

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 13TH SEPTEMBER 2016, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 MINUTES OF MEETING TUESDAY, 16 AUGUST 2016 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 5 - 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 (Customer and Digital) has submitted thirteen 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 16/00036/FUL - SPRING COTTAGE, RIVINGTON LANE, RIVINGTON, BOLTON, BL6 7SB**

(Pages 9 - 16)

- B 15/00215/OUT/A - 59 CHURCH STREET, ADLINGTON, CHORLEY**

(Pages 17 - 30)

- C 15/00216/OUT - 59 CHURCH STREET, ADLINGTON, CHORLEY**

(Pages 31 - 44)

D	16/00374/FULMAJ - LAND 80M NORTH OF SWANSEY LANE AND BOUNDED BY THE ELMS, SWANSEY LANE, WHITTLE-LE-WOODS	(Pages 45 - 58)
E	16/00678/P3PAJ - INLAND REVENUE, LINGMELL HOUSE, WATER STREET, CHORLEY, PR7 1EJ (TO FOLLOW)	
F	16/00452/OUTMAJ - THE MILL HOTEL CHORLEY, MOOR ROAD, CROSTON (TO FOLLOW)	
G	16/00612/FUL - PLAYING FIELD TO REAR OF HOUSES, GREENSIDE, EUXTON (TO FOLLOW)	
H	16/00667/FUL - LAND TO THE SOUTH WEST OF RICMARLO, PRESTON NOOK, ECCLESTON	(Pages 59 - 74)
I	16/00420/FUL - CHURCH FARM, HIGH STREET, MAWDESLEY, ORMSKIRK, L40 3TD (TO FOLLOW)	
J	16/00655/FUL - FIVE ACRES PLANT CENTRE, FIVE ACRES, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EE (TO FOLLOW)	
K	16/00737/FUL - TOWN LANE FARM, TOWN LANE, HESKIN	(Pages 75 - 90)
L	16/00516/S106A - LAND SURROUNDING HUYTON TERRACE, PREVIOUSLY BALLY PLACE FARM, BOLTON ROAD, ADLINGTON	(Pages 91 - 96)
M	16/00686/S106A - LAND SOUTH OF CUERDEN FARM AND WOODCOCKS FARM AND LAND NORTH OF CATON DRIVE, WIGAN ROAD, CLAYTON-LE-WOODS	(Pages 97 - 102)
4	ENFORCEMENT REPORT - NOOK FARM Report of Director (Customer and Digital) enclosed.	(Pages 103 - 106)
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 Counce, 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>

This page is intentionally left blank

**MINUTES OF DEVELOPMENT CONTROL COMMITTEE****MEETING DATE Tuesday, 16 August 2016**

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

RESERVES: Councillor Gordon France

OFFICERS: Paul Whittingham (Planning Services Manager), Caron Taylor (Senior Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillors Paul Walmsley and Alan Whittaker

16.DC.207 Minutes of meeting Tuesday, 26 July 2016 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 26 July 2016 be approved as a correct record for signature by the Chair.

16.DC.208 Declarations of Any Interests

There was one declaration of interest declared:

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

16.DC.209 Planning applications to be determined

The Director of Customer and Digital submitted six 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 14/00881/FUL - Brinscall Hall Barns, Dick Lane, Brinscall

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

Registered speaker: Margaret France (ward councillor).

RESOLVED (11:2:0) – That planning permission be approved, subject to conditions detailed in the report.

b 16/00380/OUTMAJ - Land Surrounding 89 Euxton Lane, Euxton

Councillor Gordon France returned

Registered speakers: Philip Preston (objector) and Duncan Mackay (Agent)

RESOLVED (9:3:2) – That planning permission be approved, subject to conditions in the report as amended in the addendum and an associated Section 106 Agreement to secure the provision of affordable housing, public open space including the provision of allotment land and a financial contribution of £12,000 to enable Lancashire County Council to provide a range of travel planning services.

Councillor Gee proposed that the application be refused on grounds of overdevelopment. The motion was seconded by Councillor Gray. A vote was taken and the motion was lost (3:9:2).

c 16/00469/REM - Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane, Lancaster Lane, Clayton-Le-Woods

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

d 15/00216/OUT - 59 Church Street, Adlington, Chorley, PR7 4EX

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

e 15/00215/OUT/A - 59 Church Street, Adlington, Chorley, PR7 4EX

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

f 16/00036/FUL - Spring Cottage, Rivington Lane, Rivington, Bolton

Registered speakers: Brian Leigh-Bramwell (supporter), Councillor Kim Snape (ward councillor) and Rosie Gilgun (applicant).

RESOLVED (10:4:0) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

16.DC.210 Tree Preservation Order Number 2 (Euxton) 2016

Members of the Development Control Committee considered a report of the Director of Policy and Governance which sought formal confirmation of Tree Preservation Order No. 2 (Chorley) 2016 without modification.

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

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

16.DC.211 Appeals and Other Decisions

This item was withdrawn due a technical issue.

Chair

Date

This page is intentionally left blank

Agenda Item 3a**APPLICATION REPORT – 16/00036/FUL**

Validation Date: 1 June 2016

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

Location: Spring Cottage Rivington Lane Rivington Bolton BL6 7SB

Case Officer: Caron Taylor

Applicant: Mr David Jones

Agent: N/A

Consultation expiry: 13 July 2016

Decision due by: 19 August 2016

UPDATE

1. This application was deferred at the previous committee meeting to allow a site visit to take place. Members will be aware that the application seeks consent for the siting and use of the marquee until 13th September 2016. However, the applicant would still like the application to be formally determined by committee so that they can consider whether to submit a further application in the future.

RECOMMENDATION

2. That the application is refused.

SITE DESCRIPTION

3. The application site is a two-storey building and its grounds and is situated approximately 200m outside the village of Rivington within the Green Belt and within the boundaries of Lever Park. It is accessed via a private track off Rivington Lane. There is limited visibility of the building from the road as it is surrounded by trees with a small car park to the front.
4. The application is part retrospective as a marquee has already been erected on a raised area of hard surfacing (formerly a playground) to the rear of the property and is being used to hold a limited number of wedding receptions until 13th September this year. Some of these have already taken place, with others booked. The applicant advises they did not realise that permission was needed.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. Application for temporary erection of a marquee from mid-April to 13th September 2016 (marquee already erected) on the former playground area at the site, to be used for

wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

RELEVANT HISTORY OF THE SITE

6. In 2010 (re: 10/00487/FUL) permission was granted to use the building as part living accommodation and part café/gallery. Prior to this the building was used as a nursery school since 1990, with various planning applications relating to this use. Before this it was a dwelling.

7. REPRESENTATIONS

Five letters of support on the following grounds:

- We live on 300yds away and have found the business to be respectful to the area;
- Spring Cottage is private and therefore not overlooked by houses or visitors;
- Enterprises of this nature should be encouraged;
- The marquee is positioned on a tarmacked area that does not damage the land;
- The residents of Spring Cottage have assured us that there will be no impact on the environment and minimal noise;
- We have visited the property and viewed the marquee which lies within woodland and invisible to the visiting public;
- Previous weddings have taken place without local impact;
- The owners intend to employ local people (including our daughter) which will be positive for the village;
- Spring Cottage and the grounds have been renovated and hugely improved by the current tenants;
- We believe that such a property needs a function to prevent it returning to a state of unsightly decay;
- The marquee is sympathetic to its green surroundings;
- It is a canvas structure that could be removed at a moment's notice;
- It won't have any impact on Lever Park;
- The site should be required to sign post their access to prevent vehicles slowing on the road trying to work out where to turn off or travelling up other private drives by mistake.

8. Councillor Kim Snape has written in support of the application:
'I took the pleasure of visiting this business and the setting is far enough away from any properties to not be overlooked and thus unlikely to cause any problems to neighbours. In addition to that the family running the business are local residents of Rivington and care for the area and their neighbours in this vicinity and have much demonstrated the controls they have in place should any problems occur.'

Furthermore, previous to the family working on this property it was in an unworthy condition and as the council is strongly pushing an agenda of decreasing the number of long term empty and derelict properties this property fits into this agenda and is a great example of what can be done and I hope the council supports that.

In terms of the operations of the business I understand that the family have taken the liberty to pro-actively invite all stakeholders in the area, neighbours and local businesses to meet with them. Also they are working closely with the council's business support team. As a council and personally as a local Councillor this is the sort of business we should be encouraging and it's great to see a small family run local enterprise doing so well and eager to do more to support the community they are in.

From a highway perspective as parking is an issue in the village I also note they have parking provision so again this wouldn't impact on the village.'

CONSULTATIONS

9. Environmental Health

See body of report.

10. Lancashire Highway Services

See body of report.

PLANNING CONSIDERATIONSPrinciple of the Development

11. The site is in the Green Belt outside Rivington village.
12. As stated above a marquee has been erected on an area of hard standing to the rear of the building and a bar is available within the building itself (it is separated from the main building). The change of use of a building of permanent and substantial construction in the Green Belt is not inappropriate providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The use of the existing building associated with weddings is considered acceptable in principle.
13. Turning to the marquee that has been erected this is positioned on an area of hardstanding elevated approximately 2m above the level of the building on a former playground. The marquee will have been erected for approximately five months once the weddings finish in September.
14. Marquees can be considered a building operation in planning terms. Each case needs to be considered on its own merits considering its size, permanence and physical attachment as to whether a building operation has occurred or it is merely the placing of a 'chattel' on land.
15. The marquee measures 12m by 8m and 4.4m high so is of substantial size. Cases of marquees that have been found to be development demonstrate that a marquee does not have to be on site all year round when considering its permanence. The marquee will have been erected for approximately five months once the weddings finish in September. The marquee is fixed to the ground via a metal pad that is screwed into the ground that holds the uprights for the marquee. In addition it has an internal wooden interlocking floor laid over the existing tarmac. Considering these factors together it is considered the marquee does not have a fleeting character but falls to be considered as a building.
16. In accordance with the National Planning Policy Framework (the Framework) new buildings are inappropriate in the Green Belt unless they fall within one of the exceptions listed, which this would not. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
17. It is accepted that the proposal is a new business, the marquee has already been erected and some wedding receptions have already taken place. The Council always try to support new businesses where possible, both in planning terms and through its economic development team. The proposal would bring some economic benefits to the area. Approximately ten members of staff are employed over the summer on top of family members as well as supporting other local businesses who will be suppliers. This is given weight in the planning balance but it is not considered that they outweigh the harm to the Green Belt.

Design and Layout

18. The marquee is of a standard rectangular design with dual-pitched roof, constructed of white PVC type material and larger windows. The design is considered acceptable and the marquee is not readily visible from outside the site.

Layout and Neighbour Amenity

19. A number of wedding receptions have already been held in the marquee and grounds of the building. Chorley Council's Environmental Health Officer advises they have visited

the premises several times while they business has been operating and have seen the location and size of the marquee. There have not been any noise complaints to date.

20. The site is set within woodland approximately 200m outside the village of Rivington, which is considered likely to have low background noise levels particularly in the evening when weddings receptions are taking place.
21. The applicant advises that they would ensure that any music systems are plugged into their private system with a sound limiting device and nearby neighbours are supportive of the business. The applicant also states that they are aware that noise is not only measured by music and that they also need to make sure guests are respectful to neighbours when exiting each event. Music will be toned down from 11pm onwards to encourage guests to start getting ready to leave. As advised above, guests will be recommended to use taxis to leave Spring Cottage and they are more than happy to ring up taxi services to arrange this. Guests will be asked to leave quietly and will be reminded to be respectful to neighbours in the village should they pass through.
22. The site has a premises licence which is inclusive of recorded and live music. Although it is possible to limit the level of recorded music through a limiting device, live instruments such as drums cannot be as easily controlled and the nature of the marquee means that sound insulation measures are much less easily implemented.
23. Noise is also likely from people leaving the venue and the number of vehicles leaving together late in the evening, including the coming and going of taxis and mini-buses. It is considered this could cause a degree of harm to the peaceful character of the area.
24. Without any noise assessment having been submitted with the application it is not possible to fully assess that the proposal will not cause unacceptable harm to surrounding properties and the character of the area or whether appropriate mitigation measures can be put in place or not and the proposal is therefore contrary to Policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 which seeks, amongst other things, to ensure that proposals do not cause an unacceptable degree of noise disturbance to surrounding land uses.
25. This view is endorsed by the Council's Environmental Health Officer who states that the events may vary greatly in the type of entertainment provided, it would be therefore difficult to state whether an excessive disturbance would arise at nearby noise sensitive properties. They would therefore require an acoustic report to demonstrate whether the proposed activities would cause an excessive disturbance at nearby sensitive properties. The report should demonstrate the existing background noise levels, the nearest noise sensitive properties, the effect of the topography of the land and the mitigation measures that they intend to put in place to ensure it doesn't cause an excessive disturbance.

Highways

26. Lancashire County Council Highways advise that the existing site access is a Bridleway (BW7), which seems narrow but with good visibility and given its short distance from Rivington Lane, they advise that additional traffic due the proposal is of no major highway concern. They also advise, taking the current level of traffic flows on Rivington Lane and the surrounding highway network into account, it is not considered the proposal would negatively impact the highway network in terms of capacity and traffic generation.
27. The site has a small car park in front of the existing building. Policy ST4 of the Local Plan sets out the Council's parking standards, however the proposed use does not fall within any of the categories set out in the policy.
28. The application applies for use of the venue for up to 80 guests. The site allows parking for approximately 20 cars. Although it is noted that the applicant advises that they take measures to encourage car sharing and the use of minibuses, and it is accepted that

some guests will use taxis to and from the venue as they will be drinking, the Council cannot control or enforce this through conditions and it is likely that many guests will use private vehicles to attend the venue. The applicants cannot prevent people attending the venue arriving in their own vehicle. Parking in the immediate area of the venue is at a premium as the area is very popular with walkers and other visitors, throughout the week, but particularly at weekends. It is considered that the amount of parking available to the venue in relation to the capacity applied for leads to a risk of visitors parking on surrounding roads and tracks outside the application site where parking is already at a premium. In addition many of the tracks around the site are owned by United Utilities (as is the application site), rather than being adopted highway (though Rivington Lane is an adopted C-road), so the use of the surrounding tracks for parking could be prevented by the landowner.

29. Therefore although it is noted that LCC Highways do not object to the proposal it is not considered that the use of taxis as the main form of transport can be controlled by conditions or be required by the applicant of visitors and the Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and the proposal is therefore contrary to Policy EP3 and BNE1 of the Local Plan 2012-2026.

CONCLUSION

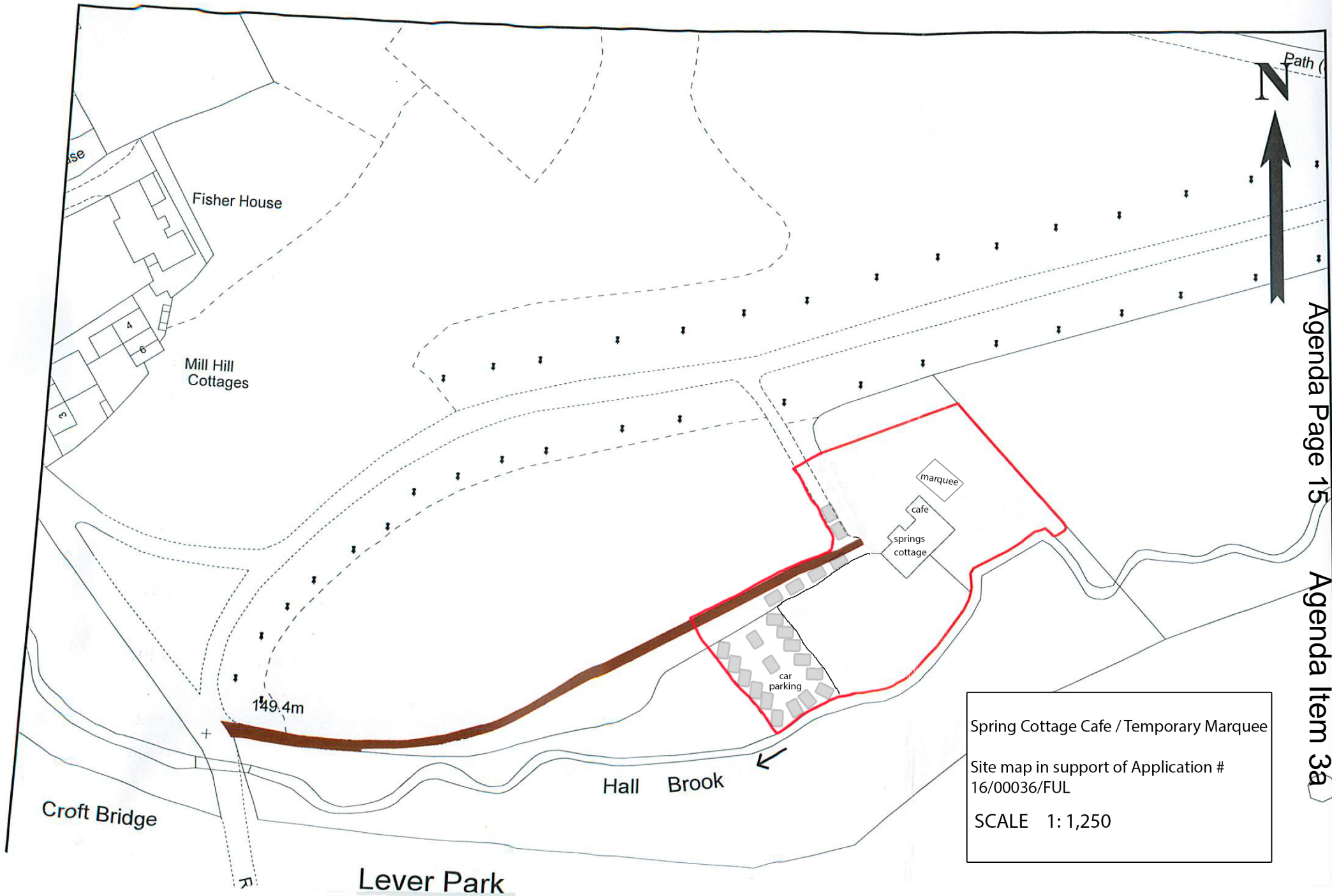
30. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that this is sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee.
31. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on the residential properties or the character of the area.
32. In terms of parking the venue has limited parking for the number of guests expected to attend and the Council cannot control through conditions (or the applicant cannot prevent) that guests do not visit the venue in private cars, or must car share. The Council are not therefore satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and this may lead to parking on surrounding roads, where parking is already at a premium, especially at weekends or on surrounding tracks not within the control of the applicant.
- 33. 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 Chorley Local Plan 2012-2026 unless material considerations indicate otherwise. Consideration of the proposals has also had regard to guidance contained with the National Planning Policy Framework (the Framework). The specific policies/ guidance considerations are contained within the body of the report.**

Reasons for Refusal

34. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee. The proposal is therefore contrary to the National Planning Policy Framework.
35. In addition the Council are not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on residential properties or the character of the area. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.
36. The Council are not satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site for the number of guests proposed and this may lead to parking on surrounding roads where parking is already at a premium, especially

at weekends, or on surrounding tracks not within the control of the applicant. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.

SPRINGS COTTAGE, RIVINGTON



Spring Cottage Cafe / Temporary Marquee
Site map in support of Application #
16/00036/FUL
SCALE 1:1,250

This page is intentionally left blank

Agenda Item 3B**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

This application was deferred from the previous development control committee meeting in order for a site visit to take place

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 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 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 Ascent 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.

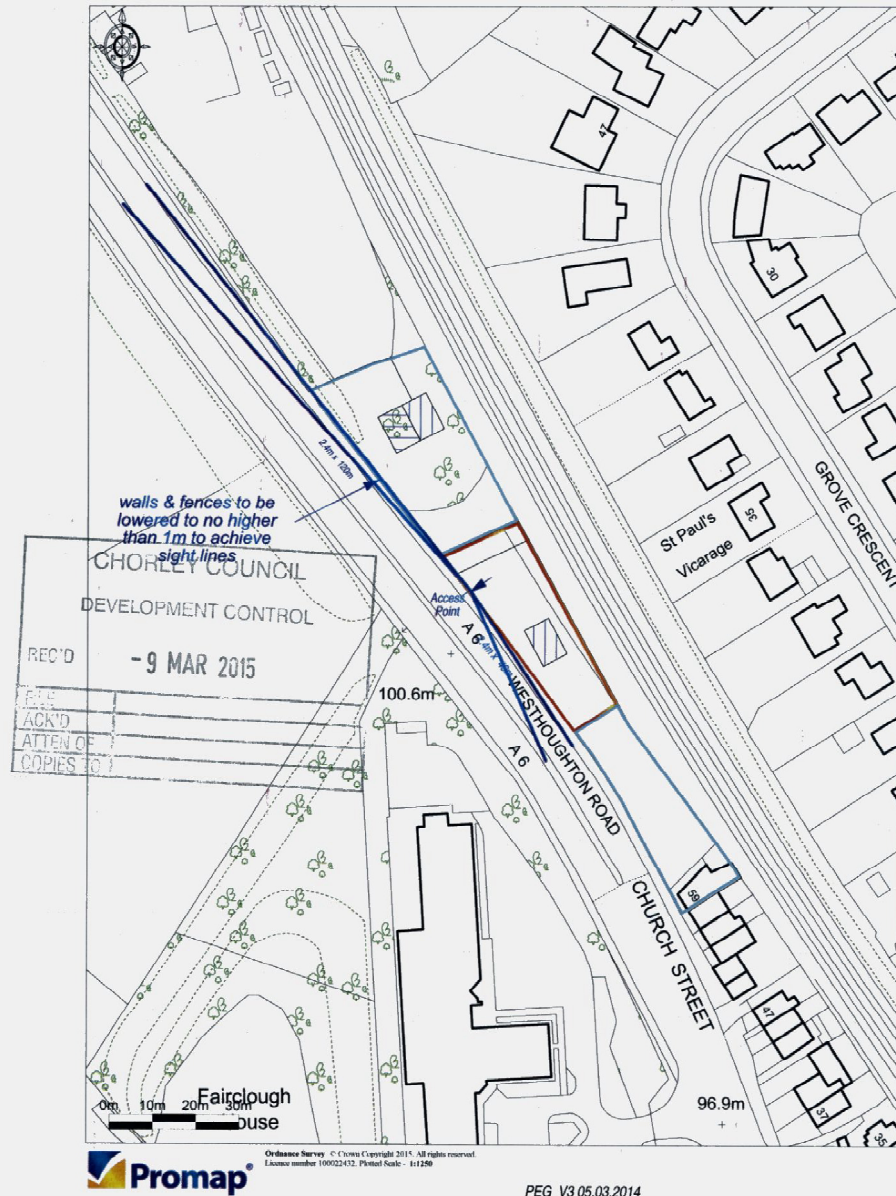
Reason: To protect the adjacent railway.

This page is intentionally left blank

15/00215/OUT

Deloc

59 Church Street Adlington



This page is intentionally left blank

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

This application was deferred from the previous development control committee meeting in order for a site visit to take place

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 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 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.

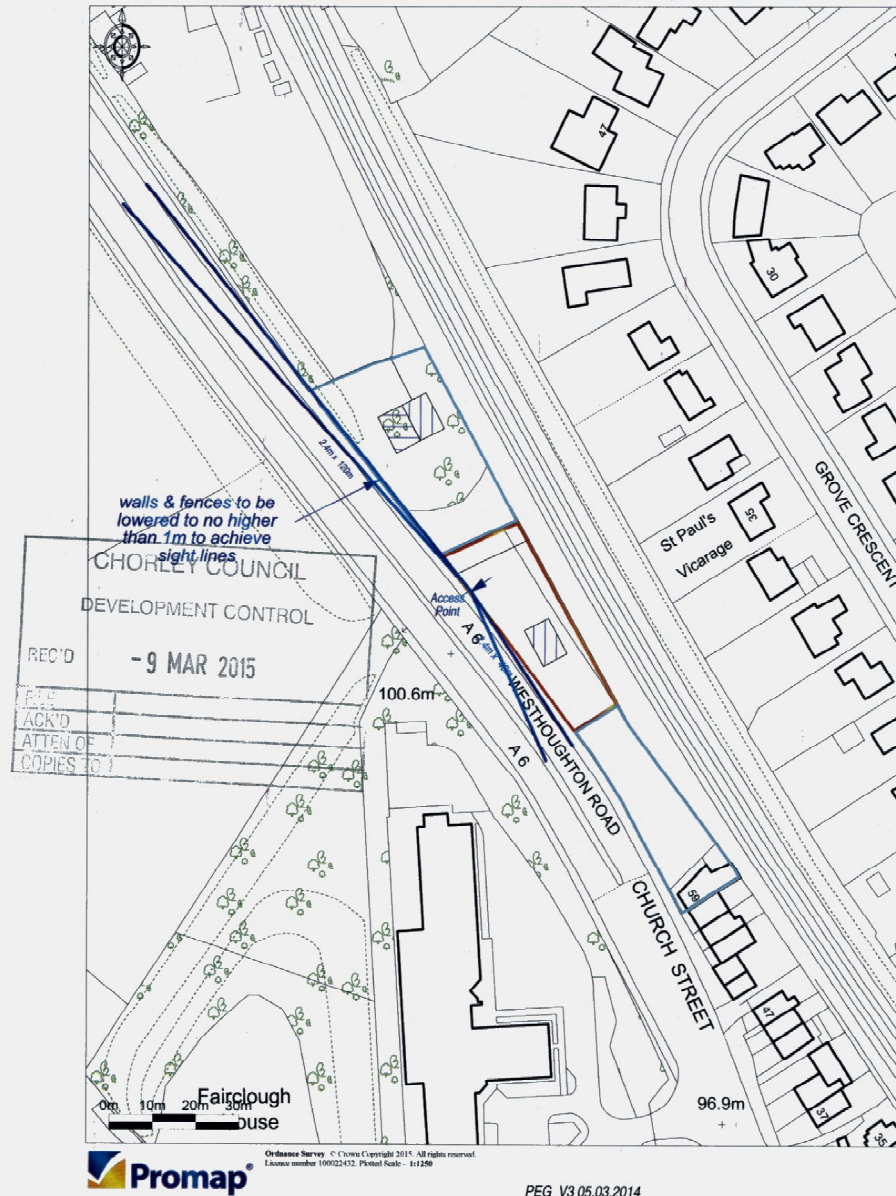
Reason: To protect the adjacent railway

This page is intentionally left blank

15/00215/OUT

Deloc

59 Church Street Adlington



This page is intentionally left blank

Item 3d	16/00374/FULMAJ
Case Officer	Iain Crossland
Ward	Clayton-le-Woods and Whittle-le-Woods Ward
Proposal	Erection of 33 dwellings including associated garages and infrastructure
Location	Land 80M North Of Swansey Lane And Bounded By The Elms Swansey Lane Whittle-Le-Woods
Applicant	Fellows Homes Ltd
Consultation expiry:	12 July 2016
Decision due by:	26 July 2016

Update

Members will recall that at the meeting of the Development Control Committee held on 26 July 2016 it was decided that determination of this application be deferred to allow officers to investigate and negotiate imposing an overage/clawback clause in a proposed Section 106 Agreement.

Further consideration has been given to the legal position of the ability to impose an overage/clawback mechanism within a S.106 agreement. In this case, the ability to impose a clawback mechanism is firstly subject to tests set out within the Community Infrastructure Regulations and secondly the National Planning Policy Framework and National Planning Policy Guidance (NPPG). The consequences of the legislation and guidance are that a clawback provision is a valid planning obligation but only in the limited circumstances in the NPPG, for example when larger sites are subject to phasing. If it is applied to short term or small scale developments it is not a valid planning obligation and there is no requirement for developers to complete the S106 agreement.

The advice is, therefore, that in the case of this application at The Elms and as set out in the original officer report, that the scheme has been fully assessed internally by property services as a fair appraisal of the scheme's viability and demonstrates that the scheme would be unviable to the developer if any more than three affordable units were to be provided, and he is unlikely to obtain the funding at the appropriate interest.

In addition, Members will recall that conditions were proposed by LCC Highways. The applicant intended to provide information to satisfy these conditions prior to the decision being issued. It was, therefore, recommended that the application be approved subject to the final wording of these conditions being delegated to the Director in consultation with the Chair and Vice Chair. Whilst the information has now been received from the applicant it is not yet possible to confirm the acceptability of this information and, therefore, it is recommended that the application is approved subject to the final wording of these conditions being delegated to the director in consultation with the chair and vice chair.

It should also be noted that Lancashire County Council have requested a contribution of £94,321.71 towards primary school places. Although the comments of the Education Authority

are noted, education is covered by CIL and the developer will pay CIL on the residential properties. No further evidence has been provided justifying their request, including with how the request meets the legal tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended), so it is not considered that the request can be sought from the development.

Recommendation

It is recommended that this application is permitted subject to a Section 106 Agreement.

Representations

Clayton-le-Woods Parish Council: Have commented that this application has below the normal percentage of affordable housing which would be allowed. It is hoped that this would be investigated and corrected if necessary.

No representations have been received.

Consultees

Consultee	Summary of Comments received
Waste and contaminated land officer	Have reviewed the phase 1 desk study and is satisfied with this. No objections are raised, provided that the development proceeds in accordance with the recommendations made in section 9.0 – particularly the proposed remediation in lieu of further investigation as detailed in Table 17.
Tree officer	The proposed development will not require the removal of any of the trees on the site, although T7 Sycamore, growing through the fence with severe lower stem curvature is not suitable for retention. A substantial number of trees included in the Arboricultural Assessment are located on neighbouring land.
GMEU	Comment that the acceptability of the principle of development has been established on the site and that there are no known reasons in terms of the present biodiversity features on site or policy direction which would preclude the development from proceeding to determination. A number of conditions and informatives are recommended to ensure that should the proposal receive permission it can be implemented to avoid infringement of the relevant wildlife legislation and to protect features of biodiversity value.
United Utilities	Have no objection
Chorley Council Strategic Housing	Under Chorley Council's Planning Policy on a site of 33 dwellings, 10 are required to be affordable. The mix required would be as follows: 7 x 2 bedroom 4 person houses for Social Rent 3 x 3 bedroom 6 person houses for Shared Ownership The properties should meet the Nationally Described Space Standards and all properties should be transferred to one Registered Provider taking into account the 'rent reduction' and lower offers the Registered Providers are able to make.
LCC Highways	LCC Highways raise no objection to the application and have made the following comments: The layout seems to have followed the principles of the Manual for Streets, as the design seems to have incorporated sufficient speed control measures and areas for turning; with attention given to servicing, delivery, waste collection and parking. For the development to be accepted for adoption under the Section 38 agreement of the Highways Act 1980 however, the layout must be designed and constructed to the Lancashire County Council Specification for Construction of Estate Roads. The highway works are to be carried out through the Section 278 agreement of the Highways Act 1980 and the applicant would be responsible for all associated costs.

AssessmentThe Site

1. The application site is an open area of grassland located within the settlement area of Clayton le Woods. The site is allocated for housing under policy HS1.30 of the Chorley Local Plan 2012 – 2026, and benefits from an extant permission for 32 dwellings (application ref.14/00199/FULMAJ), which was granted on 19th December 2014.
2. The site itself slopes from east to west down towards a watercourse at Carr Brook which lies outside the site boundary. There is a ditch draining into Carr Brook running east to west through the site to the south. The prevailing character of the locality is residential. There are traditional terraced houses to the south of the site at Swansey Lane and a more recent housing estate of detached and semi-detached dwellings at The Elms to the north side. There are a variety of house types and design styles along Chorley Old Road to the east of the site. To the west is a linear woodland. There are a number of trees outside the site boundary although there are no Tree Preservation Orders in force.
3. The current layout of The Elms includes a turnaround area to the east side of the site, but outside of the site area. The existing estate layout at The Elms appears to provide an access point to the site.

The Proposal

4. The proposed development is for the erection of 33no. detached dwellinghouses with associated garden curtilage and detached garages. It is proposed that 3 no. of these dwellings would be affordable units.
5. The proposed dwellings would have a traditional design with dual pitched roofs and gable features. There would be a range of house types across the site, enclosed gardens to the rear of the properties and open plan frontages with driveway parking to the sides and front. There would also be garage provision at some of the plots.
6. There would be areas of open space to the south and eastern sides of the site, and a footpath link between the estate and linear woodland to the west.
7. Vehicular access to the proposed estate would be from The Elms. There would be footways throughout the estate roads, with shared pedestrian/vehicular surfaces serving plots 14 to 16 and plots 17 to 24.

Assessment

The main issues are as follows:-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 – Impact on highways/access

Issue 4 – Ecology and trees

Issue 5 – Drainage and flood risk

Issue 6 – Public open space

Issue 7 – Affordable housing

Issue 8 – Sustainability

Issue 9 – CIL

Issue 10 – Other matters

Principle of the Development

8. 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.
9. Policy 1(d) of the Central Lancashire Core Strategy encourages some growth and investment to meet housing needs in Urban Local Service Centres such as Clayton-le-Woods and Whittle-le-Woods.

10. The application site is located in the core settlement area of Clayton-le-Woods, on an allocated housing site covered by Policy HS1.30 of the Chorley Local Plan 2012 - 2026. The development of housing on this site is therefore considered acceptable in principle.

Design and impact on the character of the area

11. The proposed layout involves the properties at plots 32 and 33 fronting onto The Elms. This would help to reinforce the pattern and character of the existing estate, contributing to the active street frontage, which integrates the scheme into the existing surrounding development. The existing layby at the east side of The Elms close to its junction with Chorley Old Road would remain, with an area of open space between this and the proposed development. A native hedge would be planted to the eastern boundary of the site in this location, which would maintain a soft edge to the development. This arrangement would help to maintain the existing vistas across Whittle-le-Woods as the site slopes away from The Elms.
12. Within the site the layout has three small cul-de-sacs, which most of the properties are located within, radiating off a central access road. To the south of the site, the area to the south of the brook is to be left as public open space with properties facing onto the brook.
13. The access from The Elms would use an existing access point into the land that was created when the existing properties on The Elms were built, that is currently unused and terminates at the boundary of the site.
14. The design of the properties would be in the form of six different house types, a mixture of mews, semi-detached and detached, all of which are two-storey. The dwellings would have a traditional appearance and would be faced in red/orange facing brickwork with grey roof tiles to reflect the existing local vernacular and character. Features such as art stone heads and sills and projecting brick dentil courses would be applied to the elevational treatments to introduce stone and detail elements also seen throughout the locality.
15. The arrangement of the dwellings on entering and leaving the proposed development is such that the frontages of dwellings would occupy prominent positions. There is a wide range of properties in the immediate area which are predominantly two-storey and the design and layout is considered acceptable in accordance with Policy 17 of the Core Strategy.
16. The properties would all have garden areas providing sufficient storage for bins. It is noted that covered ginnels have been designed into the mews arrangements, thereby avoiding the need for circuitous rear access ginnels, whilst providing access to storage areas for bins. This makes more effective use of space that can be better managed within private curtilages, removes potential hiding places and reduces the distance to rear area for residents.
17. In terms of the site density the application site area is slightly smaller than the HS1.30 allocation (1.18ha as opposed to 1.3ha) as the application excludes the small crescent shaped area of land and associated highway in the north east corner of the site. The proposal equates to a density of 28 dwellings per hectare. The September 2012 Density Assumptions Technical Paper, which formed part of the Local Plan evidence base, indicated a density of 27.5 dwellings per hectare in the Swansey Lane area density sample. The dwellings to the south on Swansey Lane that back onto the site are terraced properties and so are at a higher density, however the developments beyond that to the south and to the north of the site are more modern developments and the proposal is considered in keeping with them. The proposal is therefore considered in keeping with the surrounding development and in accordance with Policy 5 of the Core Strategy.

Impact on neighbour amenity

18. The application site is surrounded by existing residential development on all sides, apart from to the west. Amended plans have been received as part of the application process.
19. The front elevations of 1 and 3 The Elms are situated at a higher level relative to the site and would be located over 30m from the nearest proposed dwellings, which exceeds the Council's interface distances.

20. Plots 1-7 would back onto 46-51 The Elms. The distances between facing rear windows between plot 6 and 46 The Elms and plot 5 and 47 The Elms are slightly short at 20m rather than 21m, however, numbers 46 and 47 are sited at a slight angle and the windows would not therefore directly face one another. The distance between plot 2 and 49 The Elms is slightly short at 19m rather than 21m, however, the properties are off set and therefore the windows would not directly face one another. This is also the case between plot 1 and 50 The Elms, whereby windows would not directly face one another.
21. Plots 31-33 would have windows facing north towards 34-37 The Elms. These are two-storey semi-detached properties. Plot 31 would have a side elevation (that has first floor bedroom windows in) facing north and plots 32 and 33 would have front elevations facing north, also with first floor bedroom windows in. The properties comply with the interface distances apart from plot 33 where there is 17m between the first floor windows in number 34 and the single first floor window in this property. This is, however, considered an acceptable relationship as number 34 is approximately 0.5m higher than the proposed property and also because this is not an unusual relationship between windows in properties facing one another on opposite sides of a street, where the relationship is less private than rear windows and has an intervening road.
22. To the south of the site the terraced properties on Swansey Lane back onto the site. They have a rear yard area and then an alleyway separates the property from its rear garden. The proposed properties on the south part of the site are set back from the boundary on the north side of the brook. There is over 30m between the first floor windows of the proposed properties and the boundaries with the rear gardens of the properties on Swansey Lane, which far exceeds the Council's interface distance.
23. Number 221 Chorley Old Road is a dormer bungalow that backs onto the east of the site. There would be a row of three mews and two semi-detached properties on plots 17-21 that back onto this property. There would be approximately 9.5m at the closest point between the rear windows of these properties and the boundary with no. 221, however, the proposed properties would be approximately 3m lower on the site than no. 221 and this is therefore considered an acceptable relationship.
24. Number 67 Swansey Lane is a semi-detached property to the south of plot 17. There would be approximately 11m between the first floor windows of no. 67 and the gable end of plot 17, however the gable end of plot 17 would only overlap the bottom of no. 67 by a small amount and the proposed property is due north so it would not result in any overshadowing to this property. This relationship is therefore considered acceptable.
25. In terms of the interface distances between the proposed properties, these are considered to be acceptable taking into account the level changes across the site.
26. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

Impact on highways/access

27. The application site would have its main access from The Elms. The access point is currently in place off the existing road but terminates at the entrance to the application site. No comments have been received from Lancashire County Council Highways, although it is noted that no objection was raised to the previous extant planning permission with the same access.
28. The plans demonstrate that an appropriate level of off street parking provision would be made in line with policy ST4 of the Chorley Local Plan 2012 – 2026. The application is considered acceptable in relation to parking, subject to a condition requiring the integral garages being maintained for parking.
29. The County Council Highways Engineer previously raised the issue of the external connectivity of the site i.e. its non-vehicular links with its surroundings. They suggested a link be provided between no. 65 and 67 Swansey Lane. Subsequently a footpath was added to the scheme linking the site with the footpath/green corridor to the west of the site that runs north to south and allows a shorter route from the development to Preston Road via Swansey Lane. This link would also be

provided as part of the proposed development. The applicant can only provide the link within the site up to its boundary i.e. the land within their control, but a commuted sum is proposed to be secured by a Section 106 agreement to allow the Council to provide the link from the application site boundary to the existing footpath, as this land is owned by Chorley Council. It is considered with this link the application is acceptable in terms of external connectivity. It is not considered necessary to also improve the existing footpath between 56 Swansey Lane and 217 Chorley Old Road as part of the development as the proposed link to the footpath to the west of the site would provide the quickest route to Preston Road.

30. A commuted sum is also proposed to be secured through a Section 106 agreement for the bus stop and kerb works.
31. The proposal is therefore considered acceptable in terms of traffic and transport.

Ecology and trees

32. An ecological appraisal accompanies the application, which has been reviewed by the GMEU Ecologist. They advise that there are no known reasons in terms of the present biodiversity features on site or policy direction, which would preclude the development from proceeding to determination. A number of conditions and informatives are recommended to ensure that should the proposal receive permission it can be implemented to avoid infringement of the relevant wildlife legislation and to protect features of biodiversity value. The proposal is therefore considered acceptable in relation to ecology subject to conditions.
33. The applicant's tree survey confirms that no trees need to be removed to facilitate the proposed development and it is not proposed that any significant trees are removed.

Drainage and Flood Risk

34. The site is not in Flood Zone 2 or 3 but is over 1 hectare in size so requires a Flood Risk Assessment. This has been submitted with the application. The Environment Agency have stated that they have no comment to make on the current application and no response has been received from the Lead Local Flood Authority (LLFA).
35. The site was previously reviewed by the Environment Agency, who stated in relation to on and off-site flooding they are satisfied the development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the recommendations in the Flood Risk Assessment are undertaken. This includes limiting the surface water run-off generated by the 1 in 100 year plus climate change critical storm so it would not exceed the run-off from the undeveloped site and finished floor levels of the dwellings are set no lower than 0.15 metres above ground levels. These recommendations were carried through to the FRA report supporting this application.
36. The Environment Agency also recommend a condition requiring a surface water drainage scheme to be submitted and approved in writing as they reviewed the Preliminary Drainage Layout which states that the storm water storage estimates are for a 30 year return period storm event and they would expect this to be greater.
37. A surface water drainage scheme has been submitted as part of the application and has been accepted by United Utilities on the basis that the discharge rate is limited to 8.4litres/sec on the proposed development. A condition is recommended to control this.
38. Subject to the above conditions the proposal is considered acceptable in this respect.

Public Open Space (POS)

39. 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.
40. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make a contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Affordable Housing

41. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites in urban areas such as this. Three of the dwellings proposed are to be affordable, which equates to 11%. Although this is below the policy requirement, the applicant has submitted a viability statement demonstrating that the build costs, in addition to the CIL requirement, the commuted sum contribution towards POS and building to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations, in combination with the anticipated selling prices of the private properties, the provision of more than three affordable dwellings would render the development unviable. The viability statement demonstrates that even when providing three affordable units, the developer's profit would be lower than market levels. The viability statement submitted by the applicant has been assessed and verified by the Council's surveyor, as a fair assessment of the scheme's viability and demonstrates that the scheme would be unviable to the developer if any more than three affordable units were to be provided, and he is unlikely to obtain the funding at the appropriate interest.
42. It is noted from the Council's viability assessment that it may be possible to provide one additional affordable unit if no commuted sums were required. However, it is considered that the proposed development strikes a reasonable balance in terms of the planning gain that would be achieved with the development as proposed, the dwellings would be built to a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations, a full commuted sum contribution would be made towards the offsite provision/improvement of POS, whilst some affordable housing for social rent would be provided. Any affordable housing would need to be secured through a Section 106 legal agreement.

Sustainability

43. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

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

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

44. Given this change, instead of meeting the code level the dwellings should achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by a condition.

Community Infrastructure Levy

45. 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.

Education contribution

46. LCC Education services

Overall Conclusion

47. The application is recommended for approval subject to conditions and a Section 106 agreement.

Planning Policies

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

Planning History

Reference	Description	Decision	Date
14/00199/FULMAJ	Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).	Approved	19 December 2014
85/00741/FUL	Proposed residential development on 0.67 acres of land	Withdrawn	23 December 1985
80/01099	One form entry junior and infant school	Approved	18 November 1981

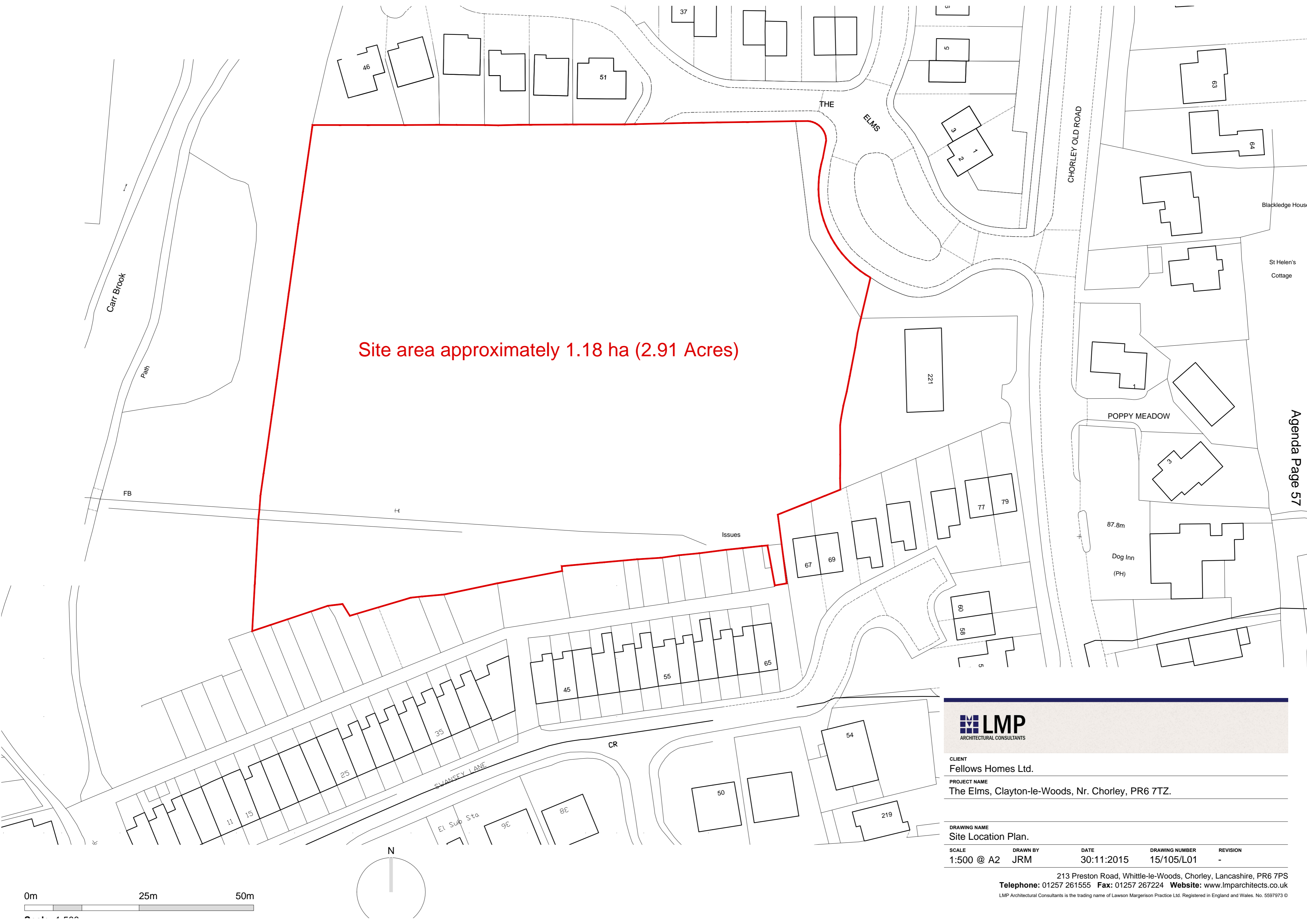
Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2.	The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s). Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.
3.	The integral and detached garages hereby approved on plots 1, 10, 11, 14, 15, 16, 25, 26, 27, 28, 29, 31, 32 and 33 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation. Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking
4.	Foul and surface water shall be drained on separate systems. Reason: To secure proper drainage and to manage the risk of flooding and pollution.
5.	The surface water drainage scheme must be in accordance with the Non-Statutory

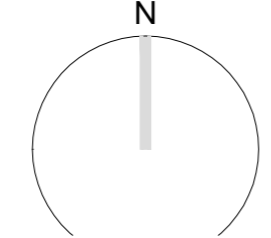
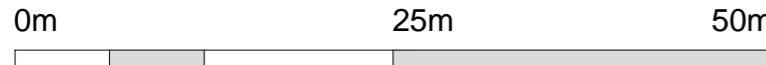
	<p>Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 8.4l/s.</p> <p>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</p>
6.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor in the following elevations hereby permitted:</p> <ul style="list-style-type: none"> • Plot 1 north elevation • Plot 9 south elevation <p>Reason: To protect the amenities and privacy of the adjoining properties.</p>
7.	<p>During the construction period, all trees to be retained within the site or on the site boundaries shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.</p> <p>Reason: To safeguard the trees to be retained.</p>
8.	<p>The footpath link approved plan ref: 15/105/P01 Rev.E in the southwest corner of the site shall be constructed prior to construction of the 20th dwelling on the site hereby permitted.</p> <p>Reason: To ensure a footpath is provided for residents of the site to reduce walking time to Preston Road.</p>
9.	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p>Reason: Nesting birds are a protected species.</p>
10.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality</p>
11.	<p>The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality</p>
12.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
13.	<p>Due to the proposed sensitive end-use (residential housing & gardens), the development hereby permitted shall be carried out following the remediation of the site in full accordance with the measures stipulated in the Phase 1 Desk Study (16-03-20 Revision 0) and in accordance with in section 9.0 – particularly the proposed remediation in lieu of further investigation as detailed in Table 17.</p> <p>Reason: To ensure that the site is safe for habitation.</p>
14.	<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</p>

	<p>conformity with the approved details prior to substantial completion of the development. Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>															
15.	<p>The parking and/or garaging and associated manoeuvring facilities for each dwelling shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015). Reason: To ensure provision of adequate off-street parking facilities within the site.</p>															
16.	<p>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.</p>															
17.	<p>The development shall be completed in accordance with the approved details and SAP assessments (Standard Assessment Procedure) received 17 June 2016 and 30 June 2016 demonstrating that the dwellings will meet 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. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>															
18.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate. 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.</p>															
19.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Title</th> <th style="text-align: left;">Drawing Reference</th> <th style="text-align: left;">Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>15/105/L01</td> <td>22 April 2016</td> </tr> <tr> <td>Proposed site layout</td> <td>15/105/P01 Rev.E</td> <td>19 August 2016</td> </tr> <tr> <td>Proposed landscaping plan</td> <td>5207/01 Rev E</td> <td>04 July 2016</td> </tr> <tr> <td>Phase I Desk Study</td> <td>16-03-20 Revision 0</td> <td>20 June 2016</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location plan	15/105/L01	22 April 2016	Proposed site layout	15/105/P01 Rev.E	19 August 2016	Proposed landscaping plan	5207/01 Rev E	04 July 2016	Phase I Desk Study	16-03-20 Revision 0	20 June 2016
Title	Drawing Reference	Received date														
Location plan	15/105/L01	22 April 2016														
Proposed site layout	15/105/P01 Rev.E	19 August 2016														
Proposed landscaping plan	5207/01 Rev E	04 July 2016														
Phase I Desk Study	16-03-20 Revision 0	20 June 2016														

Proposed drainage layout	1533/01 Rev.C	31 August 2016
Proposed materials schedule	15/105/M01	20 June 2016
Anderton Type 2H790	15/105/P11	30 June 2016
Anderton Type 3H790	15/105/P10	30 June 2016
Anderton Plots 17-19	15/105/P12	30 June 2016
Anderton Plots 22-24	15/105/P13	30 June 2016
Coppice Type 3H923	15/105/P08	30 June 2016
Coppice Type 3H923 plots 30 and 31	15/105/P09	30 June 2016
Proposed Twin Garage	15/105/G04	30 June 2016
Anderton Type 2H706	15/105/P02	22 April 2016
Whittle Type 3H832	15/105/P03	22 April 2016
Coppice Type 3H882	15/105/P04	22 April 2016
Clayton Type 3H912	15/105/P05	22 April 2016
Houghton Type 4H1183	15/105/P06	22 April 2016
Withnell Type 4H1328	15/105/P07	22 April 2016
1800mm Brickwork Screen Wall	15/105/EW01	22 April 2016
1800mm Timber Screen Fence	11/093/EW02	22 April 2016
1800mm High Party Fence	15/105/EW03	22 April 2016
1800mm High Gate	15/105/EW04	22 April 2016
Proposed Single Garage	15/105/G01	22 April 2016
Proposed Single Garage	15/105/G02	22 April 2016
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		



Site area approximately 1.18 ha (2.91 Acres)



LMP
ARCHITECTURAL CONSULTANTS

CLIENT
Fellows Homes Ltd.

PROJECT NAME
The Elms, Clayton-le-Woods, Nr. Chorley, PR6 7TZ.

DRAWING NAME
Site Location Plan.

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:500 @ A2	JRM	30:11:2015	15/105/L01	-

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
 Telephone: 01257 261555 Fax: 01257 267224 Website: www.lmparchitects.co.uk
 LMP Architectural Consultants is the trading name of Lawson Margerison Practice Ltd. Registered in England and Wales. No. 5597973 ©

This page is intentionally left blank

Agenda Item 3h**APPLICATION REPORT – 16/00667/FUL**

Validation Date: 25 July 2016

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of 3no. Dwellings and Associated Works.

Location: Land To The South West Of Ricmarlo Preston Nook Eccleston

Case Officer: Andrew Williams

Applicant: Mr Michael Reilly

Agent: Mr Joshua Hellawell

Consultation expiry: 15 August 2016

Decision due by: 19 September 2016

RECOMMENDATION

1. Approve subject to conditions and legal agreement.

SITE DESCRIPTION

2. The site is located on a cul-de-sac within a predominantly residential area. There is an existing detached two storey dwellinghouse adjacent to the access to the site that has been renovated and extended (15/00523/FUL) and which is set within a large curtilage. The application relates to the land outside the residential curtilage of this property which forms a gap between the property itself, Ricmarlo, and the adjacent dwellings to the north west. The land slopes down to the south-west from Preston Nook with the neighbouring properties to the north and eastern aspects set an elevated position.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development involves the erection of three five bedroomed detached dwellinghouses on land to the rear of Ricmarlo with a new accessway off Preston Nook.
4. It is envisaged that the dwellings will be constructed in brick with stone cills to the fenestration under gable ended artificial slate pitched roofs.
5. House Type A will be sited to the south-western portion of the application site and consists of a two storey property incorporating an integral double garage to the principal side elevation with first floor accommodation above and a modest single storey rear projection.

6. House Type B is formed over two storeys with gable projection to the principal elevation and a subservient integral double garage to the side with first floor accommodation within the roofscape and flat roofed dormer window.

CONSTRAINTS

Ancient Woodland Buffer
SSSI Impact Risk Zones
Wind turbine consultation zone

RELEVANT HISTORY OF THE SITE

Ref: 14/00550/OUT Decision: PERFPP Decision Date: 11 August 2014
Description: Outline application (all matters reserved) for the erection of up to three detached dwellings.

Ref: 15/00719/FUL Decision: PERFPP Decision Date: 3 November 2015
Description: Erection of three 2.5 storey detached dwellings with garages along with construction of new accessway

REPRESENTATIONS

7. One letter of representation has been received from the occupier of a neighbouring property detailing the following points:
 - The plan of the land being developed shows a red line indicating the extent of the boundary. This is incorrect and as such part of the development is on land that does not belong to the applicants; and
 - The housing is considerably larger than previous applications and consideration should be given to overlooking adjacent property and gardens. Given the large amount of space available to the developers no house need face or overlook any adjacent property or garden built or in the proses of being built.

Council response to the representation made:

- The applicant has subsequently amended the red line boundary to the eastern section of the proposed development adjoining Woodview as shown on Dwg.1210-PL-03A dated July 2016.
- The impact of development upon the amenities of neighbouring properties is discussed in detail within the amenity section of this report.

CONSULTATIONS

8. **Eccleston Parish Council** – No response received.
9. **Council's Tree Officer** – Comments that the majority of the tree cover is situated on or close to the perimeter of the site. Some tree management/maintenance work has been identified within the submitted tree survey report and it is considered that the proposed development will not affect the trees within the site.
10. **Lancashire Highway Services** – No objection.
11. **Greater Manchester Ecology Unit** – No objection subject to biodiversity enhancements and protection of existing vegetation and waterways during construction.
12. **Environment Agency** – No objection subject to a condition requesting that the development shall be carried out in accordance with the approved Flood Risk Assessment.
13. **Lead Local Flood Authority** – No response received.
14. **Lancashire County Council Public Rights Of Way** – No response received.

15. **The Coal Authority** – Standing advice – low risk.

16. **Lancashire County Council Archaeology Service** – No objection subject to a condition requesting that prior to the development taking place a programme of archaeological work is first submitted to and agreed in writing by the Local Planning Authority.

PLANNING CONSIDERATIONS

Principle of development

17. Both outline planning permission (2014) and full planning permission (2015) has previously been granted for three dwellinghouses on this site and as such the acceptability of the principle of development has been established.

18. The site is located within the settlement area of Eccleston as identified within the Adopted Local Plan. Policy V2, Settlement Areas, of the Local Plan identifies that development within settlement areas may be for an appropriate use such as housing, offices, community facilities or Green Infrastructure. This should be read in conjunction with other policies and proposals in the plan and with Core Strategy Policy 1: Locating Growth. Within Core Strategy Policy 1 Eccleston is identified as a Rural Local Service Centre where limited growth and investment will be encouraged to help meet local housing and employment needs and to support the provision of services to the wider area.

Siting, Scale and Design

19. Policy BNE1 of the Chorley Local Plan 2012-2026 indicates that planning permission will be granted for new development provided that:

- a) The proposal does not have a significantly detrimental impact on existing building, neighbouring buildings or on the street scene by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, materials, orientation and use of materials;
- b) The development would not cause harm to any neighbouring property by virtue of overlooking overshadowing or overbearing effect;
- c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area;
- d) The residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic or provision of car parking;
- e) The proposal would not adversely affect the character or setting of a listed building, conservation area or heritage asset;
- f) The proposal would not have a detrimental impact on important natural habitats and landscape features;
- g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses; and
- h) The proposal includes measures to help to prevent crime and promote community safety.

20. The application site is situated on the edge of the village of Eccleston with the surrounding built form characterised by its traditional architectural detailing and simple fenestration patterns. This can be seen through the mixture of brickwork and rendering to the elevations under predominantly gable ended pitched roofs. It is also noted that neighbouring properties are largely positioned amongst accommodating curtilages delineated by established treelines or 2m high boundary fencing panels.

21. The proposed development involves the construction of three two storey properties which utilise the topography of the land to reduce the impact of development upon the street-scene. The density, scale and massing, siting, layout and building to plot ratio assimilates to neighbouring developments with corresponding materials used to provide uniformity whilst

sympathetically integrating and contributing towards the local distinctiveness of the area. In this regard it is considered that a material schedule can be secured via a planning condition.

22. The red edge site location plan covers an area in excess of 0.4 hectares which results in a density of fewer than 10 dwellings per hectare. Policy 5 of the Core Strategy confirms that the authorities will secure densities of development which are in keeping with local areas and which will have no detrimental impact on the amenity, character, appearance, distinctiveness and environmental quality of an area, consideration will also be given to making efficient use of land. In this regard 10 dwellings per hectare is a very low density however given the character of the area and the site level constraints this density is considered to be appropriate and reflects the character of the area.
23. The proposal is therefore considered acceptable in relation to criteria a) and c) of Policy BNE1 of the local Plan.

Levels

24. There are significant level changes across the site with the edge of the residential curtilage to Ricmarlo sloping down steeply to the application site. From this point a gabion wall will be incorporated into the scheme to the east of Plot 3 followed by a retaining wall to Plot 2 and a further gabion wall basket retaining wall to the rear of Plots 1 and 2 with steps down to a lower garden level.
25. The resulting level differences from the proposed entrance site to the lower garden level to the south-west is approximately 7 metres with site levelled to accommodate Plots 1 and 2 with a finished floor level for these two plots of approximately 1-1.5 meters higher than current ground level.

Impact on Neighbouring Amenity

26. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.
27. The immediate neighbours to the site are Twisted Chimney, 1 Ince Lane, 12 Ince Lane, Ince Cottage, 16 Enfield Close, Ricmarlo, Woodview and Ricmarlo.
28. Twisted Chimney is a large detached dwellinghouse which was granted planning permission in May 2000 and has a finished floor level of approximately 30.07. This is approximately 5 metres higher than the suggested road level and that of Plot 1. It is, therefore, considered that the elevated land level along with dense vegetation at the boundary ensures that the proposal will not create loss of privacy to the detriment of the amenities of the residents of Twisted Chimney.
29. Additionally the orientation of the proposed dwellings ensures that any private amenity space associated with the new dwellings will not be overlooked from Twisted Chimney.
30. 1 Ince Lane and Ince Cottage are a pair of semi-detached dwellings adjacent to the site. The finished floor level is approximately 30.84 which is approximately 2 – 2.5m higher than the indicated road level in this part of the site. As there is no housing development proposed within this part of the site it is not considered that this relationship will adversely impact on the existing or future residents.
31. 12 Ince Lane is located to the west of the application site however this property is not visible from the application site given the dense vegetation which is shown as being retained and as such it is not considered that the proposal will adversely impact on the occupiers of 12 Ince Lane.

- 32.16 Enfield Close is located close to the indicated access junction away for the proposed new dwellings and as such it is not considered that the proposed development will adversely impact on the amenities of the occupiers of 16 Enfield Close.
33. Ricmarlo is the property fronting onto Preston Nook. Plot 3 is located to the rear of Ricmarlo. The side elevation of Plot 3 is approximately 19 metres from the main rear elevation of Ricmarlo and approximately 3.5 metres lower in terms of finished floor levels. Given the level difference there would normally be a requirement to maintain 26 metres from the rear elevation of Ricmarlo to the side gable of the proposed dwelling (taking the standard 12 metre window to gable distance and increasing the spacing distance to take into account the level change). In the case of this relationship, this distance is not maintained, however given the significant level difference, Ricmarlo will not face a blank gable wall and will view half of the first floor level and the lower roof of Plot 3. Also taking into account the orientation of the proposed property (to the west of the existing dwelling) the space retained between the two properties is considered to be acceptable.
34. Woodview is an existing detached bungalow neighbouring Ricmarlo to the western boundary. Plot 3 backs onto the garden area of Woodview and has a finished floor level which is approximately 4 metres lower than Woodview and as with the other properties within this area the gardens slope down to Syd Brook. As such there is no significant land level change within the location of the proposed house when compared to the adjacent land.
35. At its closest point Plot 3 is sited approximately 6m from the boundary of the application site although the boundary is unusual as it is not straight. This does not meet the required 10m spacing standard, however at its closest point Plot 3 is sited approximately 12m from the edge of the existing hedgerow which delineates the garden boundary of Woodview which exceeds the Council's required 10m window to garden distance. Although the required 10m is not maintained in respect of the application site it is considered that in excess of 10m is maintained to the usable private rear garden area of Woodview. The distances maintained along with the dense vegetation in this part of the site ensures that the proposed development will not result in overlooking to the detriment of the neighbours amenities.
36. It is not considered that there would be any significant loss of amenity to the future occupiers of the proposed development and the proposal therefore complies with policy BNE1 of the Chorley Local Plan 2012 – 2026.

Flooding

37. The southern part of the site is located within Flood Zone 3 with the majority of this part of the site left undeveloped. It is however noted that part of the gardens to Plots 1 and 2 will be sited within the 1 in 1000 year flood risk event boundary.
38. In this regard the Environment Agency has been consulted as the application is supported by a Flood Risk Assessment.
39. Flood Zone 3 is defined as having a high probability of flooding within the Framework however the Environment Agency has concluded that the development would be safe for its lifetime without increasing flood risk elsewhere and have no objection subject to the development being in accordance with the submitted Flood Risk Assessment.

Highways and Traffic

40. It is noted that the access road would not be adopted however it is possible to have a private access road to serve three properties as proposed. The access road would slope down into the site with a level change of approximately 7 metres. Given the length of road proposed it is considered that the gradient will not result in an unsuitable access road however there may be issues in inclement weather. As this access road will be privately managed this issue can be addressed by condition.

41. All of the dwellings proposed are 5 bedroom properties which require 3 off road parking spaces each in accordance with policy ST4 of the Adopted Local Plan. All of the dwellings have a double garage which is large enough to accommodate two cars and driveway space sufficient for additional parking. As such the parking provision is considered to be acceptable.
42. The Lancashire Highways Authority raises no objection to the scheme.

Trees

43. Policy BNE9 of the adopted Chorley Local Plan 2012 – 2026 indicates that development proposals which would result in the loss of trees and/or involve inappropriate works to trees which make a valuable contribution to the character of the landscape will not be permitted unless mitigation measures are incorporated into the scheme to outweigh the harm caused.
44. The site is bordered by dense mature vegetation and in this regard the application is supported by a Tree Survey Report. The report identifies no trees of high or exceptional value, but a number of trees are deemed to have moderate value.
45. 36 individual trees, 6 groups of trees and 1 hedgerow have been surveyed. 17 individual trees and 1 group of trees were categorised as retention category B (which are trees of moderate quality with a remaining life expectancy of at least 20 years). The remainder of the individual trees, groups of trees and hedgerow were categorised as retention category C (which are trees of low quality with an estimated life expectancy of at least 10 years, or young trees with a stem diameter below 150mm) apart from 1 which is categorised as retention category U (which is trees of such a condition that they cannot be realistically retained as living trees in the context of the current land use for longer than 10 years.)
46. All of the higher quality trees are located on the periphery of the site and these are detailed to be retained. A TPO (TPO 4 (Eccleston) 2014) was placed on the trees identified as being retention category B. Two of the protected trees are located within the build area of Plot 1 and are unlikely to be retained as part of the development. To mitigate for the loss a replacement tree planting condition is recommended.

Ecology

47. Policy BNE10 of the adopted Chorley Local Plan 2012 – 2026 states *'that planning permission will not be granted for development which would have an adverse effect on a protected species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a protected species planning conditions or agreements will be used to:*
facilitate the survival of the individual species affected;
reduce the disturbance to a minimum; and
provide adequate alternative habitats to sustain the viability of the local population of that species.'
48. Due to the extensive tree cover on the site and the proximity of Syd Brook the application is supported by an Ecological Survey and Assessment. This has been reviewed by the Greater Manchester Ecology Unit and the following comments have been made as per the previous approval under 15/00719/FUL.

Birds

49. The trees, hedgerow and shrubs have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). The Ecologist recommends that works to trees should not be undertaken in the main bird breeding season (March to July inclusive).

Protection of Wildlife

50. A number of reasonable avoidance measures have been recommended within the report in order to protect any wildlife which may enter the site (5.2.1). The Ecologist has recommended that the method statement be adhered to during the construction and development phase.

Watercourses

51. The Ecologist has recommended that Syd Brook and ditch 1 should be protected during the construction and operational phase of the development. No building materials or surface water run-off should be allowed to enter the brook or ditch. The Ecologist has recommended that mitigation measures (following Environment Agency good practice), should be submitted to and agreed by the council and once agreed implemented in full.

Pond

52. Best practice states that there should be no net loss of ponds therefore if the development is allowed then the existing garden pond should be retained. If this is not possible then the Ecologist has recommended that the pond is moved into the new garden curtilage of the retained property. The movement of the pond should take place in the winter months when it would have the least ecological impact.

53. A small (8m²) garden pond was present on site at the time of the survey in March 2014 within the amenity grassland lawn behind the residential property however this has subsequently been removed from the site and notwithstanding this the pond is outside of the application site.

Trees

54. All trees to be retained on the site should be protected from the development to prevent damage to the root system.

Lighting

55. Artificial lighting can affect the feeding and commuting behaviour of bats. Bats are likely to use Syd brook and the retained trees on site for commuting and foraging. The Ecologist therefore recommends that any lighting (during construction and post development) be directed away from Syd Brook and any of the retained trees. The Ecologist recommends that prior to the commencement of the development a lighting plan should be submitted to and agreed by the council, once agreed the plan should be implemented in full.

56. Invasive Species

57. Also present on the site was the invasive Himalayan Balsam, Wall cotoneaster and Montbretia. It is an offence under the terms of the Wildlife and Countryside Act to allow these plants to grow in the wild. The Ecologist has recommended a condition to remove the invasive species from the site.

58. Biodiversity Enhancement

59. In line with Section 11 of the Framework, the Ecologist has recommended that opportunities for biodiversity enhancement be incorporated into the new development. These should include:

- Bat bricks and/or tubes within the new development
- Bat boxes
- Bird boxes
- Native tree and shrub planting
- Bolstering of hedgerows

60. As set out above the Ecologist is satisfied with the content of the submitted reports and considers that a favourable conservation status can be maintained subject to appropriate conditions. As such it is considered that the above tests have been engaged and satisfied.

Open Space

61. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. However, the current position for developments of 10 or less dwellings is that the only typology the Council may be justified in asking for contributions towards is provision for children/young people if there is a need for new equipment. There is currently a surplus of provision for children/young people in Ecclestone.

62. Where there is a surplus the approach is to seek contributions for improvements to existing sites if there are any sites within the accessibility catchment (800m) that are identified as low quality and/or low value. There is a site identified as low quality within the accessibility catchment of this site however the only improvement required is replacement safety surfacing. This is not considered to be a local issue that outweighs national policy and therefore a contribution towards the provision of public open space is not considered to be necessary in this instance.

Sustainable Resources

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

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

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

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

CIL

65. 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

66. The acceptability of the principle of erecting three dwellings on this site has already been established and as such the proposal is recommended for approval.

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 proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>Prior to the commencement of the development, due to the sensitive end-use of the development (residential housing with gardens), a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
3.	<p>The proposed measures given in section 5.2.1 of the ecological survey and assessment by ERAP Ltd (March 2014) for the avoidance of impacts on protected and priority species shall be implemented in full. In the event that great crested newt (or other protected species) is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.</p> <p>Reason: In the interests of maintaining a favourable conservation status of protected species on the site.</p>
4.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the occupation of the any of the dwellings hereby approved. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform and proposed finished levels. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality</p>

	design.
5.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality</p>
6.	<p>Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), including Himalayan Balsam, Wall cotoneaster and Montbretia, which occur on the site shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.</p> <p>Reason: In the interests of eradicating and ensuring that Invasive & Injurious Weeds are permanently removed from the site.</p>
7.	<p>All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations).</p> <p>Reason: In the interests of ensuring the continued protection of the trees on the site.</p>
8.	<p>External lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees) and or/ bird breeding places. In particular, in accordance with the submitted Ecological Assessment, no lighting shall directly illuminate the retained and protected trees and shrubs along the boundaries of the site and there shall be no lighting of the proposed bat habitat e.g. proposed roosting opportunities and proposed planting. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).</p> <p>Reason: In the interests of maintaining a favourable conservation status of bats on the site.</p>
9.	<p>The development hereby permitted shall only be carried out in accordance with the approved Supplementary Flood Risk Assessment and the following mitigation measures detailed within the FRA:</p> <p>1. Finished floor levels are set no lower than 22.90 metres above Ordnance Datum (AOD).</p> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>
10.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the properties hereby approved shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway),</p>

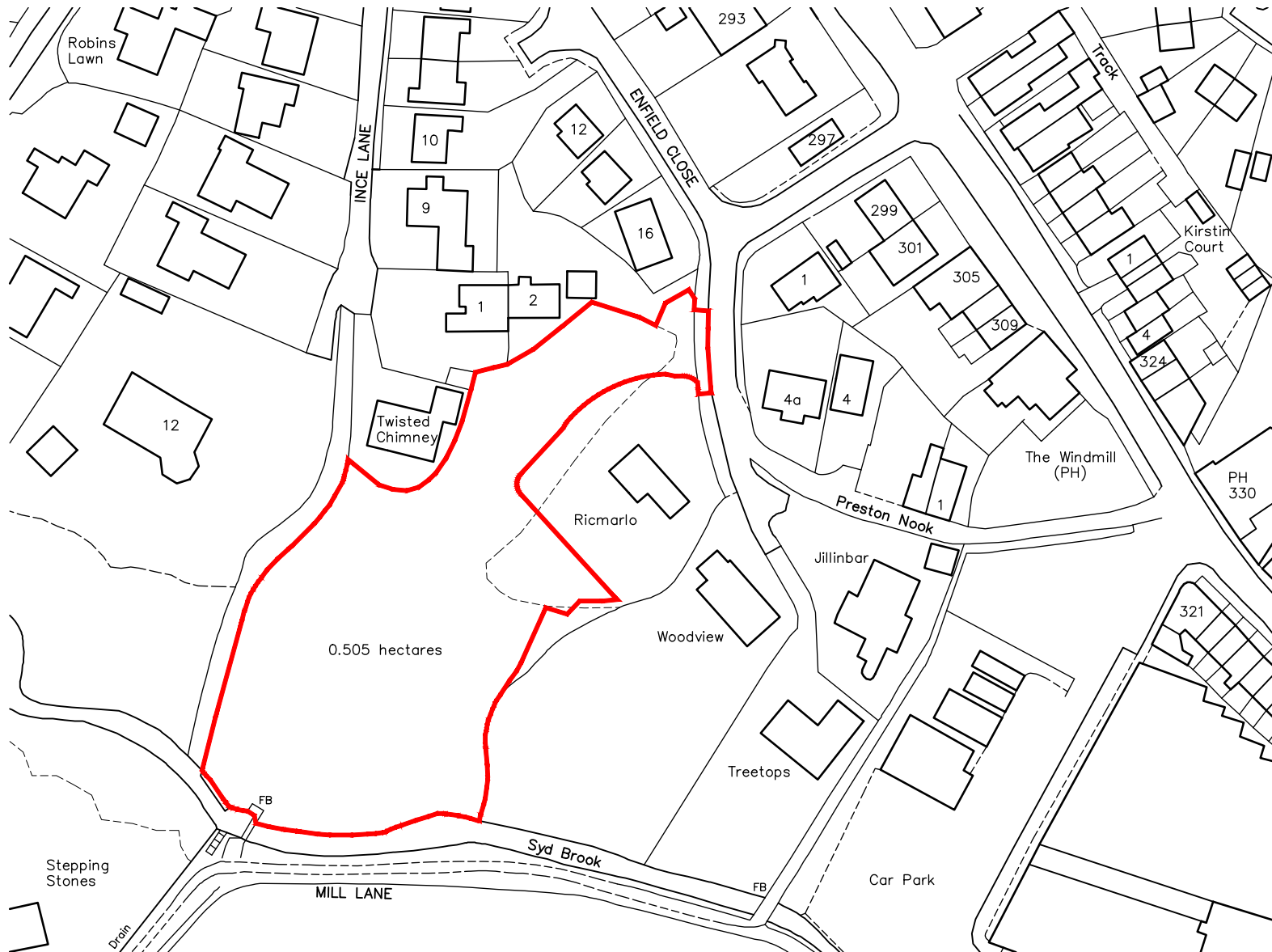
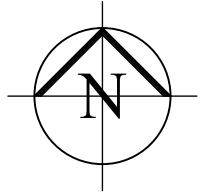
	<p>unless otherwise agreed to in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p>
11.	<p>Prior to the commencement of the construction of the dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
12.	<p>The new dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
13.	<p>Prior to the commencement of the construction of the dwellinghouses details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
14.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>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.</p>
15.	<p>Prior to the occupation of the dwellinghouses hereby approved full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the</p>

	<p>development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>																											
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p>Reason: In the interests of neighbour amenity.</p>																											
17.	<p>The development hereby approved shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>1210-PL-01A</td> <td>19th August 2016</td> </tr> <tr> <td>Existing site Layout</td> <td>1210-PL-02A</td> <td>19th August 2016</td> </tr> <tr> <td>Proposed Site Layout</td> <td>1210-PL-03A</td> <td>19th August 2016</td> </tr> <tr> <td>Proposed Site Sections</td> <td>1210-PL-10</td> <td>20th July 2016</td> </tr> <tr> <td>Proposed House Type A Floor Plans</td> <td>1210-PL-06A</td> <td>20th July 2016</td> </tr> <tr> <td>Proposed House Type A Elevations</td> <td>1210-PL-07</td> <td>20th July 2016</td> </tr> <tr> <td>Proposed House Type B Floor Plans</td> <td>1210-PL-08</td> <td>20th July 2016</td> </tr> <tr> <td>Proposed House Type B Elevations</td> <td>1210-PL-09</td> <td>20th July 2016</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	Title	Drawing Reference	Received date	Location Plan	1210-PL-01A	19 th August 2016	Existing site Layout	1210-PL-02A	19 th August 2016	Proposed Site Layout	1210-PL-03A	19 th August 2016	Proposed Site Sections	1210-PL-10	20 th July 2016	Proposed House Type A Floor Plans	1210-PL-06A	20 th July 2016	Proposed House Type A Elevations	1210-PL-07	20 th July 2016	Proposed House Type B Floor Plans	1210-PL-08	20 th July 2016	Proposed House Type B Elevations	1210-PL-09	20 th July 2016
Title	Drawing Reference	Received date																										
Location Plan	1210-PL-01A	19 th August 2016																										
Existing site Layout	1210-PL-02A	19 th August 2016																										
Proposed Site Layout	1210-PL-03A	19 th August 2016																										
Proposed Site Sections	1210-PL-10	20 th July 2016																										
Proposed House Type A Floor Plans	1210-PL-06A	20 th July 2016																										
Proposed House Type A Elevations	1210-PL-07	20 th July 2016																										
Proposed House Type B Floor Plans	1210-PL-08	20 th July 2016																										
Proposed House Type B Elevations	1210-PL-09	20 th July 2016																										
18.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p> <p>Reason: To safeguard the visual amenity of the area.</p>																											
19.	<p>Opportunities for biodiversity enhancement shall be incorporated into the new development. These should include:</p> <ul style="list-style-type: none"> • Bat bricks and/or tubes within the new development • Bat boxes • Bird boxes • Native tree and shrub planting • Bolstering of hedgerows <p>Prior to the commencement of the construction of the first dwellinghouse hereby permitted full details of the measures to be installed shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures.</p> <p>Reason: to ensure the continued protection of protected and their habitats and to maintain a favourable conservation status at the site.</p>																											
20.	<p>No tree/ vegetation removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has been first undertaken, submitted to and approved in writing by the Local Planning Authority</p>																											

	<p>which demonstrates the absence of nesting birds.</p> <p>Reason: To ensure the protection of any birds which may be nesting within trees/ vegetation which will be felled/ removed as part of the proposals.</p>
<p>21.</p>	<p>During the construction period temporary fencing shall be erected along the bank of Syd Brook and ditch 1 to protect the river corridor and prevent debris and construction material from encroaching into this area. Prior to the commencement of the development full details of the temporary fencing shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be retained during the construction and operational phase of the development in accordance with the approved details.</p> <p>Reason: To ensure the protection of Eller Brook during the construction period.</p>
<p>22.</p>	<p>The garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.</p> <p>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</p>
<p>23.</p>	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
<p>24.</p>	<p>Prior to the commencement of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.</p> <p>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</p>

This page is intentionally left blank

Preston Nook, Ecclestone, PR7 5TL



0 20m 40m 60m 80m



1:1250@A4 1210-PL-01A

Location Plan



The Studio 29 Bent Lane Leyland Preston PR25 4HP
Tel 01772 467404 E Mail info@pwlarchitects.com

This page is intentionally left blank

Agenda Item 3k**APPLICATION REPORT – 16/00737/FUL**

Validation Date: 15 August 2016

Ward: Chisnall

Type of Application: Full Planning

Proposal: Re-positioning of dwelling and 3 bay stable block approved under application 14/00982/FUL, and Lawful Barn under application 15/00340/CLEUD

Location: Town Lane Farm Town Lane Heskin Chorley PR7 5QA

Case Officer: Mrs Helen Lowe

Authorising Officer:

Applicant: Mr Howard Rose

Agent: Mr Chris Weetman

Consultation expiry: 6 September 2016

Decision due by: 10 October 2016

RECOMMENDATION

1. Approve subject to conditions and legal agreement

SITE DESCRIPTION

2. The application site consists of a yard that comprises livery stables, with a number of storage, shipping containers, a sand paddock and a large area of hardstanding. There is presently an access track that provides vehicular access to Town Lane which runs across land not owned by the applicant.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The current application proposes the re-siting of a number of buildings that all have an extant planning consent. These comprise:
 - A barn, granted approval under application 09/00065/FUL. A certificate of lawfulness was granted in 2015 (ref. 15/00340/CLEUD) to confirm that a lawful start on the development has taken place. The permission therefore remains extant and work could re-commence at any time;
 - A cottage and stables, both granted approval under application 14/00982/FUL. The principal of the development was considered to be acceptable as it constitutes the redevelopment of a previously developed site within the Green Belt that would not

have a greater impact on the openness of the Green Belt than the existing site. The volume of the buildings to be demolished is approximately the same as the proposed buildings. The existing building to be demolished is a livery stables. At the time of the site visit the use of this building appeared to have ceased and the roof had been removed.

CONSTRAINTS

Coal consultation zone
Green Belt
Parish
Wind turbine consultation zone

RELEVANT HISTORY OF THE SITE

Ref: 08/00824/AGR Decision: WDLPA Decision Date: 31 July 2008
Description: Erection of agricultural building for storage of hay and machinery,

Ref: 08/01208/FUL Decision: WDN Decision Date: 26 January 2009
Description: Erection of a 3 bay agricultural building

Ref: 09/00065/FUL Decision: PERFPP Decision Date: 30 March 2009
Description: Erection of an agricultural storage building (amended re-submission of application no. 08/01208/FUL)

Ref: 11/00069/FUL Decision: WDN Decision Date: 1 April 2011
Description: Proposed demolition of existing stables to be replaced by new stables.

Ref: 11/00713/FUL Decision: PERFPP Decision Date: 5 October 2011
Description: Erection of replacement stable building following demolition of existing stable building (Re-submission of application no. 11/00069/FUL)

Ref: 11/01101/CLEUD Decision: PEREUD Decision Date: 29 May 2012
Description: Application for a Certificate of Lawfulness for use of existing building as livery stables

Ref: 12/00274/DIS Decision: PEDISZ Decision Date: 3 April 2012
Description: Discharge of condition no. 2 (colour, form, texture of external materials including painting) of planning permission no.09/00065/FUL

Ref: 12/01105/FUL Decision: PERFPP Decision Date: 16 January 2013
Description: Application to remove condition no. 6 (which prohibited the business, trade and livery use of the building) of planning permission no. 11/00713/FUL (which permitted the erection of a replacement stable building following demolition of existing stable building) to enable the building to be used as a livery stables

Ref: 14/00982/FUL Decision: PERFPP Decision Date: 8 September 2015
Description: Demolition of existing stables and erection of detached dwelling, formation of new access and erection of stable block

Ref: 15/00340/CLEUD Decision: PEREUD Decision Date: 11 June 2015
Description: That a meaningful start has been made to planning permission reference number 09/00065/FUL for the erection of an agricultural storage building (amended re-submission of application number 08/01208/FUL) by the setting out and excavation of foundations and the laying of steel stanchion bases.

Ref: 15/01133/FUL Decision: REFFPP Decision Date: 20 January 2016

Description: Demolition of existing stables and storage buildings and erection of two dwellings (resubmission of application 14/00982/FUL)

An appeal against the refusal of this application has been dismissed.

Ref: 16/00084/DIS Decision: PEDISZ Decision Date: 3 March 2016
 Description: Application to discharge conditions 3 (drainage details), 9 (House Sparrow mitigation), 11 (Barn Owl survey), 13 and 16 (external facing materials), 17 (hard landscaping details), 18 (levels), 19 (landscaping details), 20 (Dwelling Emission Rate details) and 22 (scheme for the containment and storage of manure) attached to planning approval 14/00982/FUL

Ref: 16/00152/FUL Decision: PDE Decision Date:
 Description: Re-positioning of dwelling approved under application 14/00982/Ful and lawful barn under lawful development certificate 15/00340/Cleud and 3 bay stable block.

An appeal against non-determination of application 16/00152/FUL has been submitted and is currently awaiting determination. Members made a resolution following submission of the appeal that they would be minded to approve the application.

REPRESENTATIONS

4. Cllr Whittaker has made the following comments on the application:
 - *Siting of the stable.* The proposed siting is on a slightly elevated position in relation to the existing barn conversion, shown as THE Barn on the plans. This is visually intrusive to the residents of The Barn. Equally the manure created by the horses will presumably be "stored" adjacent to the barn with subsequent smell and fly nuisance. This is perhaps why the applicant is wanting to move it from the original siting ie away from the new (presumably his) property. It seems to me that the proposed stables could be easily located on the opposite side of the field access ie further away or indeed in the adjacent field.
 - *Height of the stable block.* I have scaled off the height of the stable block and it appears to be 16 M or 20ft approx to the ridge. This makes it very intrusive to The Barn and to the original farmhouse, again exaggerated by the higher ground on which it is proposed to be sited. I would wish to know why does it need to be so high. Other stables in the locality are much lower. Again I wonder why and I am cynical about future use ie conversion to a property as CBC have allowed at Horseman's Farm nearby. As we are aware the applicant has previously sought more than one dwelling on the site
 - *Drainage and foul.* The plan that I have seen is very confusing. How is the foul sewage and surface water going to be disposed of. Presumably there will be water/toilet in the proposed new barn and in the stable block. Please send me a detail of the proposals so I can discuss them with residents.

5. Two letters of objection have been received from neighbouring residents. They make the following comments:
 - Repositioning the stables may
 - When the stables are swilled out will there be adequate drainage which will prevent foul water flowing onto their land;
 - The drainage information submitted shows two dwellings;
 - Is the location of the septic tank acceptable?
 - The height of the stables is inappropriate;
 - The lawful barn has never been constructed, and at the moment there is no stable block other than the existing barn. All three buildings together may exceed the current footprint of the existing barn which is being demolished;
 - The three new buildings may have been given approval before as individual buildings, they now need assessing as a group. As a group because they are spaced out around the site, they will greatly affect the openness of the Green Belt and rural aspect;
 - The spacing of the buildings suggests that future development into residential dwellings may occur;

- Object to the permitted access which has still not been removed from the current planning application. As the applicant now has approved plans for its own access from Town Lane this will give them sole control of their gated access.
- Is this an appropriate application? An appeal is being considered by the Planning Inspectorate for the same application, the application duplicates what the Inspectorate are already considering.
- The re-positioning of the proposed stables to this more prominent position reduces the openness of the Green Belt Land from Walmsley's Farmhouse and Walmsleys Farm Barn reducing the amenity;
- It is a permanent building where no previous structure existed;
- The new position of the stables is closer to two existing dwellings than previously submitted;
- The area is not secure for livestock;
- Are the approved applications on this site still within the timescale for commencement and therefore still valid?

CONSULTATIONS

Lancashire Highway Services

Planning Policy

Planning Policy (Open Space) A commuted sum of £1,754 was paid in lieu of a s106 for application 14/00982/FUL. No further contribution towards open space is required.

Parish Council

PLANNING CONSIDERATIONS

6. It should be noted that this application is exactly the same as that submitted under application 16/00152/FUL. An appeal has been lodged with the Planning Inspectorate against the non-determination of this application within the target time period. This appeal has not yet been determined. Application 16/00152/FUL was reported to the development control committee in May, and then again in June following a member site visit. At that committee Members made a resolution that they would be minded to approve the application.

PRINCIPLE OF THE DEVELOPMENT

7. The application site is located within the Green Belt, where development is strictly controlled. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The fact that an extant consent exists for all the buildings proposed is considered to be a material consideration to which significant weight should be attached.
8. At present the approved plans locate the proposed stables within the south east corner of an existing sand paddock which bounds Town Lane. The barn is located just to the south of these stables (although a lawful start has been made, there is little visible above ground work, the commencement consisted primarily of the excavation for steel stanchions, steel reinforcement placement for steel stanchions and pouring of concrete basis for steel stanchions). The approved proposed cottage would be located just to the west of the livery stable to be demolished. It is understood that the dwelling was not located directly on the footprint of the building to be demolished in order to protect the amenities of the occupants of Walmsley's Barn to the east.
9. The current proposals would re-locate the proposed cottage within the sand paddock (which would then become the residential curtilage), the barn approximately on the footprint of the livery stables that are to be demolished and the stables to the south west corner of the application site.
10. Members will note that an appeal has been lodged in respect of the refusal for two dwellings at the site (ref: 15/01133/FUL). The position of the dwelling proposed as part

of this application is the same as one of the dwellings which is currently subject to the appeal with the other dwelling subject to the appeal located in the same location as approved dwelling on this site (Ref:14/00982/FUL).

11. In addition to the fact that consent exists for both the stables and barn elsewhere within the application site, it is considered that both buildings would not constitute inappropriate development within the Green Belt under the Framework. The stables are small scale and to be constructed from timber, in accordance with the Council's guidance in the Rural Development SPD and the barn is for agricultural purposes (storage of equipment). As neither of these elements of the proposal constitute inappropriate development within the Green Belt these two elements are considered to be acceptable in principle.
12. In respect of the new dwelling proposed as part of this application the construction of the new dwellings constitutes inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the "openness" of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
13. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'.
14. It is considered that in respect of the Framework the existing site has an impact on the openness of the Green Belt. However it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
15. The definition of previously developed land is set out in the Framework as land which is or was occupied by a permanent structure, including the curtilage of the developed land. Land that is or has been occupied by agricultural or forestry buildings is excluded from the definition and it is also emphasised that it should not be assumed that the whole of the curtilage should be developed.
16. Whether the proposed dwellings will have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.
17. The principle of a dwelling on the application site has been established by the previous grant of planning permission. The new dwellinghouse will be higher than the existing buildings on site however the width of the dwelling compared to the existing building will be smaller and the proposed dwelling will not have a greater volume than the existing building on site. Whilst the revised proposal would result in the dwelling being located further away from the footprint of the livery stables that are to be demolished when compared to the approved scheme, the revised location takes the dwelling closer to Town Lane with the associated residential curtilage occupying an area of land which has already seen some alterations (the sand paddock). This location does not result in the incursion of further built development into the open Green Belt land to the south and ensures that the built form on the site is retained within the existing established

curtilage. Taking these factors into consideration, it is not considered that the proposed development will have a greater impact on the "openness" of the Green Belt or have a greater impact on the purposes of including land in the Green Belt.

18. It has been noted that, if the current application were to be approved, it would be possible to implement both application 14/00982/FUL and the current application in part, potentially resulting in two dwellings being erected on the site. This can be overcome by attaching a legal agreement to the decision, whereby the applicant agrees not to implement both permissions. The applicant has indicated that they are willing to sign up to such an agreement and any positive recommendation would be subject to this legal agreement.

NEIGHBOUR AMENITY

19. The nearest residential property is Walmsley's Barn, located to the south east of the application site. The proposed revised siting would result in the proposed cottage being located further from this property. The south east facing elevation of the proposed dwelling would be approximately 40m from the front elevation (north facing) of Walmsleys Barn.
20. The proposed stables would be located approximately 34m from Walmsley's Barn and approximately 45m from Walmsley's Farm. This is in accordance with the guidance set out in the Council's Rural Development SPD. The stables would be adjacent to the boundary of land that appears to form part of the curtilage of Walmsleys's Farm, however, the property is surrounded by a significant amount of land and as stated above the stables would be a significant distance from the dwelling
21. A topographical survey of the existing site submitted with the previous application shows (16/00152/FUL) that the difference in ground levels between the area where the stables are proposed to be sited and immediately adjacent to Walmsley's Barn is approximately 0.6m. The proposed height of the stables is 4.6m. As this was considered to be acceptable under application 14/00982/FUL, it is not considered that the stables could be refused on this basis.
22. The proposed access from Town Lane is to be located within the same position as previously approved under application 14/00982/FUL. With regard to the access over neighbouring land this is a private matter between the neighbour and the applicant.
23. The drainage plan submitted with the application was incorrect. The applicant may choose to provide amended details, however if they do not these matters may be dealt with by way of condition. As can be seen of the proposed manure storage. The position of the septic tank would be dealt with under Building Regulations.

SECTION 106

24. There is a requirement for a financial contribution towards equipped play space, casual/informal play space and playing fields for all new housing planning permissions in the Borough irrespective of size. This is set out in policies HS4A and HS4B of the Local Plan.
25. In September 2013 the Council adopted The Open Space and Playing Pitch Supplementary Planning Document. The Council's requests for financial contributions towards the provision and improvement of public open space within the Borough are therefore now based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD. The Council has also produced an Open Space Study and Playing Pitch Strategy which provides detailed information on local needs, deficits and surpluses, therefore such requests for contributions are based on a robust and up to date assessment on the level of need and existing provision in the local area.

26. An open space commuted sum was paid in lieu of a section 106 agreement for planning permission 14/00982/FUL. Confirmation from the planning policy section that no further contribution is required is awaited and will be reported on the addendum

CIL

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

SUSTAINABLE RESOURCES

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

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

“Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance.”

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

CONCLUSION

30. It is not considered that the proposed changes to the layout of the site would cause a significant degree of harm to the openness and character of the Green Belt, in comparison with the layout as previously approved

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

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed 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		10 August 2016
Site plan	1405 SP 03. 1C	12 August 2016
Cottage Heskin Proposed Floor Plans	1405 P 20	12 August 2016
Stables	1405 ST	10 August 2016
Proposed agricultural building plans and elevations	TLF/PL/08/001C	10 August 2016
Cottage Heskin proposed elevations	1405 P21	10 August 2016

3. The stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.

Reason: To define the permission and in the interests of the visual amenities and character of the area.

4. Where use of the stables for the authorised purposes ceases for a period exceeding 6 months within 10 years of their substantial completion they, and the associated midden, menage and hardstanding, shall be removed from the field and the land restored to its former condition.

Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.

5. The existing livery stables building shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.

Reason: To safeguard the amenity of the locality.

6. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

7. The precautionary measures to ensure that impacts on bats are avoided as detailed in section 9.2.1.1 of the Bat, Barn Owl and Nesting Bird Survey at Town Lane Farm, Heskin (Envirotech NW Ltd, August 2014) shall be implemented in full during the course of the development and in accordance with the timescales specified.

Reasons: To ensure the development minimises the potential impact on bats.

8. All trees and hedgerows being retained in or adjacent to the application area shall be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction-Recommendations.

Reason: To safeguard trees and hedgerows during the course of development.

9. 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.

10. 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.

11. 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.

12. No vegetation clearance works, site preparation works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys have first been carried out by a competent ecologist which shows that nesting birds would not be affected.

Reason: In the interests of safeguarding nesting birds.

13. Prior to the commencement of the development hereby permitted, a scheme details how surface and foul drainage will be dealt with shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only thereafter be carried out in accordance with the approved drainage details.

Reason: To ensure the development has satisfactory drainage.

14. The development shall be implemented in accordance with the replacement nesting opportunities for House Sparrow to be installed in accordance with the letter from Envirotech dated 11th September 2015, received 27th May 2016. The approved details shall thereafter retained and maintained in accordance with the approved details and timescales contained therein.

Reasons: In the interests of safeguarding nesting opportunities for House Sparrows on the site.

15. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality.

16. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning

Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

17. A scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing prior to the commencement of the development. 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.

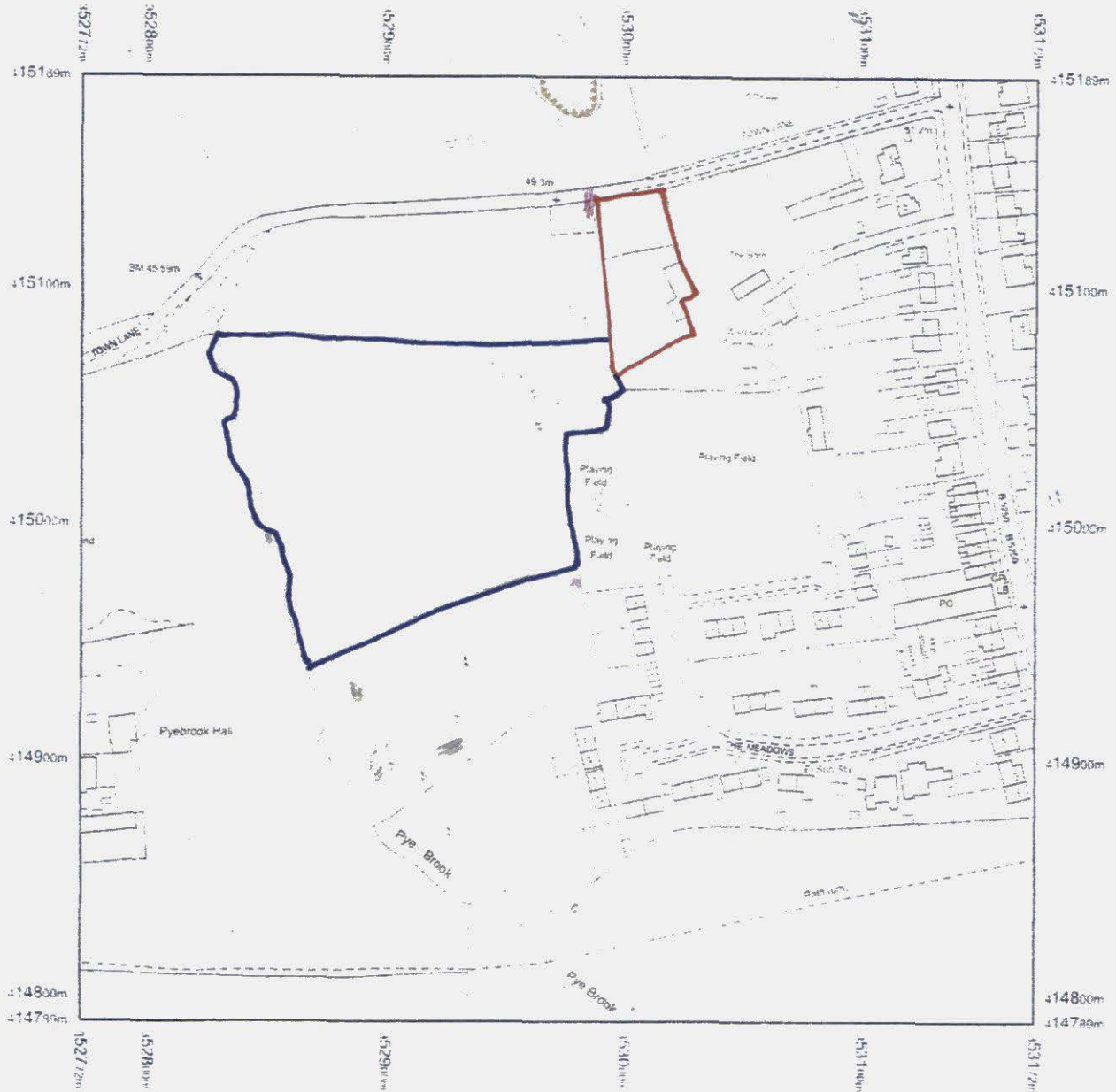
Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

18. No development approved by this permission shall be commenced until a scheme for the containment and storage of manure has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.

Reason: To prevent the pollution of the water environment.



OS Sitemap™



Produced 02 05 2008 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. © Crown Copyright 2008

Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey

Ordnance Survey and the OS Symbol are registered trademarks and OS Sitemap is a trademark of Ordnance Survey, the national mapping agency of Great Britain

The representation of a road, track or path is no evidence of a right of way

The representation of features as lines is no evidence of a property boundary



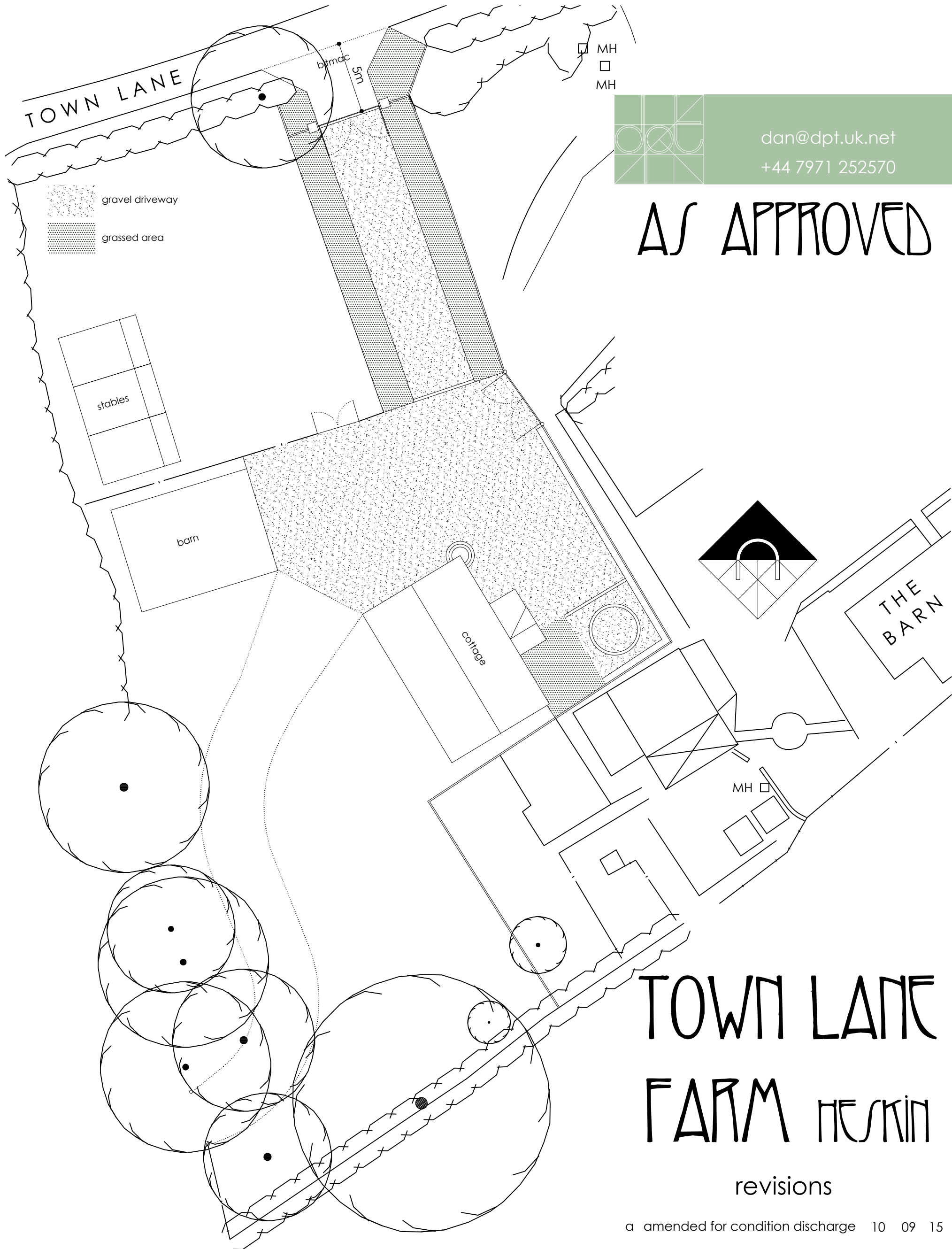
Supplied by Granthams
Serial number 00022100
Centre coordinates: 352972 5 414959

Further information can be found on the OS Sitemap information leaflet or the Ordnance Survey website

CHORLEY COUNCIL
DEVELOPMENT CONTROL

25 NOV 2015
DCLOE
15/0133/PUR

This page is intentionally left blank




 dan@dpt.uk.net
 +44 7971 252570

AS APPROVED

TOWN LANE
FARM HESKIN

revisions

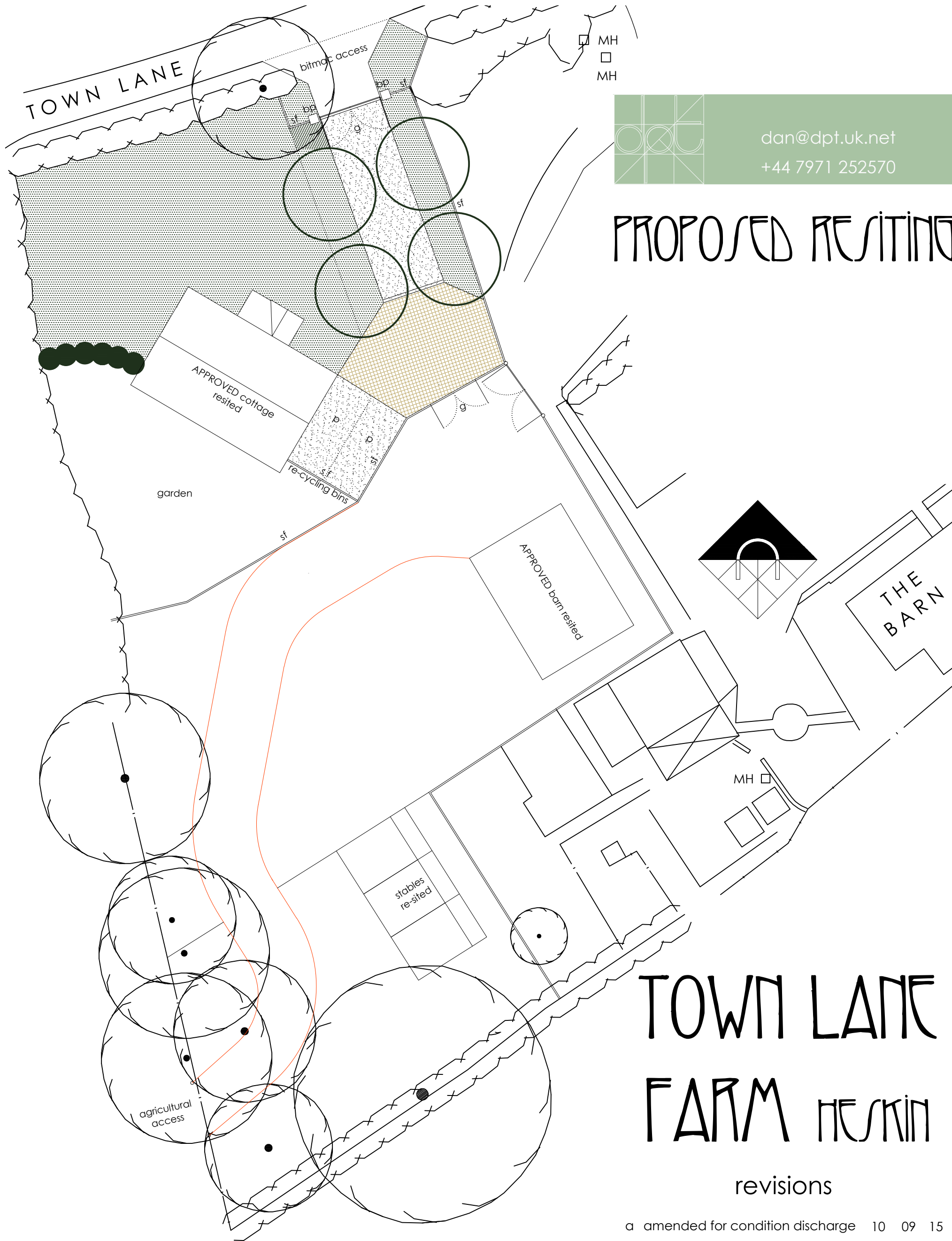
- a amended for condition discharge 10 09 15
- b amended for condition discharge 23 01 16

notes

This drawing is the copyright of **d p t** and no reproduction is allowed without prior written consent. The drawing is based on information provided by the client and all measurements are to be checked and verified on site. **DO NOT SCALE.** The drawing has been prepared on the basis that the client or his agent will prepare a full site and services appraisal to ensure that all existing services are located and any works take these into account.

SITE PLAN

date	10	09	15	drawing no			
scale	1 : 250			1405 SP 02.1			
drawn	d	p	t	a	b		



dan@dpt.uk.net
+44 7971 252570

PROPOSED RESITING

TOWN LANE FARM HESKIN

revisions

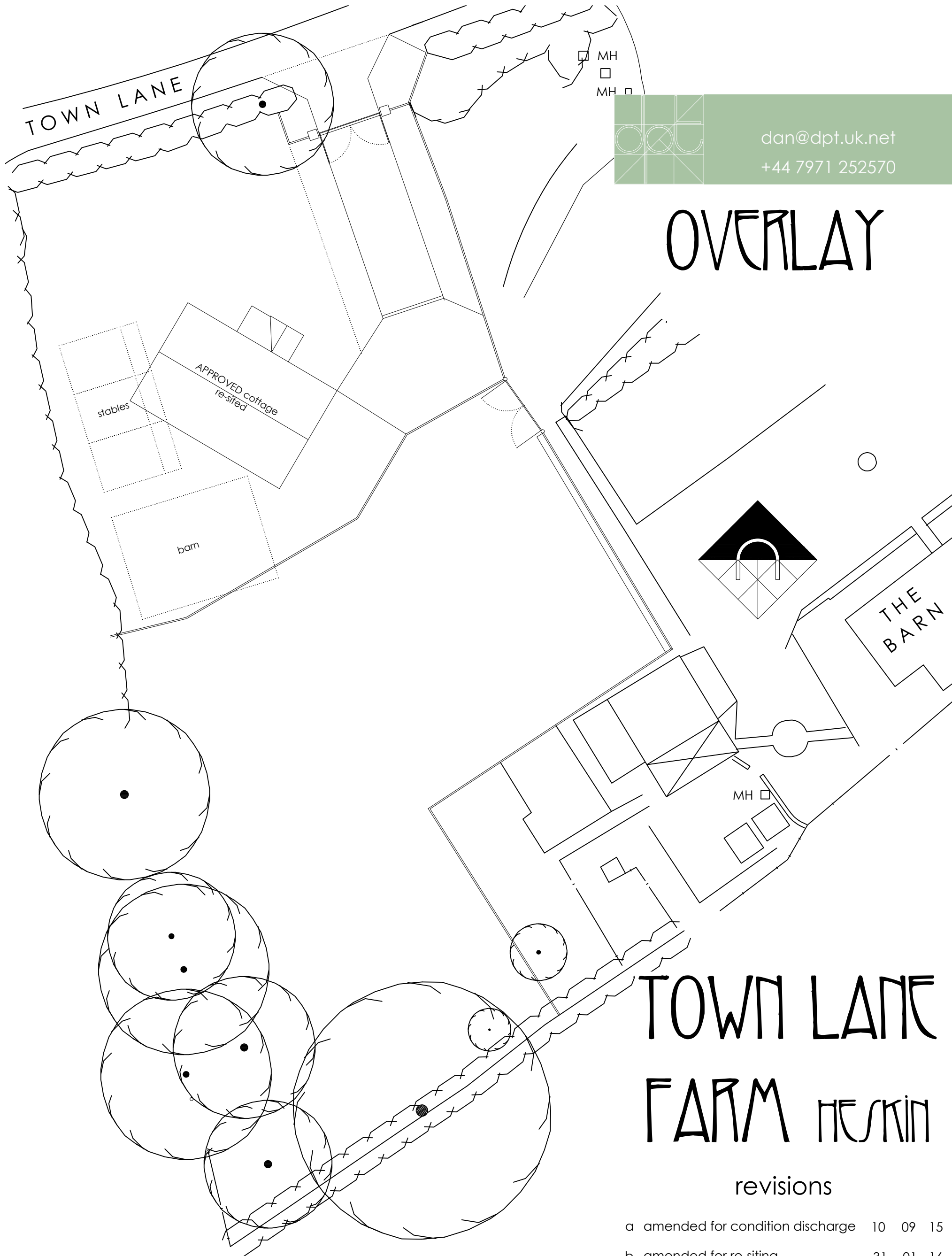
- a amended for condition discharge 10 09 15
- b amended for condition discharge 23 01 16
- c amended for re-siting 31 01 16

notes

This drawing is the copyright of **d p t** and no reproduction is allowed without prior written consent. The drawing is based on information provided by the client and all measurements are to be checked and verified on site. **DO NOT SCALE.** The drawing has been prepared on the basis that the client or his agent will prepare a full site and services appraisal to ensure that all existing services are located and any works take these into account.

SITE PLAN

date	10	09	15	drawing no			
scale	1 : 250			1405 SP 03.1			
drawn	d	p	t	a	b	c	



TOWN LANE FARM HESKIN

revisions

- a amended for condition discharge 10 09 15
- b amended for re-siting 31 01 16

notes

This drawing is the copyright of **d p t** and no reproduction is allowed without prior written consent. The drawing is based on information provided by the client and all measurements are to be checked and verified on site. **DO NOT SCALE.** The drawing has been prepared on the basis that the client or his agent will prepare a full site and services appraisal to ensure that all existing services are located and any works take these into account.

SITE PLAN

date	10	09	15	drawing no			
scale	1 : 250			1405 SP 02.3			
drawn	d	p	t	a	b		

This page is intentionally left blank

Agenda Item 31**APPLICATION REPORT – 16/00516/S106A**

Validation Date: 26 May 2016

Ward: Adlington And Anderton

Type of Application: Section 106 Amendment

Proposal: Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a unilateral undertaking dated 8th September 2015

Location: Land Surrounding Huyton Terrace Previously Baly Place Farm Bolton Road Adlington

Case Officer: Adele Hayes

Applicant: Stewart Milne Homes

Agent: N/A

Consultation expiry: None required

Decision due by: 25 August 2016

RECOMMENDATION

1. It is recommended that this request is accepted and the terms of the Unilateral Undertaking be amended.

SITE DESCRIPTION

2. The site is 7.3 hectares and is located to the south of Adlington outside of the defined settlement boundary. Outline planning permission was granted in August 2013 to erect 170 dwellings on the site with a subsequent application for reserved matters consent for 158 dwellings approved in September 2015. Development is currently underway.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Stewart Milne Homes are now seeking to modify the provision of the on-site delivery of affordable housing. The proposed change involves a reduction in the number of social rent units by 2no. 2 bedroom and 2no. 3 bedroom units to leave a mix of 15no. 1 bedroom apartments (plots 105-119); 6no. 2 bedroom homes (plots 45, 135, 136, 139, 142 and 143); and 8no. 3 bedroom homes (plots 44, 46, 134, 137, 138, 140, 141 and 144).

4. Given the lack of interest from Registered Providers it is also proposed to remove the Intermediate Housing (Plots 37-43, 50-53, 84-87 and 155-157) from the affordable housing provision and for these properties to be available for open market sale.

5. It is, therefore, proposed to pay a commuted sum of £391,693.50 before the occupation of the 28th Market Dwelling (25% of current total) and a further commuted sum of £391,693.50

before the occupation of the 56th Market Dwelling (50% of current total) in lieu of this on site provision.

6. All of the other obligations within the original Undertaking are not affected by this application.

REPRESENTATIONS

7. No representations have been received.

CONSULTATIONS

8. Strategic Housing – Have no objection to the proposed changes to the delivery of the affordable housing.

PLANNING CONSIDERATIONS

9. The Government wrote to all Local Planning Authorities last year advising that, following feedback by key partners, it is clear that housing associations are reviewing their existing financial commitments following the Budget 2015 announcement of reductions in social rents in the four years from 2016-17.

10. Section 106 agreements may be renegotiated at any time by mutual consent. Several developers have already approached the Council to renegotiate Section 106 Agreements to make adjustments to planned schemes, including the type of affordable housing provided.

11. The Government's planning guidance is clear that local planning authorities should be flexible in their requirements, taking into account specific site circumstances and changing circumstances.

12. Developers are already entitled to apply to modify any obligation over five years old. The Government has urged planning authorities to respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability. Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, it is the Government's view that this is unlikely to justify reopening viability by either side. Local authorities are asked to expedite such renegotiations so they can be dealt with in a timely manner, and avoid action which might result in unnecessary delay.

13. The implications of the Government imposed 1% rent reduction on social rented units is such that the developer is now seeking a reduction in the number of social rent units. Also, given the lack of interest from Registered Providers in the Intermediate Units, it is now proposed to pay a commuted sum instead.

14. Reserved matters consent (15/00506/REMMAJ) for the development of 158 dwellings on the site was granted in September 2015. The originally approved development included the provision of 30% affordable housing; 47 units - 33 social rented and 14 shared ownership.

15. However, since reserved matters approval was granted, Adactus Housing Group has had to rescind their original offer for the social rented units due to the implications of the Government imposed 1% rent reduction. Various options have been explored to find a solution, however, since recent budget announcements there has been clarity that with social rent, the rent reduction applies cumulatively; as well as annual decreases once the property is complete.

16. However, Adactus are still committed to providing affordable units on this site and have made a revised and reduced offer for 29 social rent units.

17. Adactus have also withdrawn their offer for the shared ownership units; due to being unable to gain internal approval. Competition from Help to Buy equity scheme makes shared ownership sale increasingly difficult for Adactus exposing them, they believe, to an unacceptable level of risk.

18. Stuart Milne Homes have sought interest from other Registered Providers operating in the Central Lancashire area. However, their offers were either lower than Adactus Housing Group or they did not wish to make an offer for the units.

18. Following discussions with the Council's Strategic Housing Team, it was agreed in principle to deliver the 14no. shared ownership housing off-site by way of a commuted sum. The commuted sum has been calculated using the 'Off-site provision' calculation in the Central Lancashire Affordable Housing SPD and this totals £783,387. This approach is considered to be within the Council's policy framework as the Affordable Housing SPD allows some flexibility where there are other policy objectives.

19. The significantly reduced offer for the social rent units has created cost implications for Stewart Milne Homes along with increased sales and marketing costs that will be incurred from the reversion of affordable units to the open market, an increased sales period, longer prelims and implications on cash flow. In order for them to maintain the net margin approved to purchase the site, a reduction of social rent units is required as detailed above.

CONCLUSION

20. It is recommended that the request to modify the Unilateral Undertaking is accepted approved.

CONSTRAINTS

**Chorley Core Area
Green Belt
Parish
SSSI Impact Risk Zones**

RELEVANT HISTORY OF THE SITE

Ref: 12/00082/OUTMAJ Decision: WDN Decision Date: 7 June 2012
Description: Outline planning application for the development of land to the south of Bolton Road, Adlington for the erection of up to no. 300 dwellings and associated open space with all matters reserved, save for access.

Ref: 12/00738/SCE Decision: PESCEZ Decision Date: 10 August 2012
Description: Screening opinion for the development of the land for up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.

Ref: 12/00741/OUTMAJ Decision: PEROPP Decision Date: 30 August 2013
Description: Outline application for residential development of up to 170 dwellings, demolition of 74 and 76 Bolton Road, formation of new access, landscaping, open space, highways and associated works.

Ref: 15/00506/REMMAJ Decision: PERRES Decision Date: 9 September 2015
Description: Reserved Matters Application for the erection of 158 dwellings comprising of 1, 2, 3, and 4 bedroom homes, open space and associated works (pursuant to outline planning consent ref: 15/00568/OUTMAJ).

Ref: 15/00553/DIS Decision: PEDISZ Decision Date: 10 February 2016
Description: Application to discharge conditions 4 (external materials), 5 (phasing), 6 (landscaping), 8 (boundary treatments), 9 (site access), 12 (surface water drainage), 13 (contamination), 15 (eradication/ control of Himalayan Balsam and Japanese Knotweed), 17 (dwelling emission rate), 21 (Construction Environment Management Plan) and 25 (nesting birds) attached to outline planning approval 15/00568/OUTMAJ.

Ref: 15/00568/OUTMAJ Decision: PERFPP Decision Date: 8 September 2015
Description: Section 73 application to vary conditions 16, 17 and 18 (all relating to Code for Sustainable Homes) and to remove condition 19 (Carbon Reduction Statement) attached to outline planning approval 12/00741/OUTMAJ.

Ref: 15/00939/DIS Decision: PEDISZ Decision Date: 11 November 2015
Description: Application to discharge conditions 9 (garden sheds), 13 (street construction) and 16 (replacement tree planting) attached to reserved matters approval 15/00506/REMMAJ.

Ref: 15/01049/DIS Decision: REDISZ Decision Date: 7 December 2015
Description: Application to discharge condition 20 (travel plan) attached to outline planning permission 15/00568/OUTMAJ.

Ref: 15/01236/DIS Decision: PEDISZ Decision Date: 10 February 2016
Description: Application to discharge conditions 12 (management and maintenance of the proposed streets) and 17 (play area) attached to reserved matters approval 15/00506/REMMAJ.

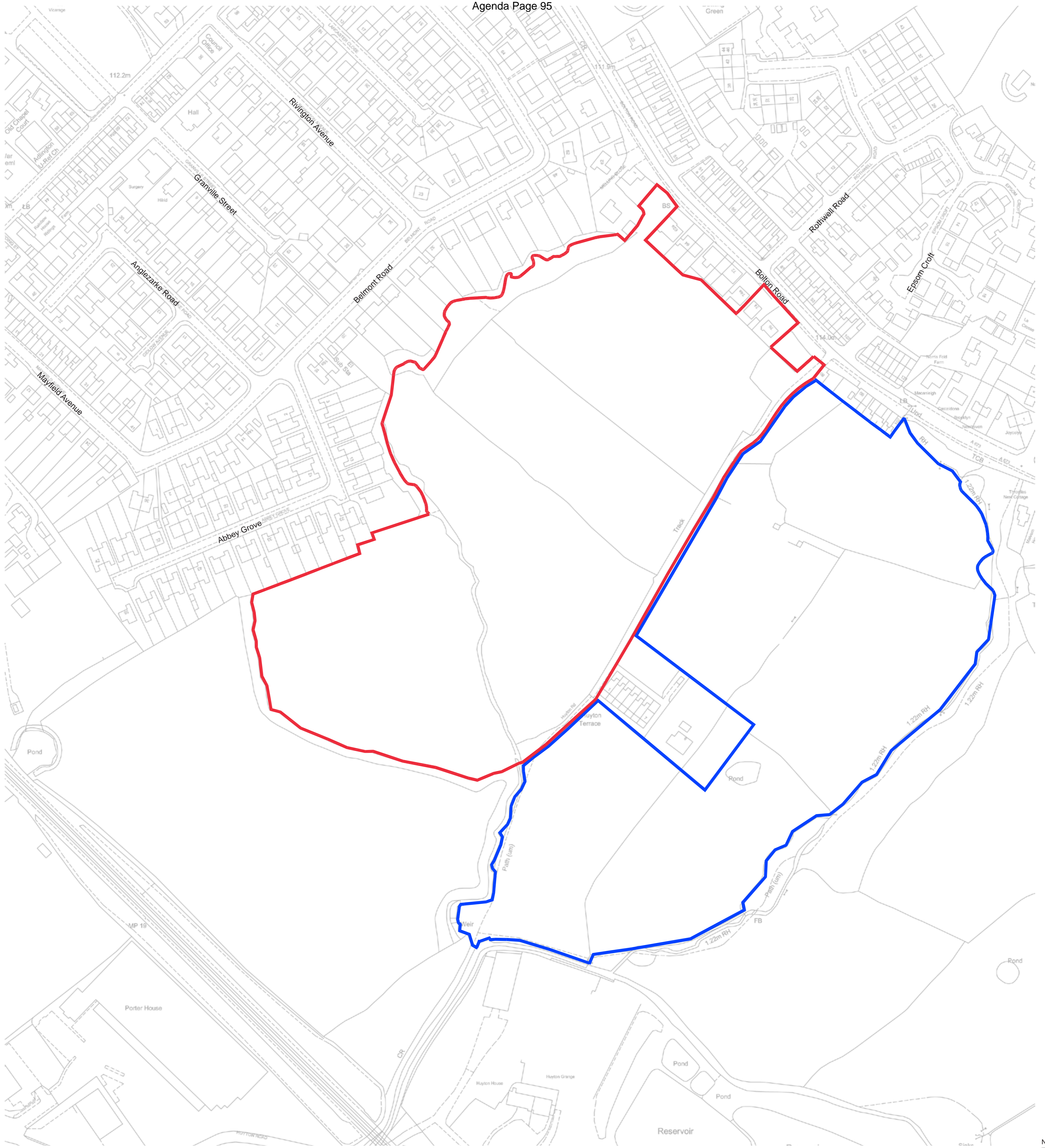
Ref: 15/01256/DIS Decision: PEDISZ Decision Date: 20 January 2016
Description: Application to discharge conditions 17 (Dwelling Emission Rate) and 18 (SAP assessment) attached to outline planning approval 15/00568/OUTMAJ.



Ref: 16/00051/TPO Decision: PERTRE Decision Date: 11 March 2016
Description: T3 and G2 on the tree preservation order proposed to be removed. Trees have significant damage (see tree report, trees highlighted). Replacement trees as detailed on drawings: 6738-L-100 Rev B 6738-L-102 Rev B 6738-L-104 Rev B.

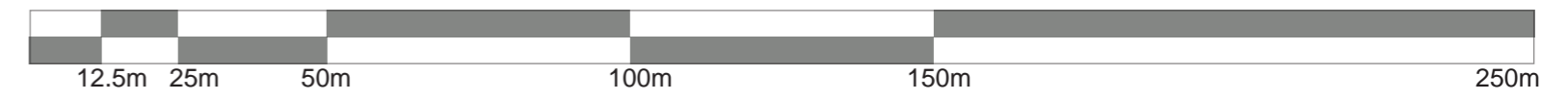
Ref: 16/00431/MNMA Decision: PEMNMZ Decision Date: 23 May 2016
Description: Application for a minor non-material amendment to planning approval 15/00506/REMMAJ to swap the house types on plots 11 and 12.

Ref: 16/00557/MNMA Decision: PEMNMZ Decision Date: 28 June 2016
Description: Minor Non-Material Amendment - Removal and replacement of 3 trees to the rear of plots 36-43 (15/00506/REMMAJ).

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.



Key:
 Application Boundary
 Adjacent land owned by applicant



This page is intentionally left blank

Agenda Item 3m**APPLICATION REPORT – 16/00686/S106A**

Validation Date: 27 July 2016

Ward: Clayton-le-Woods West And Cuerden

Type of Application: Section 106 Amendment

Proposal: Application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (affordable housing within Phases 4 and 5) dated 24 March 2011

Location: Land South Of Cuerden Farm And Woodcocks Farm And Land North Of Caton Drive Wigan Road Clayton-Le-Woods

Case Officer: Adele Hayes

Applicant: Ian Harrison

Agent: Nathan Matta

Consultation expiry: None required

Decision due by: 26 October 2016

RECOMMENDATION

1. It is recommended that this application is approved and the terms of the Section 106 Agreement be amended.

SITE DESCRIPTION

2. The application site comprises 13.65ha of land located to the east of the A49 Wigan Road and junction 28 of the M6, to the north of Clayton-le-Woods, and is approximately 6km from Chorley Town Centre and 8km from Preston.
3. The site was formerly in agricultural use with a network of trees, hedgerows and ponds throughout.
4. Following the grant of outline planning permission on appeal in 2011, reserved matters consent was granted in 2013 for a residential development comprising 294 dwellings, of which 88 were proposed to be affordable, associated highways, infrastructure, car parking and pedestrian / cycle routes, formal and informal open space provision.
5. Development is now well underway with the site split between Taylor Wimpey and David Wilson Homes.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. This current application has been submitted under Section 106A of the Town and Country Planning Act 1990 and seeks to modify the planning obligation again insofar as it relates to 3 of

the 15 approved affordable dwellings on Phases 4 and 5 that are being developed by Taylor Wimpey.

7. It is proposed to change the tenure of 3 no. x 3 bedroom dwellings on plots 125-127 from social rent to shared ownership due to a proliferation of 3 bedroom dwellings on the parcel.

8. All of the other obligations within the original Agreement are not affected by this application.

REPRESENTATIONS

9. No representations received

CONSULTATIONS

10. Strategic Housing - Have no objection to the proposed changes to the delivery of the affordable housing.

PLANNING CONSIDERATIONS

11. The Government wrote to all Local Planning Authorities last year advising that, following feedback by key partners, it is clear that housing associations are reviewing their existing financial commitments following the Budget 2015 announcement of reductions in social rents in the four years from 2016-17.

12. Section 106 agreements may be renegotiated at any time by mutual consent. Several developers have already approached the Council to renegotiate Section 106 Agreements to make adjustments to planned schemes, including the type of affordable housing provided.

13. The Government's planning guidance is clear that local planning authorities should be flexible in their requirements, taking into account specific site circumstances and changing circumstances.

14. Developers are already entitled to apply to modify any obligation over five years old. The Government has urged planning authorities to respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability. Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, it is the Government's view that this is unlikely to justify reopening viability by either side. Local authorities are asked to expedite such renegotiations so they can be dealt with in a timely manner, and avoid action which might result in unnecessary delay.

15. Taylor Wimpey are developing a total of 150 units on the site, of which 45 (30%) are affordable housing in line a condition of the original Outline Planning Permission. Of the 45 affordable housing, the approved tenure split is currently 32 (71%) rented and 13 (29%) shared ownership.

16. Phases 1, 2 and 3 have already been delivered in accordance with the approved split.

17. Earlier this year the developer began discussions with Adactus in relation to Phases 4 and 5 and since the budget announcement there has been clarity that with Social Rent, the reduction applies cumulatively in the rent setting process as well as annual decreases once properties are completed. The implications are such that there has been an impact on the value that could be offered for the rented units and in order that the scheme viability can be maintained, it requires 3 rented units to be switched to shared ownership tenure. Adactus have delivered shared ownership units on the earlier phases on this site and are committed to delivering shared ownership units within phases 4 and 5 but with an additional 3 units being delivered if this application is approved.

18. The total affordable housing remains at 45 (30%), with 29 rented and 16 shared ownership.

19. Colleagues in the Council's Strategic Housing Team have advised, that after careful consideration, they have no objection to the request to convert 3 social rented units to shared ownership on this site and that from a Strategic Housing perspective the application is supported.

CONCLUSION

20. It is recommended that the application is approved.

CONSTRAINTS

Biological Heritage Sites
Chorley Core Area
Highway Adoptions
Outside Coalfield
Parish
Safeguarded Land
Ward

RELEVANT HISTORY OF THE SITE

Ref: 95/00479/FUL Decision: WDN Decision Date: 30 April 1996
Description: Erection of 330 houses together with estate roads and the provision of open space on approximately 42 acres (17 Ha) of land.

Ref: 10/00275/SCE Decision: PESCEZ Decision Date: 30 April 2010
Description: EIA Screening Opinion for Land off A49 Wigan Road, Clayton-le-Woods.

Ref: 10/00414/OUTMAJ Decision: Allowed Decision Date: 22 July 2011
Description: Outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works.

Ref: 11/00990/SCE Decision: PESCEZ Decision Date: 7 December 2011
Description: Request for a screening opinion under the Town and Country Planning (EIA) regulations by Redrow Homes for Land off Wigan Road, Clayton le Woods.

Ref: 11/01085/OUTMAJ Decision: PERFPP Decision Date: 4 April 2012
Description: Section 73 application to amend condition 20 (Layout of Highway Improvements at Hayrick Junction) of Outline application 10/00414/OUTMAJ relating to the residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative proposals for open space, landscape and associated works.

Ref: 13/00095/SCE Decision: PESCEZ Decision Date: 19 April 2013
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011.

Ref: 13/00138/REMAJ Decision: PERRES Decision Date: 7 May 2013
Description: Reserved matters application pursuant to outline planning permission 11/01085/OUTMAJ for the erection of 294 dwellings, associated highways infrastructure, car parking and pedestrian / cycle routes, formal and informal open space provision and associated works.

Ref: 13/00139/DIS Decision: PEDISZ Decision Date: 28 August 2013
Description: Application to discharge conditions numbered 2 (affordable housing), 3 (phasing programme), 4 (external facing materials), 5 (hard ground surfacing materials), 6 (ground and slab levels), 7 (walls and fences), 8 (surface water drainage), 9 (foul water drainage), 10 (ground contamination), 11 (landscaping), 12 (public open space and play

space provision), 15 (bat mitigation), 17 (construction method statement), 18 (ecological management plan), 21 (design of sewer network), 22 (archaeological work), 24 (maximum number of dwellings) and 25 (masterplan and design code) of planning approval 11/01085/OUTMAJ.

Ref: 13/00874/DIS Decision: REDISZ Decision Date: 6 December 2013
Description: Application to discharge conditions numbered 12 (marketing documentation), 13 (estate street phasing plan), 14 (highway works), and 16 (construction method statement) of reserved matters approval 13/00138/REMMAJ

Ref: 14/00079/DIS Decision: PEDISZ Decision Date: 12 May 2014
Description: Application to discharge conditions 12 (marketing documentation), 13 (phasing plan), 14 (highway works) and 16 (Construction Method Statement) of planning permission ref: 13/00138/REMMAJ (which was a reserved matters permission for the erection of 294 dwellings).

Ref: 14/00161/MNMA Decision: PEMNMZ Decision Date: 7 March 2014
Description: Minor non-material amendment to plots T1, T9-T31, T34, T36-T40, T42-T46, T49 and T50 (approved under 13/00138/REMMAJ) involving repositioning of previously approved house types

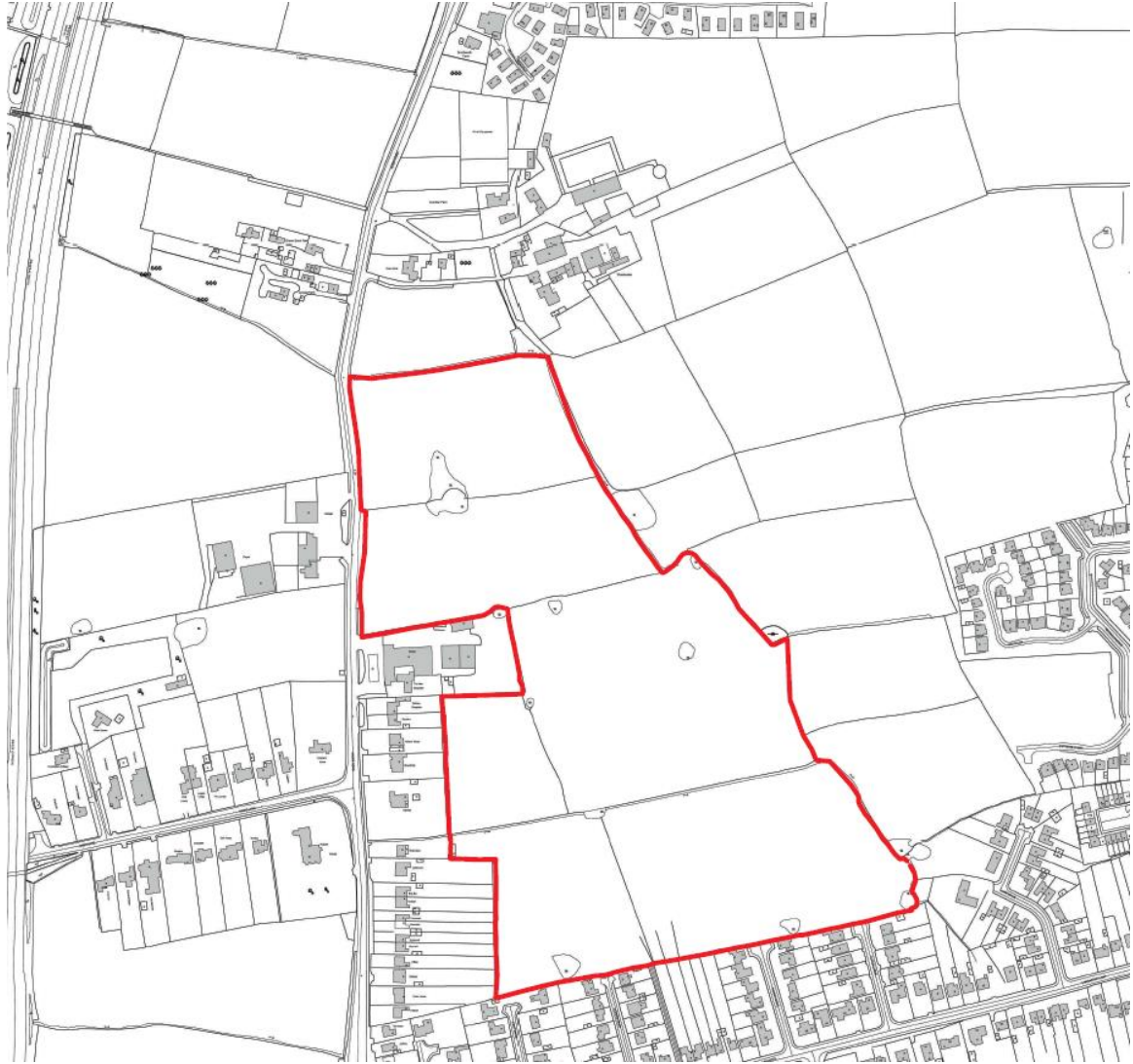
Ref: 14/00730/REMMAJ Decision: PERRES Decision Date: 17 September 2014
Description: Reserved matters application pursuant to outline planning permission 11/01085/OUTMAJ for substitution of house types on Plots D78 - D85 and D89 - D101 approved under reserved matters approval 13/00138/REMMAJ.

Ref: 14/00750/MNMA Decision: PEMMAZ Decision Date: 19 August 2014
Description: Minor non-material amendment to plots D61 -D68 (approved under 13/00138/REMMAJ) involving repositioning of previously approved house types.

Ref: 15/00200/MNMA Decision: PEMNMZ Decision Date: 20 March 2015
Description: Minor non-material amendment to highway layout (approved under 13/00138/REMMAJ) involving extension of shared driveway to provide improved turning head.

Ref: 16/00202/MNMA Decision: PEMNMZ Decision Date: 15 April 2016
Description: Minor non-material amendment to plots 62, 66 & 109 approved under 13/00138/REMMAJ involving changes to the approved house types comprising replacement of 2.5 storey dwellings with 2 storey dwellings.

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.



This page is intentionally left blank

Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	13 th September 2016

ENFORCEMENT ITEM

PLANNING PERMISSION 07/00028/FUL - NOOK FARM BARN, NOOK LANE, MAWDESLEY – DEVELOPMENT NOT CARRIED OUT IN ACCORDANCE WITH APPROVED PLANS.

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised erection of a garage.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the erection of a large garage.

Remedy For Breach

1. Demolish the Garage and remove the materials resulting from the demolition from the land.

Period For Compliance

Three months

Reason For Issue Of Notice

The development constitutes inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt unless very special circumstances exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to the policies of the National Planning Policy Framework and the Local Plan.

The proposed development would be detrimental to the rural and open character of the area by virtue of its scale and positioning in an exposed and prominent location. This is contrary to the National Planning Framework, BNE1 of the Chorley Local Plan 2012-2026 and the Councils' adopted Householder Design Guidance Supplementary Planning Document.

EXECUTIVE SUMMARY OF REPORT

3. The site is a converted barn within the Green Belt and has planning permission for use as a live-work unit. Within the curtilage of the land an extremely large garage has been built. In 2007, planning permission was granted for a double garage in the same position, 07/00028/FUL refers. The structure of the garage has been built for a number of years but is not 'substantially complete' and is minus a tiled roof, windows and doors. The size of the 'new' garage is considerably larger than the garage approved on the planning permission 07/00028/FUL and therefore it is considered expedient to issue an enforcement notice to secure its' removal and demolition.

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

CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

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

BACKGROUND

5. This case relates to an extremely large garage which is within the curtilage of Nook Farm Barn, Mawdesley and within the Green Belt. Planning permission was granted in 2007, 07/00028/FUL refers, with regards to the erection of a detached garage, stables and 2.2 metre tall access gates. The size of the approved garage is far smaller in footprint to the building on site now. This is a breach of planning control and requires planning permission. Letters were sent to the owners of the property and their agent in 2015 and 2016, requesting them to make contact and inviting a planning application. To date there has been no response. Recently the barn has been put up for sale; a mortgage company now owns the property.

ASSESSMENT

- 6. The land is within the Green Belt and policy guidance within the National Planning Policy Framework is a relevant policy consideration.
- 7. Within the Green Belt only those uses of land which are considered appropriate development will be permitted unless it can be demonstrated that very special circumstances exist to outweigh the harm to the Green Belt.
- 8. The planning merits of the development have already been considered and a double garage has been approved for the site, planning permission 07/00028/ FUL refers. The current building, which is considerably larger constitutes inappropriate development and causes harm to the character and appearance of the Green Belt. It is considered expedient therefore to take enforcement action to secure the removal of the unauthorised development in order to protect the openness, character and appearance of the Green Belt.
- 9. There is no planning permission for the development on the land and the agent for the owner has recently been advised that because the land is designated as Green Belt such development is considered inappropriate development and unacceptable in planning terms. It would be unlikely that planning permission would be granted should a planning application be submitted. It is considered therefore, given the inappropriateness of the development within the Green Belt that it would be expedient to issue an enforcement notice in this case.
- 10. Due to the size of the new garage and the fact that it is within the green belt it is considered inappropriate to under enforce in this case.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE MONITORING OFFICER

12. The proposed action is proportionate having regard to the planning breaches and history of the site.

Asim Khan
Director of Customer and Digital

Background Papers

Planning Application **07/00028/FUL** dated 23/03/2007 Inspected at Union Street, Civic Office, Chorley.

Report Author	Ext	Date	Doc ID
Colin Wordsworth	5414	25 th July 2016	***

This page is intentionally left blank