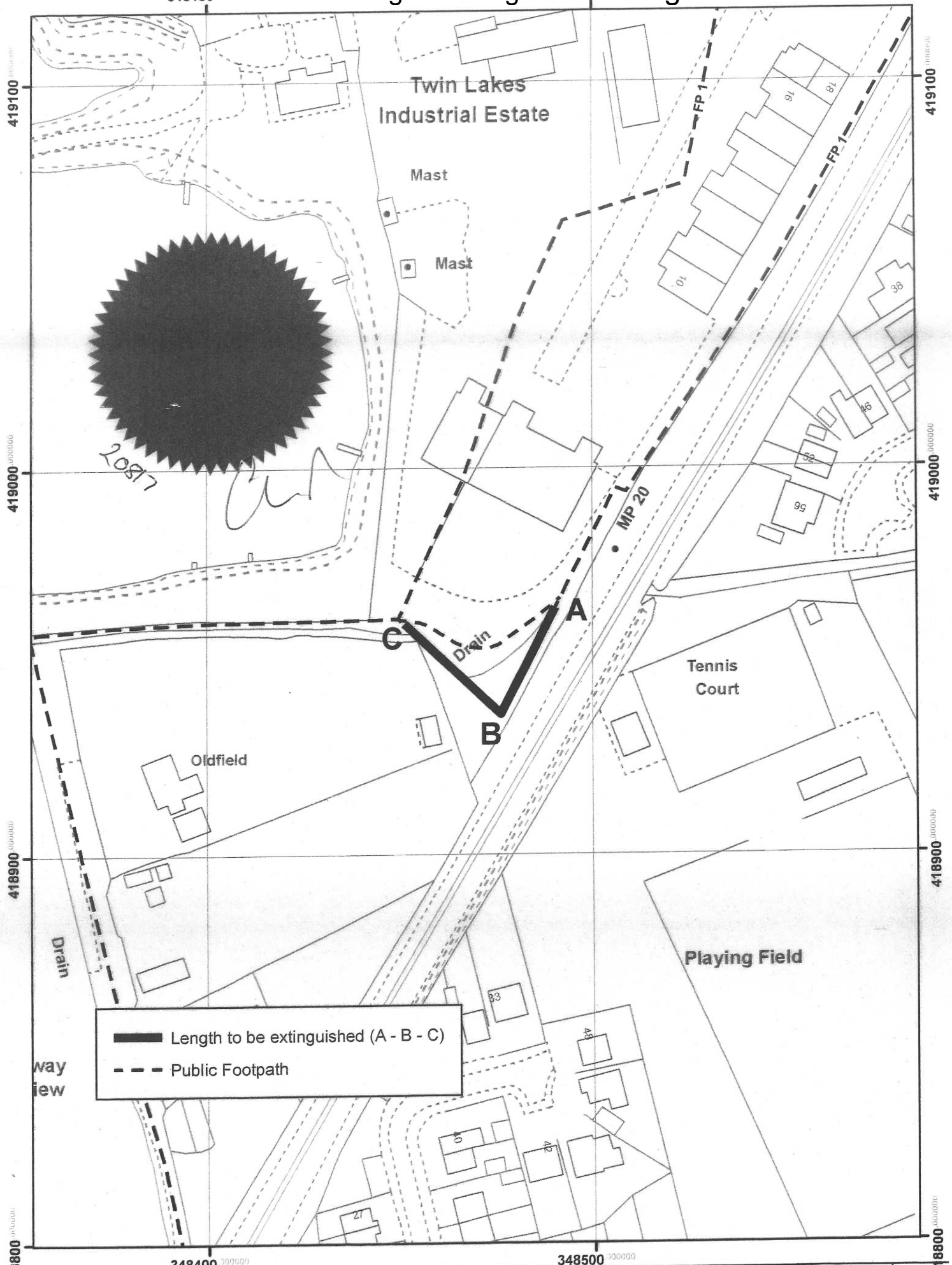
The full length and width of Public Footpath No. 1 (Croston) from Point A on the order map (Ordnance Survey Grid Reference 4849 1896) in a south westerly direction to Point B on the order map (Ordnance Survey Grid Reference 4847 1893) and thence in a north westerly direction to Point C on the order map (Ordnance Survey Grid Reference 4845 1895) for a total distance of approximately 65 metres.

Chorley Borough Council hereby confirms the foregoing order as an unopposed order.

**THE COMMON SEAL of
CHORLEY BOROUGH COUNCIL**

was hereunto affixed this day of 2015

Authorised Signatory.....



Length to be extinguished (A - B - C)
 Public Footpath

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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