

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 16TH AUGUST 2016, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 26 JULY 2016 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 8)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Customer and Digital has submitted eight items for planning applications to be determined (enclosed).

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

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

- A 14/00881/FUL - BRINSCALL HALL BARNS, DICK LANE, BRINSCALL (TO FOLLOW)**
- B 16/00380/OUTMAJ - LAND SURROUNDING 89 EUXTON LANE, EUXTON (TO FOLLOW)**
- C 16/00469/REM - LAND NORTH OF LANCASTER LANE AND BOUNDED BY WIGAN ROAD AND SHADY LANE, LANCASTER LANE, CLAYTON-LE-WOODS**

(Pages 9 - 16)

D	15/00216/OUT - 59 CHURCH STREET, ADLINGTON, CHORLEY, PR7 4EX	(Pages 17 - 30)
E	15/00215/OUT/A - 59 CHURCH STREET, ADLINGTON, CHORLEY, PR7 4EX	(Pages 31 - 42)
F	16/00036/FUL - SPRING COTTAGE, RIVINGTON LANE, RIVINGTON, BOLTON (TO FOLLOW)	
4	TREE PRESERVATION ORDER NUMBER 2 (EUXTON) 2016	(Pages 43 - 48)
5	APPEALS AND OTHER DECISIONS	
	Report of Director (Customer and Digital) to follow.	
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 26 July 2016

MEMBERS PRESENT: Councillor June Molyneaux (Chair), and Councillors Aaron Beaver, Charlie Bromilow, Henry Caunce, John Dalton, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster and Paul Walmsley

RESERVES: Councillors Jean Cronshaw, Graham Dunn, Gordon France and Paul Leadbetter

OFFICERS: Asim Khan (Director (Customer and Digital)), Alex Jackson (Legal Services Team Leader), Adele Hayes (Principal Planning Officer), Caron Taylor (Senior Planning Officer), Chris Smith (Planning Assistant) and Nina Neisser (Democratic and Member Services Officer) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillors Christopher France (Vice-Chair), Martin Boardman, Danny Gee and Richard Toon

16.DC.203 Minutes of meeting Tuesday, 21 June 2016 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 21 June be approved as a correct record for signature by the Chair.

16.DC.204 Declarations of Any Interests

There was one declaration of interest declared:

Councillor Gordon France declared an interest in item 3b 14/00881/FUL – Brinscall Hall Farm, Dick Lane, Brinscall and left the meeting for consideration of this item.

16.DC.205 Planning applications to be determined

The Director of Customer and Digital submitted twelve reports for planning permission consideration.

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

a 16/00290/FULHH - 125 The Farthings, Astley Village, PR7 1SH

Registered speakers: Scott Bracken (objector) and Alison Featonby (applicant)

RESOLVED (unanimously) – That planning permission be approved, subject to a condition regarding window placement in relation to the neighbouring property.

b 14/00881/FUL - Brinscall Hall Farm, Dick Lane, Brinscall

Councillor Gordon France left the meeting for the debate and decision on planning proposal 3b – Brinscall Hall Farm, Dick Lane, Brinscall

Registered speaker: Margaret France (ward councillor)

RESOLVED (unanimously) – That determination of the application be deferred to allow officers to investigate and negotiate imposing an overage clause in a proposed Section 106 Agreement.

c 16/00365/FUL - Laneside Farm, Brown House Lane, Higher Wheelton, Chorley, PR6 8HR

Councillor Gordon France returned

Registered speakers: Howard Elliott (objector), John Gilliver (supporter) and Katie Lewis-Pierpoint (agent)

RESOLVED (11:3:0) – That planning permission be refused, for the reasons set out below.

Reasons: By virtue of its size and scale the proposed development constitutes inappropriate development in the Green Belt that would have a significant impact on the openness of the Green Belt. The harm that would be caused through reason of inappropriateness is not outweighed by any evidence advanced in support of the application. The proposed development is, therefore, contrary to the National Planning Policy Framework and Central Lancashire Rural Development Supplementary Planning Document as the facilities in their entirety are not considered appropriate facilities for outdoor sport and recreation and would not preserve the openness of the Green Belt.

d **16/00332/ADV - Retreat Restaurants, 19 Church Street, Adlington, Chorley, PR7 4EX**

Registered speakers: Paul Pennington (objector) and Jeremy Guest (applicant)

RESOLVED (unanimously) – That retrospective advertising consent be approved, subject to a condition to limit the level of illumination insofar as it impacts on residents; the wording of such condition be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

e **16/00350/FUL - Retreat Restaurants, 19 Church Street, Adlington, Chorley, PR7 4EX**

Registered speakers: Paul Pennington (objector) and Jeremy Guest (applicant)

RESOLVED (13:0:1) – That planning permission be approved, subject to conditions outlined in the report.

f **16/00351/LBC - Retreat Restaurants, 19 Church Street, Adlington, Chorley, PR7 4EX**

Registered speakers: Paul Pennington (objector) and Jeremy Guest (applicant)

RESOLVED (unanimously) – That listed building consent be approved, subject to conditions outlined in the report.

g **16/00192/FULMAJ - The Arts Partnership, Chorley Community Centre, Railway Street, Chorley, PR7 2TZ**

The Senior Planning Officer explained to committee that part of the application site is owned by the Council.

Registered Speakers: Simon Parkinson (objector) and Rob Carter (agent)

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions outlined in the report and an additional construction management and demolition condition.

h **16/00213/FULMAJ - Adlington Hall Farm, The Common, Adlington, Chorley, PR7 4DT**

Registered speaker: Paul Bowling (applicant)

RESOLVED (unanimously) – That full planning permission be approved, with timing of the decision notice delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair so that any appropriate conditions may be imposed in accordance with the bore hole drilling report which has yet to be received.

i **16/00522/P3PAO - Orcheton House Farm, Wood Lane, Heskin, Chorley, PR7 5PA**

Registered speakers: Francis Waite (objector) and Alan Whittaker (ward councillor)

RESOLVED (13:0:1) – That prior approval be refused, for the reasons set out below.

Reasons: The Council considers that the application does not meet the prior approval requirements set out in Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 due to the extent of the works necessary to convert the building which will require new structural elements. In addition the Council are not satisfied that the building was solely used for an agricultural use as part of an established agricultural unit on 20th March 2013.

j **16/00374/FULMAJ - Land 80M North Of Swansey Lane And Bounded By The Elms, Swansey Lane, Whittle-Le-Woods**

RESOLVED (13:0:1) – That full planning permission be approved, subject to the conditions in the addendum and subject to a Section 106 Agreement and the final wording of the conditions requested by LCC Highways be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair; together with a similar delegation to consider imposition of clawback/overage in the S.106 Agreement to secure commuted sums.

k **16/00303/FULMAJ - Grundys Farm, Clover Road, Chorley, PR7 2NL**

Registered speaker: Steven Gallagher (agent)

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions outlined in the report.

I **16/00390/FUL - Lyons Lane, Chorley, PR6 0PJ**

RESOLVED (unanimously) – That planning permission be approved, subject to conditions outlined in the report.

16.DC.206 Appeals and Other Decisions

The Director of Customer and Digital submitted a report for information on planning appeals received from Lancashire County Council and other bodies between 26 April and 15 July.

Three appeals had been lodged with the Planning Inspector against planning permission refusal, one appeal had been lodged against non-determination and a further three separate planning appeals had been dismissed.

RESOLVED – That the report be noted.

Chair

Date

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Agenda Item 3c**APPLICATION REPORT – 16/00469/REM**

Validation Date: 18 May 2016

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Reserved Matters

Proposal: Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for substitution of house types on plots 119-124 inc. approved under reserved matters approval 14/01003/REMMAJ

Location: Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane Lancaster Lane Clayton-Le-Woods

Case Officer: Adele Hayes

Applicant: Redrow Homes

Agent: Redrow Homes

Consultation expiry: 8th July 2016

Decision due by: 13 July 2016

RECOMMENDATION

1. It is recommended that the application is approved.

SITE DESCRIPTION

2. The applicant's wider site is 8.48 hectares and is located to the north of Clayton-le-Woods, within the defined settlement as indicated on the proposals map of the Local Plan. On the southern boundary there is a pond and Woodcocks Farm is located to the north. The land directly to the south of the application site benefits from planning permission for up to 300 dwellings and that development is currently under construction.

3. The site is relatively flat with a rise in land levels from the west towards Shady Lane.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks reserved matters approval for plot substitutions on part of the approved development. The revised proposal affects 6 no. plots pursuant to outline permission ref: 14/00025/OUTMAJ and which were approved previously under reference 14/01003/REMMAJ.

5. Consent is sought for details of appearance, landscaping, layout and scale. Details relating to means of access into the site from Wigan Road were approved at the outline stage.

6. The proposed development is subject to a number of conditions attached to the outline permission and a separate S106 Obligation.

CONSTRAINTS

Chorley Core Area
 More than 1 Other
 Parish
 Safeguarded Land
 Wind turbine consultation zone

RELEVANT HISTORY OF THE SITE

Ref: 12/00941/OUTMAJ Decision: PEROPP Decision Date: 6 November 2012

Description: Outline planning application for the development of land to the east of Wigan Road for the erection of up to 160 dwellings and associated open space with all matters reserved, save for access. (Resubmission of Application: 11/01093/OUTMAJ).

Ref: 13/00803/OUTMAJ Decision: PEROPP Decision Date: 25 November 2013

Description: Section 73 application to vary condition 2 (Code for Sustainable Homes) attached to outline planning approval 12/00941/OUTMAJ

Ref: 14/00025/OUTMAJ Decision: PEROPP Decision Date: 23 September 2014

Description: Section 73 application to vary condition 16 of outline permission 13/00803/OUTMAJ to omit reference to the construction of a footpath / cycleway link along the eastern side of Wigan Road from the site entrance to Lancaster Lane

Ref: 14/01003/REMMAJ Decision: PERRES Decision Date: 18 December 2014

Description: Reserved matters application pursuant to outline planning permission 14/00025/OUTMAJ for the development of land to the east of Wigan Road for the erection of 154 dwellings (part amendment to reserved matters approval 13/00822/REMMAJ)

Ref: 15/00771/OUTMAJ Decision: PDE Decision Date: Pending

Description: Section 73 application to vary conditions 2, 27, 28 (all relating to Code for Sustainable Homes) and condition 29 (Carbon Reduction Statement) in respect of plots 28 to 87, 90 to 109 and 125 to 161 (118 plots in total) attached to planning approval reference 14/00025/OUTMAJ

REPRESENTATIONS

7. No representations have been received.

CONSULTATIONS

8. No consultations have been undertaken given that the proposal only involves plot substitutions.

PLANNING CONSIDERATIONSPrinciple of the development

9. The principle of redeveloping the site with housing was originally established as being acceptable by the grant of outline planning permission in 2012; the subsequent Section 73 applications to vary condition 2 (Code for Sustainable Homes) and 16 (construction of a footpath / cycleway link); and by the approval of subsequent reserved matters applications.

10. The acceptability of the principle of development has been established and this application is for the consideration of the substitution of the approved house types on 6 of the approved plots.

Design and character of the development

11. The design principles for the proposed development are set out in the Design Code for the site and the proposed substitutions are considered acceptable.

12. The general design principle for the affected part of the site remains unchanged and incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens. The individual house types of the plots involved comprise detached dwellings only.

Traffic and Transport

13. The acceptability of the principle of the site access was established by the grant of outline planning permission. This is a further reserved matters application that seeks approval for plot substitutions only.

14. The properties each have four bedrooms and therefore require three spaces each.

15. The level of off street parking proposed complies with the Council's standards.

Impact on the neighbours

16. The wider application site rises on a west / east axis. The affected plots are within the heart of the development and it is considered that the plot substitutions will not result in any significant loss of amenity for the future residents within the development. The approved finished floor levels remain unchanged.

CONCLUSION

17. Housing is acceptable in principle on this site. The proposal will contribute to the achievements of sustainable development and will be consistent with the requirements of the Framework which has a presumption in favour of sustainable development. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.

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

Suggested Conditions

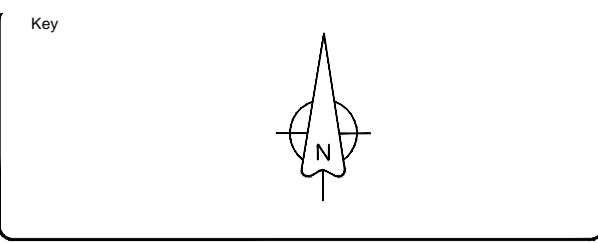
No.	Condition
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.</p> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>
2.	<p>The proposed development must be begun not later than two years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase</i></p>

	<i>Act 2004.</i>																																							
3.	<p>The approved plans are:</p> <table border="1"> <thead> <tr> <th>Plan reference number:</th> <th>Title:</th> <th>Date received:</th> </tr> </thead> <tbody> <tr> <td>4225-LP-01 Rev D</td> <td>Location Plan</td> <td>18 May 2016</td> </tr> <tr> <td>4225-DSL-01 Rev AB</td> <td>Detail Site Layout</td> <td>18 May 2016</td> </tr> <tr> <td>4255-ML-05 Rev G</td> <td>Materials Layout</td> <td>18 May 2016</td> </tr> <tr> <td>4225-WML-02 Rev G</td> <td>Waste Management Layout</td> <td>18 May 2016</td> </tr> <tr> <td>4225 WML-10 Rev I</td> <td>Code for Sustainable Homes</td> <td>18 May 2016</td> </tr> <tr> <td>4255-BDL-04 Rev M</td> <td>Boundary Details Layout</td> <td>18 May 2016</td> </tr> <tr> <td>EF STRA DM4</td> <td>The Stratford</td> <td>18 May 2016</td> </tr> <tr> <td>EF WORC DM3</td> <td>The Worcester</td> <td>18 May 2016</td> </tr> <tr> <td>EF WINS DM4</td> <td>The Windsor+</td> <td>18 May 2016</td> </tr> <tr> <td>EF OXFD+ DM3</td> <td>The Oxford+</td> <td>18 May 2016</td> </tr> <tr> <td>EF WELW DM4 (plans)</td> <td>The Welwyn+</td> <td>18 May 2016</td> </tr> <tr> <td>EF WELW DM4 (elevations)</td> <td>The Welwyn+</td> <td>18 May 2016</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Plan reference number:	Title:	Date received:	4225-LP-01 Rev D	Location Plan	18 May 2016	4225-DSL-01 Rev AB	Detail Site Layout	18 May 2016	4255-ML-05 Rev G	Materials Layout	18 May 2016	4225-WML-02 Rev G	Waste Management Layout	18 May 2016	4225 WML-10 Rev I	Code for Sustainable Homes	18 May 2016	4255-BDL-04 Rev M	Boundary Details Layout	18 May 2016	EF STRA DM4	The Stratford	18 May 2016	EF WORC DM3	The Worcester	18 May 2016	EF WINS DM4	The Windsor+	18 May 2016	EF OXFD+ DM3	The Oxford+	18 May 2016	EF WELW DM4 (plans)	The Welwyn+	18 May 2016	EF WELW DM4 (elevations)	The Welwyn+	18 May 2016
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4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>																																							
5.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>																																							
6.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development within the relevant Phase, whichever is the earlier , and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting</p>																																							

	<p>season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
7.	<p>The car parking spaces for each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before it is first occupied. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</i></p>

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The Hedgerows, Clayton-le-Woods



Agenda Page 15

Revision	Date	Amendment	Initials
D	18.05.16	Planning Application to Re-Plan to Plots 119-124	JS
C	14.03.16	NMA Application - Amended Plot red edge indicated	JS
B	24.11.15	NMA Application - Amended Plot red edge indicated	JS
A	20.10.15	NMA Application - Plot update red edge indicated	JS

Development		Clayton-le-Woods	
Location		off Wigan Road, Leyland	
Marketing Name		The Hedgerows	
Drawing Title		Location Plan	
Drawing Number		4225-LP-01	
Revision	D	Scale @ A0	1:1250
Drawn By	CPM	Date Started	25.07.15
Checked by		Date	


REDROW HOMES
 Redrow Homes Lancashire
Redrow House, 14 Eastern Avenue, Bostons Village, Chorley, PR7 3NA
 Tel: 01772 643700 Fax: 01772 643701 Web: www.redrow.co.uk

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

Agenda Item 36

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Agenda Item 3d**APPLICATION REPORT – 15/00216/OUT**

Validation Date: 5 May 2015

Ward: Adlington And Anderton

Type of Application: Outline Planning

Proposal: Outline application (with all matters reserved) for the erection of 2 No. semi-detached dwellinghouses

Location: 59 Church Street Adlington Chorley PR7 4EX

Case Officer: Mr Iain Crossland

Applicant: Mrs Judith Gratton

Agent: Peter Gilkes And Company

Consultation expiry: 25 July 2016

Decision due by: 19 August 2016

RECOMMENDATION

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

SITE DESCRIPTION

The application site comprises an area of land to the north of 59 Church Street, Adlington, and is within the core settlement area of Adlington. The site is located between the A6 (Westhoughton Road) and a mainline railway but is sighted at a lower level to the highway, and is screened by a boundary fence and wall. The site is covered by trees and other vegetation that has self-generated over time and is free of built structures. The site is in an area of mixed character with residential and commercial uses and transport infrastructure within close proximity.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is an outline application for the erection of two semi-detached dwellinghouses, with associated residential curtilage and vehicular access to Westhoughton Road. All matters are reserved.

CONSTRAINTS

**Coal consultation zone
Chorley Core Area
Consult EA Landfill Red Site & 250m Buf
Environment Agency Flood Area Fluvial**

**More than 1 Other
Site Of Special Scientific Interest**

RELEVANT HISTORY OF THE SITE

Ref: 12/01144/OUT Decision: WDN Decision Date: 8 January 2013
Description: Outline application for erection of a pair of semi detached houses

Ref: 12/01145/OUT Decision: WDN Decision Date: 8 January 2013
Description: Outline application for erection of one four bedroom detached house

Ref: 13/00574/OUT Decision: WDN Decision Date: 12 August 2013
Description: Erection of a four bedroom detached house.

Ref: 13/00575/OUT Decision: WDN Decision Date: 12 August 2013
Description: Erection of pair of semi-detached houses (resubmission of 12/01144/OUT)

Ref: 13/00754/OUT Decision: REFOPP Decision Date: 12 March 2014
Description: Outline application for the erection of a four bedroom detached house (with all matters reserved).

Ref: 13/00755/OUT Decision: REFOPP Decision Date: 12 March 2014
Description: Outline application for the erection of a pair of semi-detached houses (with all matters reserved).

Ref: 15/00215/OUT Decision: WDN Decision Date: 12 May 2015
Description: Outline application for the erection of a four bedroom detached house (with all matters reserved). Resubmission of application 13/00574/FUL (please also see 15/00215/OUT/A)

Ref: 94/00292/FUL Decision: PERFPP Decision Date: 17 June 1994
Description: Two storey extension and erection of conservatory to side and single storey rear extension

REPRESENTATIONS

5 letters of objection have been received. These state the following issues:

- Loss of privacy
- Wildlife impact
- Highway safety impact due to poor visibility and parking issues in the area
- Loss of trees

CONSULTATIONS

Adlington Town Council:

Comments received 26th May 2015:

The Town Council expressed concern that the proposed access to the site of both applications will adversely affect road safety on the main A6 route through the village. The proposed access is located at a point of low visibility because of its proximity to the brow of the bridge, and is also at the pinch point where two lanes merge into one. It is also very close to the point where the speed limit is reduced from 40mph to 30mph, a restriction not immediately observed by all traffic. Visibility at this location is also often adversely affected by parked cars. The Council expressed these concerns regarding the previous applications 13/00754/OUT and 13/00755/OUT but considers that the parking problems at this location have in fact increased since these were originally submitted.

In addition, it considers that the proposal to lower the height of the fences adjoining the pedestrian walkway will adversely affect pedestrian safety at this location.

Comments received 26th July 2016:

The applicant's comment that the plan shows the existing road layout markings immediately outside the property on the A6 is incorrect. The road markings there allow for parking and are not hatched. Also not hatched lower down Church St as shown.

Other comments-

- This a major piece of road change for the sake of a pair of new build semis and is wholly way over the top.
- The proposal has been taken in isolation and LCC in accepting have totally ignored the existing traffic congestion and parking problems between this property and Railway Road. Also that this a place where a 40mph two lane section reduces down to one lane. We cannot condone breaking the speed limit but we must recognise that the 40 mph limit is broken on a regular basis and undertaking is common. Bad driving on this section of the A6 needs to be recognised and whilst I'm not advocating accepting it I am pointing out that this proposal will only make the current situation worse.
- The proposal, should it go ahead, would remove parking for about 20 cars all told including both sides of the A6. Where do LCC think these displaced vehicles are going to park? Obviously in other already extremely congested areas local to here.
- This is a very busy section of the A6 through Adlington and the proposed change adds to the existing dangers and neighbours concerns.
- I have spoken to a couple of the people living on Church St and there are growing concerns about the extra parking problems without the added set of changes. Some neighbours are experiencing difficulty in finding parking spots outside their own house or are becoming blocked in when parked up. There has already been an increase in the number of near misses with the extra parking at 'The Retreat' - on busy weekday lunchtimes at the retreat, when the people working on the ex-Fairclough's site are in work it is chaos with the traffic flow often reduced to single file. This proposal will undoubtedly give the neighbours even more problems and road safety concerns.
- Further to this the issue of traffic hold ups when anyone exiting the planned homes, who then wants to turn towards Chorley, they will still be causing a traffic hold up trying to turn at the end of the current traffic island. This was pointed out with the last set of comments prior to this new proposed road layout.

Greater Manchester Ecology Unit

I have no in principle objections to the development of the site. It is not designated for its nature conservation value and is considered unlikely to support any specially protected species.

Lancashire Highway Services

Following the highways response of 28/05/2015, the applicant has contacted and worked closely together with LCC Highways to come out with a design to achieve a safe and convenient access for the proposed development. The access design was scrutinised by LCC safety audit team and found satisfactory.

The scheme appears to have addressed the highway safety concerns previously raised about the proposed development. As such, an objection to the proposed development on highway safety ground is no longer considered sustainable. I would therefore confirm that the proposal is acceptable and that the highway authority is no longer seeking an objection to the proposed development.

Network Rail – No objection

PLANNING CONSIDERATIONS

The main issues are as follows:-

- Issue 1 – Impact on character and appearance of the locality
- Issue 2 – Impact on neighbour amenity
- Issue 3 – Impact on highways/access
- Issue 4 – Impact on trees / wildlife

Issue 5 – Community Infrastructure Levy (CIL)

Principle of development

1. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
2. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in specific Urban Local Service Centres to help meet local housing and employment needs. Adlington is identified as one of the Urban Local Service Centres.
3. The application site is located in the core settlement area of Adlington. The adopted Chorley Local Plan 2012 – 2026 policy V2 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development. The site is not designated within the local plan and does not appear to have a specific use.
4. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access of public transport and amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
5. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Impact on character and appearance of the locality

6. The proposed development is for two semi-detached dwellings to be located on land to the north of 59 Church Street, Adlington. The indicative layout plan suggests that the dwellings would be positioned perpendicular to the highway and railway line. The land on which the proposed dwellings would be developed is approximately 4m lower than the adjacent highway. As such, although it may be possible to see the dwellings from the highway, they would not be prominent in the street scene along Westhoughton Road.
7. The dwelling at 59 Church Street is an end terrace of traditional design that is faced in stone with a roof laid in slates. There is a porch entrance to the front of the dwelling with garden and car parking area to the side, which is accessed from Westhoughton Road. It is noted that there similar stone cottages beyond this to the south. Beyond these properties are rendered and red brick dwellings of traditional design.
8. There is no predominant design style in the locality, and given the separation of the site from the nearest dwelling on the A6 and the difference in levels between the site and highway resulting in a reduced level of prominence there is some scope as to the eventual design of any dwelling on the site.
9. The indicative positioning of the proposed dwellings would not be consistent in terms of their siting, however, given the nature of the site with lower levels to the highway and degree of separation from the nearest dwellings on the A6 this not be detrimental to the street scene or character of the area. The indicative site plan suggests that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping or boundary scheme is included at this stage, however, this will form an important component as regards the details of the eventual development.
10. It is anticipated that appropriately designed dwellings could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

11. The application seeks outline planning permission at this stage, however, an indicative site plan submitted details the proposed dwellings would be located approximately 38m from the nearest dwelling at 43 Grove Crescent to the north east and approximately 47m from 41 Grove Crescent with a mainline railway inbetween. It is noted that the existing properties on Grove Crescent are positioned at a higher level to the application site. The degree of separation, difference in levels and intervening structures are such that it is considered that two semi-detached dwellings could be designed and sited without having an unacceptable impact on the occupiers of 43 and 41 Grove Crescent in relation to privacy, light or outlook.
12. Other properties are located approximately much further away and therefore given the substantial separation it is considered that two semi-detached dwellings can be located on this site without impacting on the privacy, light or outlook of the occupiers on any other properties.
13. With regards to the amenity of any future occupiers of the proposed dwellings it is noted that the site is located between a busy 'A' road and mainline railway. These have the potential to generate noise within close proximity to the site. It is noted that other nearby properties exist with similar circumstances, however, these have been in situ for some considerable time. It is therefore recommended that a condition is attached to any approval of planning permission requiring details of acoustic screening and noise attenuation measures to be submitted to and approved in writing by the Local Planning Authority as part of any application for reserved matters.

Highway impact and access

14. There is currently no vehicular access to the site from Westhoughton Road, and an access scheme has been submitted in support of the application with the intention of creating vehicular access so that off street parking can be provided. This scheme has been assessed the LCC safety audit team and found satisfactory. In addition the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.
15. The proposed access scheme designed by VTC Consultancy, referenced P882.1/jcc dated 1.7.2016 includes opening up the central island in the road to allow a right turn lane to be provided to enable traffic from the direction of Church Street to turn right into the site and for traffic leaving the site to turn right towards Westhoughton Road. This involves extending the existing hatchings on the inner section of the northbound carriageway to reduce the existing two lanes to one to make room for the right turn lane and includes provision of arrow carriageway markings to guide motorists into the appropriate lanes. The two lanes will then be restored north of the right turn lane once adequate gap is allowed to accommodate right turn manoeuvres of vehicles from the site.
16. As the full width of the northbound carriageway is required to safely undertake right turn manoeuvres when leaving the site, it is proposed to make a Traffic Regulation Order introducing 'No-Waiting at Anytime' restrictions (double yellow lines) along the section of northbound carriageway opposite the right turn lane to ensure it is always free from parked vehicles.
17. With regard to the southbound lane, the existing two lanes have already been reduced to one by means of hatching on the outer lane and has operated as such for some time now. It is therefore proposed that part of the hatchings to both sides of the proposed access are replaced by road buildouts to prevent overrun of the access by southbound traffic and to ensure vehicles do not park too close to the access as to obscure visibility. The buildouts on the north side of the access will be longer than that on the south side as the direction of flow of traffic is from north and both will incorporate reflective posts to alert drivers of the physical features and the presence of the access. The existing on-street parking spaces on both sides of the road should not be affected by the proposal, however, where this is unavoidable, the effect would be minimal.

18. To ensure drivers reduce speeds on the approach to the access, all three existing speed limit signs would be relocated to new positions approximately 30m north of the proposed access.
19. The right turn lane is intended for traffic going in and out of the proposed site. As such, in order to prevent unauthorised turning manoeuvres by northbound traffic which may lead to traffic delays, a Traffic Regulation Order (TRO) prohibiting u-turns for northbound traffic will be made with a 'No u-turn' sign installed to warn drivers of the prohibition.
20. The above quoted scheme appears to have addressed the highway safety concerns previously raised about the proposed development. As such, an objection to the proposed development on highway safety grounds is no longer considered sustainable. The proposed access is therefore considered to be acceptable.
21. Adequate off street car parking provision would need to be demonstrated in any reserved matters application in order to comply with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026. The indicative site plan suggests that it would be possible to provide off street parking of sufficient size to accommodate up to three cars per property.

Loss of trees and impact on wildlife

22. There are a number of trees within the site and around the periphery of the site, none of which are protected by tree preservation orders (TPO). No trees have been identified for removal at this stage, however, it is noted that a large number of the self-seeded trees within the site would need to be removed in order to enable the development. These trees are generally hidden from public view and are of lower amenity value. It would be preferable if trees to the periphery of the site could be retained within any future development and the Council's Tree Officer will visit the site to assess the potential for protecting such trees at the time of any reserved matters application.
23. Similarly there is a copse of trees adjacent to the site (to the south of the application site). As such this landscaping has the potential to overshadow the future dwelling on this site. This puts these trees at future risk and the Council's Tree Officer will also make an assessment of these trees in respect of their amenity value.
24. To ensure the trees are protected as part of their retention within the scheme a no-dig condition will be attached to the recommendation in respect of any works required within the root zones.
25. It is noted that the Greater Manchester Ecology Unit raises no in principle objections to the development of the site. It is not designated for its nature conservation value and is considered unlikely to support any specially protected species

Public Open Space

26. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. It is recommended that a condition is attached requiring that a suitable scheme is submitted prior to the commencement of development.

Other matters

27. To lower the height of the fences adjoining the pedestrian walkway will adversely affect pedestrian safety at this location: Boundary details would be addressed as part of any reserved matters application.
28. The applicant's comment that the plan shows the existing road layout markings immediately outside the property on the A6 is incorrect. The road markings there allow for parking and are not hatched: The area identified as 'existing road markings' on plan referenced P882.1/jcc is currently hatched.

29. There are already parking issues in the area. Where will displaced vehicles as a result of the proposed highway works: It is noted that vehicles are currently parking on a hatched area of highway, which would remain in situ. Although it is recognised that people currently park on the highway adjacent to the site the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission. Furthermore the proposed highway scheme would require a TRO, which involves a separate statutory consultation process beyond the planning application process, including consultation with frontagers, and must be agreed and the highway works implemented prior to the proposed access being implemented.

CIL

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

CONCLUSION

31. It is considered that the 'principle' of two new dwellings on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that a pair of semi-detached dwellings could be designed without causing undue harm to the impact on the appearance and character of the area and impact on neighbour amenity.
32. In addition it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

Suggested Conditions

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.
Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority.
Reason: In order to satisfy the Local Planning Authority that the final details of the scheme/works are acceptable before work commences on site.

3. No part of the development hereby approved shall commence until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

4. The development shall be limited to no more than one new dwellinghouse and shall be carried out in accordance with the following plans:

Title	Drawing Reference	Received date
Location Plan	N/A	09 March 2015
Proposed highway access	P882.1/jcc	08 July 2016

Reason: For the avoidance of doubt and in the interests of proper planning

5. Either as part of the first reserved matters application or prior to the commencement of the development details of the access arrangements, highway visibility splays, parking, servicing and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation of the dwelling.

The approved parking and/or garaging shall be surfaced or paved, drained out and made available in accordance with the approved details prior to occupation and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: In the interest of the highway safety.

6. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

7. Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The materials shall be maintained in perpetuity thereafter.

Reason: In the interests of highway safety and to prevent flooding

8. As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents

9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage

10. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: To ensure a satisfactory means of drainage.

11. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

13. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

14. No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the approved Scheme has been implemented.

Reason: The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.

15. As part of the reserved matters application a Tree Impact Plan shall be provided detailing the trees which are to be retained as part of the development. Thereafter any works required within the root protection area of the retained trees shall be undertaken using a 'no-dig' cellular confinement system method of construction which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued protection of the trees and the visual amenities of the area

16. As part of the first application for reserved matters or prior to the commencement of the development details of a suitable trespass proof fence adjacent to the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed prior to occupation of the dwellings and the development thereafter shall be completed in accordance with the approved details.

Reason: To protect the adjacent railway from unauthorised access

17. As part of the first application for reserved matters or prior to the commencement of the development details of acoustic screening and any other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority

Reason: To protect the amenity of future occupiers and in the interests of railway safety

18. Any scaffolding which is to be erected / constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing shall be submitted to and approved in writing by the Local Planning Authority as part of the first application for reserved matters or prior to the commencement of the development.

The measures including protective fencing) to prevent any construction materials from the development reaching the railway line hereby approved shall be implemented in full before development commences.

Reason: In the interests of railway safety

19. As part of the first application for reserved matters or prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to prevent any piling works and vibration from de-stabilising or impacting the railway

20. As part of the first application for reserved matters or prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To protect the adjacent railway from the risk of flooding and pollution

21. As part of the first application for reserved matters or prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near

to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority.

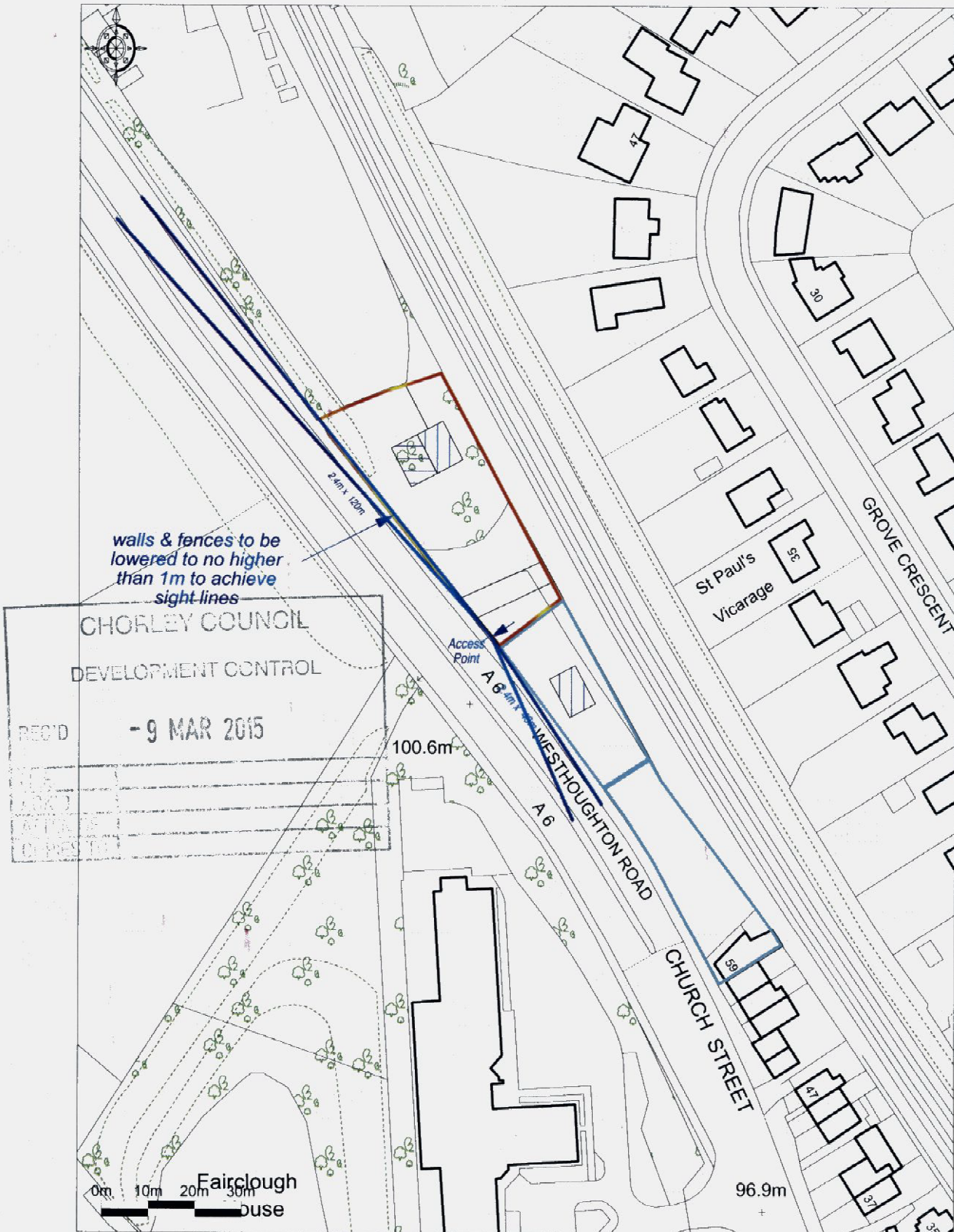
Reason: To protect the adjacent railway

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59 Church Street Adlington

15100216/OUT

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Agenda Item 3E**APPLICATION REPORT – 15/00215/OUT/A**

Validation Date: 5 May 2015

Ward: Adlington And Anderton

Type of Application: Outline Planning

Proposal: Outline application for the erection of a four bedroom detached house (with all matters reserved). Resubmission of application 13/00574/FUL

Location: 59 Church Street Adlington Chorley PR7 4EX

Case Officer: Mrs Helen Lowe

Applicant: Mrs Judith Gratton

Agent: Peter E Gilkes And Company

Consultation expiry: 5 August 2016

Decision due by: 18 August 2016

RECOMMENDATION

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

SITE DESCRIPTION

The application site comprises an area of land to the north of 59 Church Street, Adlington, and is within the core settlement area of Adlington. The site is located between the A6 (Westhoughton Road) and a mainline railway but is sighted at a lower level to the highway, and is screened by a boundary fence and wall. The site is covered by trees and other vegetation that has self-generated over time and is free of built structures. The site is in an area of mixed character with residential and commercial uses and transport infrastructure within close proximity.

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is an outline application for the erection of one four bedroom detached dwelling, with associated curtilage and vehicular access to Westhoughton Road. All matters are reserved.

It should be noted that the application site forms part of a larger parcel of land owned by the applicant and there is also an application for a pair of semi-detached dwellings to the north of the application site (ref. 15/00216/OUT). Both sites would be served by the same point of access.

CONSTRAINTS

Coal consultation zone

Chorley Core Area
 Consult EA Landfill Red Site & 250m Buf
 More than 1 Other
 More than 1 Other
 Site Of Special Scientific Interest

RELEVANT HISTORY OF THE SITE

Ref: 94/00292/FUL Decision: PERFPP Decision Date: 17 June 1994
Description: Two storey extension and erection of conservatory to side and single storey rear extension

Ref: 12/01144/OUT Decision: WDN Decision Date: 8 January 2013
Description: Outline application for erection of a pair of semi detached houses

Ref: 12/01145/OUT Decision: WDN Decision Date: 8 January 2013
Description: Outline application for erection of one four bedroom detached house

Ref: 13/00574/OUT Decision: WDN Decision Date: 12 August 2013
Description: Erection of a four bedroom detached house.

Ref: 13/00575/OUT Decision: WDN Decision Date: 12 August 2013
Description: Erection of pair of semi-detached houses (resubmission of 12/01144/OUT)

Ref: 13/00754/OUT Decision: REFOPP Decision Date: 12 March 2014
Description: Outline application for the erection of a four bedroom detached house (with all matters reserved).

Ref: 13/00755/OUT Decision: REFOPP Decision Date: 12 March 2014
Description: Outline application for the erection of a pair of semi-detached houses (with all matters reserved).

Ref: 15/00215/OUT Decision: WDN Decision Date: 12 May 2015
Description: Outline application for the erection of a four bedroom detached house (with all matters reserved). Resubmission of application 13/00574/FUL (please also see 15/00215/OUT/A)

Ref: 15/00216/OUT Decision: PDE Decision Date:
Description: Outline application (with all matters reserved) for the erection of 2 No. semi-detached dwellinghouses

REPRESENTATIONS

Three letters of objection have been received. They make the following comments:

- Over development
- Loss of privacy and overlooking
- Highway safety and parking problems
- Loss of trees and wildlife
- Coal mining hazards
- Increased noise from the A6

CONSULTATIONS

Adlington Town Council

Comments received 26th May 2015:

The Town Council expressed concern that the proposed access to the site of both applications will adversely affect road safety on the main A6 route through the village. The proposed access is located at a point of low visibility because of its proximity to the brow of the bridge, and is also

at the pinch point where two lanes merge into one. It is also very close to the point where the speed limit is reduced from 40mph to 30mph, a restriction not immediately observed by all traffic. Visibility at this location is also often adversely affected by parked cars. The Council expressed these concerns regarding the previous applications 13/00754/OUT and 13/00755/OUT but considers that the parking problems at this location have in fact increased since these were originally submitted.

In addition, it considers that the proposal to lower the height of the fences adjoining the pedestrian walkway will adversely affect pedestrian safety at this location.

Comments received 26th July 2016:

The applicant's comment that the plan shows the existing road layout markings immediately outside the property on the A6 is incorrect. The road markings there allow for parking and are not hatched. Also not hatched lower down Church St as shown.

Other comments-

- This a major piece of road change for the sake of a pair of new build semis and is wholly way over the top.
- The proposal has been taken in isolation and LCC in accepting have totally ignored the existing traffic congestion and parking problems between this property and Railway Road. Also that this a place where a 40mph two lane section reduces down to one lane. We cannot condone breaking the speed limit but we must recognise that the 40 mph limit is broken on a regular basis and undertaking is common. Bad driving on this section of the A6 needs to be recognised and whilst I'm not advocating accepting it I am pointing out that this proposal will only make the current situation worse.
- The proposal, should it go ahead, would remove parking for about 20 cars all told including both sides of the A6. Where do LCC think these displaced vehicles are going to park? Obviously in other already extremely congested areas local to here.
- This is a very busy section of the A6 through Adlington and the proposed change adds to the existing dangers and neighbours concerns.
- I have spoken to a couple of the people living on Church St and there are growing concerns about the extra parking problems without the added set of changes. Some neighbours are experiencing difficulty in finding parking spots outside their own house or are becoming blocked in when parked up. There has already been an increase in the number of near misses with the extra parking at 'The Retreat' - on busy weekday lunchtimes at the retreat, when the people working on the ex-Fairclough's site are in work it is chaos with the traffic flow often reduced to single file. This proposal will undoubtedly give the neighbours even more problems and road safety concerns.
- Further to this the issue of traffic hold ups when anyone exiting the planned homes, who then wants to turn towards Chorley, they will still be causing a traffic hold up trying to turn at the end of the current traffic island. This was pointed out with the last set of comments prior to this new proposed road layout.

The Coal Authority

Low risk area, standing advice

Greater Manchester Ecology Unit

I have no in principle objections to the development of the site. It is not designated for its nature conservation value and is considered unlikely to support any specially protected species.

Lancashire Highway Services

Following the highways response of 28/05/2015, the applicant has contacted and worked closely together with LCC Highways to come out with a design to achieve a safe and convenient access for the proposed development. The access design was scrutinised by LCC safety audit team and found satisfactory.

The scheme appears to have addressed the highway safety concerns previously raised about the proposed development. As such, an objection to the proposed development on highway safety ground is no longer considered sustainable. I would therefore confirm that the proposal is

acceptable and that the highway authority is no longer seeking an objection to the proposed development.

Planning Policy

No comments received

Chorley Council Tree Officer

No comments received

PLANNING CONSIDERATIONS

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 – Impact on highways/access

Issue 4 – Impact on trees / wildlife

Issue 5 – Community Infrastructure Levy (CIL)

Principle of development

1. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
2. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in specific Urban Local Service Centres to help meet local housing and employment needs. Adlington is identified as one of the Urban Local Service Centres.
3. The application site is located in the core settlement area of Adlington. The adopted Chorley Local Plan 2012 – 2026 policy V2 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development. The site is not designated within the local plan and does not appear to have a specific use.
4. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with easy access of public transport and amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
5. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Impact on character and appearance of the locality

6. The proposed development is for one detached dwelling to be located on land to the north of 59 Church Street, Adlington. The indicative layout plan suggests that the dwelling could be positioned parallel to the highway and railway line, however no details of the proposed elevations have been provided.. The land on which the proposed dwellings would be developed is approximately 3 m lower than the adjacent highway. As such, although it may be possible to see the dwellings from the highway, they would not be prominent in the street scene along Westthoughton Road.
7. The dwelling at 59 Church Street is an end terrace of traditional design that is faced in stone with a roof laid in slates. There is a porch entrance to the front of the dwelling with garden and car parking area to the side, which is accessed from Westthoughton Road. It is noted that there similar stone cottages beyond this to the south. Beyond these properties are rendered and red brick dwellings of traditional design.

8. There is no predominant design style in the locality, and given the separation of the site from the nearest dwelling on the A6 and the difference in levels between the site and highway resulting in a reduced level of prominence there is some scope as to the eventual design of any dwelling on the site.
9. The indicative positioning of the proposed dwellings would not be consistent in terms of their siting, however, given the nature of the site with lower levels to the highway and degree of separation from the nearest dwellings on the A6 this not be detrimental to the street scene or character of the area. The indicative site plan suggests that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping or boundary scheme is included at this stage, however, this will form an important component as regards the details of the eventual development.
10. It is anticipated that appropriately designed dwellings could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

11. The application seeks outline planning permission at this stage, however, an indicative site plan submitted details the proposed dwellings would be located approximately 47 m from the nearest dwelling at 33 Grove Crescent to the east and approximately 50 m from 35 Grove Crescent to the north east with a mainline railway in between. It is noted that the existing properties on Grove Crescent are positioned at a higher level to the application site. The degree of separation, difference in levels and intervening structures are such that it is considered that the dwellings could be designed and sited without having an unacceptable impact on the occupiers of Grove Crescent in relation to privacy, light or outlook.
12. Other properties are located approximately much further away (and the applicants property is the nearest on Church Street to the south) and therefore given the substantial separation it is considered that a dwelling could be located on this site without impacting on the privacy, light or outlook of the occupiers on any other properties.
13. With regards to the amenity of any future occupiers of the proposed dwelling it is noted that the site is located between a busy 'A' road and mainline railway. These have the potential to generate noise within close proximity to the site. It is noted that other nearby properties exist with similar circumstances, however, these have been in situ for some considerable time. It is therefore recommended that a condition is attached to any approval of planning permission requiring details of acoustic screening and noise attenuation measures to be submitted to and approved in writing by the Local Planning Authority as part of any application for reserved matters.

Highway impact and access

14. There is currently no vehicular access to the site from Westthoughton Road, and an access scheme has been submitted in support of the application with the intention of creating vehicular access so that off street parking can be provided. This scheme has been assessed the LCC safety audit team and found satisfactory. In addition the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.
15. The proposed access scheme designed by VTC Consultancy, referenced P882.1/jcc dated 1.7.2016 includes opening up the central island in the road to allow a right turn lane to be provided to enable traffic from the direction of Church Street to turn right into the site and for traffic leaving the site to turn right towards Westthoughton Road. This involves extending the existing hatchings on the inner section of the northbound carriageway to reduce the existing two lanes to one to make room for the right turn lane and includes provision of arrow carriageway markings to guide motorists into the appropriate lanes. The two lanes will then be restored north of the right turn lane once adequate gap is allowed to accommodate right turn manoeuvres of vehicles from the site.

16. As the full width of the northbound carriageway is required to safely undertake right turn manoeuvres when leaving the site, it is proposed to make a Traffic Regulation Order introducing 'No-Waiting at Anytime' restrictions (double yellow lines) along the section of northbound carriageway opposite the right turn lane to ensure it is always free from parked vehicles.
17. With regard to the southbound lane, the existing two lanes have already been reduced to one by means of hatching on the outer lane and has operated as such for some time now. It is therefore proposed that part of the hatchings to both sides of the proposed access are replaced by road buildouts to prevent overrun of the access by southbound traffic and to ensure vehicles do not park too close to the access as to obscure visibility. The buildouts on the north side of the access will be longer than that on the south side as the direction of flow of traffic is from north and both will incorporate reflective posts to alert drivers of the physical features and the presence of the access. The existing on-street parking spaces on both sides of the road should not be affected by the proposal, however, where this is unavoidable, the effect would be minimal.
18. To ensure drivers reduce speeds on the approach to the access, all three existing speed limit signs would be relocated to new positions approximately 30m north of the proposed access.
19. The right turn lane is intended for traffic going in and out of the proposed site. As such, in order to prevent unauthorised turning manoeuvres by northbound traffic which may lead to traffic delays, a Traffic Regulation Order (TRO) prohibiting u-turns for northbound traffic will be made with a 'No u-turn' sign installed to warn drivers of the prohibition.
20. The above quoted scheme appears to have addressed the highway safety concerns previously raised about the proposed development. As such, an objection to the proposed development on highway safety grounds is no longer considered sustainable. The proposed access is therefore considered to be acceptable.
21. Adequate off street car parking provision would need to be demonstrated in any reserved matters application in order to comply with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026. The indicative site plan suggests that it would be possible to provide off street parking of sufficient size to accommodate up to three cars at the property.

Loss of trees and impact on wildlife

22. There are a number of trees within the site and around the periphery of the site, none of which are protected by tree preservation orders (TPO). No trees have been identified for removal at this stage, however, it is noted that a large number of the self-seeded trees within the site would need to be removed in order to enable the development. These trees are generally hidden from public view and are of lower amenity value. It would be preferable if trees to the periphery of the site could be retained within any future development and the Council's Tree Officer will visit the site to assess the potential for protecting such trees at the time of any reserved matters application.
23. Similarly there is a copse of trees adjacent to the site (to the south of the application site). As such this landscaping has the potential to overshadow the future dwelling on this site. This puts these trees at future risk and the Council's Tree Officer will also make an assessment of these trees in respect of their amenity value.
24. To ensure the trees are protected as part of their retention within the scheme a no-dig condition will be attached to the recommendation in respect of any works required within the root zones.
25. It is noted that the Greater Manchester Ecology Unit raises no in principle objections to the development of the site. It is not designated for its nature conservation value and is considered unlikely to support any specially protected species

Public Open Space

26. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. It is recommended that a condition is attached requiring that a suitable scheme is submitted prior to the commencement of development.

Other matters

27. To lower the height of the fences adjoining the pedestrian walkway will adversely affect pedestrian safety at this location: Boundary details would be addressed as part of any reserved matters application.
28. The applicant's comment that the plan shows the existing road layout markings immediately outside the property on the A6 is incorrect. The road markings there allow for parking and are not hatched: The area identified as 'existing road markings' on plan referenced P882.1/jcc is currently hatched.
29. There are already parking issues in the area. Where will displaced vehicles park as a result of the proposed highway works: It is noted that vehicles are currently parking on a hatched area of highway, which would remain in situ. Although it is recognised that people currently park on the highway adjacent to the site the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission. Furthermore the proposed highway scheme would require a TRO, which involves a separate statutory consultation process beyond the planning application process, including consultation with frontagers, and must be agreed and the highway works implemented prior to the proposed access being implemented.

CIL

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

CONCLUSION

31. It is considered that the 'principle' of two new dwellings on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that a pair of semi-detached dwellings could be designed without causing undue harm to the impact on the appearance and character of the area and impact on neighbour amenity.
32. In addition it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

Suggested Conditions

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three

years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country

Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning

Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Reason: For the avoidance of doubt and in the interests of proper planning

Title Plan Ref Received On

Location plan 9 March 2015

Topographical survey 6487 9 March 2015

3. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the scheme/works are acceptable before work commences on site.

4. No part of the development hereby approved shall commence until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

5. Either as part of the first reserved matters application or prior to the commencement of the development details of the access arrangements, highway visibility splays, parking, servicing and turning areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details prior to the first occupation of the dwelling. The approved parking and/or garaging shall be surfaced or paved, drained out and made available in accordance with the approved details prior to occupation and such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: In the interest of the highway safety.

6. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

7. Any application for reserved matters shall detail that the driveways/hardsurfacing areas for each of the dwellings shall be constructed using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The materials shall be maintained in perpetuity thereafter.

Reason: In the interests of highway safety and to prevent flooding

8. As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwelling
- b) Details of the colour, form and texture of all hard ground- surfacing materials.
- c) Location, design and materials of all fences, walls and other boundary treatments.
- d) The finished floor level of the proposed dwelling and any detached garages

The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.

Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents

9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage

10. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority.

Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: To ensure a satisfactory means of drainage.

11. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

13. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy

efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

14. No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby approved shall not be occupied until the approved Scheme has been implemented.

Reason: The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed

15. As part of the reserved matters application a Tree Impact Plan shall be provided detailing the trees which are to be retained as part of the development. Thereafter any works required within the root protection area of the retained trees shall be undertaken using a 'no-dig' cellular confinement system method of construction which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the continued protection of the trees and the visual amenities of the area.

16. As part of the first application for reserved matters or prior to the commencement of the development details of a suitable trespass proof fence adjacent to the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be installed prior to occupation of the dwellings and the development thereafter shall be completed in accordance with the approved details.

Reason: To protect the adjacent railway from unauthorised access

17. As part of the first application for reserved matters or prior to the commencement of the development details of acoustic fencing mitigation measures shall be submitted to and approved in writing by the Local Planning Authority

Reason: To protect the adjacent railway boundary

18. Any scaffolding which is to be erected / constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing shall be submitted to and approved in writing by the Local Planning Authority as part of the first application for reserved matters or prior to the commencement of the development. The measures including protective fencing) to prevent any construction materials from the development reaching the railway line hereby approved shall be implemented in full before development commences.

Reason: In the interests of railway safety

19. As part of the first application for reserved matters or prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to prevent any piling works and vibration from de-stabilising or impacting the railway

20. As part of the first application for reserved matters or prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To protect the adjacent railway from the risk of flooding and pollution

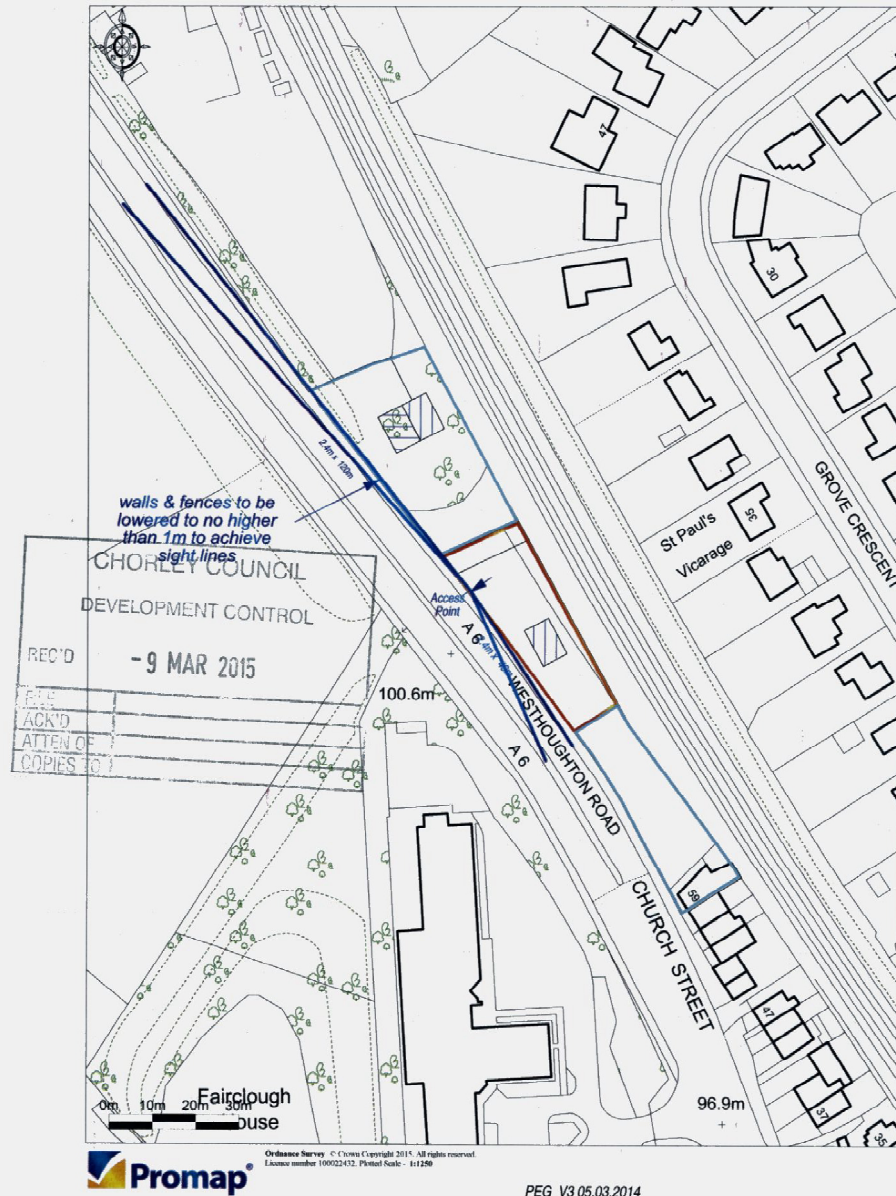
21. As part of the first application for reserved matters or prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the adjacent railway.

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59 Church Street Adlington



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Report of	Meeting	Date
Director of Policy and Governance	Development Control Committee	26 July 2016

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL
TREE PRESERVATION ORDER NO 2 (EUXTON) 2016
WITHOUT MODIFICATION**

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 2 (Euxton) 2016 without modification.

RECOMMENDATION

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order.

EXECUTIVE SUMMARY OF REPORT

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the tree covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the tree covered by the Order to lapse.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- 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	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- The Order was made on the 26 May 2016. The Order was made and personally served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the tree is situated on the 26 May 2016. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the tree make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that its removal would have a significant impact on the environment and its enjoyment by the public.

6. No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, the tree covered by the Order without first having obtained lawful permission.

IMPLICATIONS OF REPORT

7. 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

1. If the tree were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

COMMENTS OF THE MONITORING OFFICER

2. The legal effect of the order and the consequences of breach are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	28 June 2016	106793

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No 2 (Euxton) 2016

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No 2 (Euxton) 2016

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 26th day of May 2016

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]

.....]
 Authorised Signatory



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in red on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Opposite 7 and 8 Balshaw Avenue, Euxton, Chorley, PR7 6HY to the north of Balshaw Lane



Chorley BC TPO 2 (Euxton) 2016

1:750

