

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 6TH DECEMBER 2016, 6.30 PM

THE LANCASTRIAN SUITE, TOWN HALL, CHORLEY

### AGENDA

#### **APOLOGIES**

- 1 **MINUTES OF MEETING TUESDAY, 8 NOVEMBER 2016 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

- 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 nine 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 **16/00580/FULHH - 49 CHORLEY LANE, CHARNOCK RICHARD, CHORLEY, PR7 5EP**

(Pages 7 - 18)

- B **16/00489/OUTMAJ - LAND BETWEEN PEAR TREE LANE AND SCHOOL LANE, PEAR TREE LANE, EUXTON (TO FOLLOW)**

- C **16/00633/OUTMAJ - GLEADHILL HOUSE STUD, GLEADHILL HOUSE, DAWBERS LANE, EUXTON (TO FOLLOW)**

- D **16/00857/FULMAJ - LAND EAST OF ACKHURST LODGE, SOUTHPORT ROAD, CHORLEY**

(Pages 19 - 32)

<b>E</b>	<b>16/00714/OUT - LAND TO THE REAR OF 56 SCHOOL LANE, WITHNELL FOLD OLD ROAD, BRINSCALL</b>	(Pages 33 - 44)
<b>F</b>	<b>16/00909/FUL - MOONLIGHT INDIAN CUISINE, 64 BROOKE STREET, CHORLEY, PR6 0HB</b>	(Pages 45 - 52)
<b>G</b>	<b>16/00368/FUL - HILLVIEW STABLES, BUCKHOLES LANE, WHEELTON</b>	(Pages 53 - 58)
<b>H</b>	<b>16/01036/S106A - MYLES STANDISH WAY, CHORLEY</b>	(Pages 59 - 64)
<b>I</b>	<b>15/00850/COU - LAND REAR OF 65 COPPULL MOOR LANE, COPPULL (TO FOLLOW)</b>	
<b>4</b>	<b>TREE PRESERVATION ORDER NUMBER 3 (MAWDESLEY) 2016</b>	(Pages 65 - 70)
<b>5</b>	<b>APPEALS AND OTHER DECISIONS</b>	(Pages 71 - 74)
<b>6</b>	<b>ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR</b>	

GARY HALL  
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

**MEETING DATE** Tuesday, 8 November 2016

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

**OFFICERS:** Paul Whittingham (Planning Services Manager), Adele Hayes (Principal Planning Officer), Helen Lowe (Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

**APOLOGIES:** Councillor Martin Boardman

**16.DC.223 Minutes of meeting Tuesday, 11 October 2016 of Development Control Committee**

**RESOLVED – That the minutes of the Development Control Committee held on 11 October 2016 be approved as a correct record for signature by the Chair.**

**16.DC.224 Declarations of Any Interests**

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

**16.DC.225 Planning applications to be determined**

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

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

**a 16/00614/FUL - Swifts House Farm, Bentley Lane, Heskin, PR7 5UY**

Registered speakers: Councillor Paul Leadbetter (ward councillor) and Sophie Marshall (agent)

**RESOLVED (12:2:0) – That the application is approved, subject to conditions in the report and further conditions limiting the number of participants and the**

marking of a pedestrian walkway; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

- b 16/00451/FULMAJ - Royal Umpire Caravan Park, Southport Road, Ulnes Walton, Leyland, PR26 6JB**

Registered speaker: Chris Weetman (agent)

**RESOLVED (unanimously) – That planning permission be refused, for the reasons in the report as set out below.**

**Reasons: The proposed development is an inappropriate development in the Green Belt and therefore harmful by definition. The factors put forward as very special circumstances are not considered to outweigh the harm to the Green Belt by reason of its inappropriateness. The proposal is therefore contrary to the National Planning Policy Framework.**

- c 16/00509/FULMAJ - Leatherlands Farm, Moss Lane, Whittle-Le-Woods, Chorley, PR6 7DD**

Registered speaker: Katie Delaney (agent)

**RESOLVED (unanimously) – That planning permission be approved, subject to conditions in the addendum and a Section 106 agreement securing affordable housing and a public open space financial contribution.**

- d 16/00656/FULMAJ - Land West of Coppull Enterprise Centre, Mill Street, Coppull**

**RESOLVED (unanimously) – That approval be granted, subject to conditions outlined in the addendum and the associated legal agreement.**

- e 16/00591/FUL - Rigby's Garage, Bluestone Garage, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RH**

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

- f 16/00863/OUT - Land North of Little Bluestone Cottage, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RH**

Registered Speaker: Harry Tonge (agent)

**RESOLVED (8:5:1) – That the application be refused, for the following reasons.**

**Reasons: The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The proposed development would be detrimental to the character and openness of the Green Belt by virtue**

of developing a site that would not constitute infilling and is not located within a village. No very special circumstances have been submitted that outweigh the harm to the Green Belt, which would be caused by the proposed development. As such the proposed development is contrary to the National Planning Policy Framework, Policy 1 (f) of the Central Lancashire Core Strategy and policy HS7 of the Chorley Local Plan 2012 – 2026.

Councillor Iddon proposed that the application be approved. The motion was seconded by Councillor Whittaker. A vote was taken and the motion was lost (2:11:1).

Councillor Whittaker subsequently proposed that the application be deferred for a site visit. The motion was seconded by Councillor Iddon. A vote was taken and the motion was lost (6:7:1).

**g 16/00580/FULHH - 49 Chorley Lane, Charnock Richard, Chorley, PR7 5EP**

Registered speaker: Councillor Paul Leadbetter (ward councillor)

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

**h 16/00849/PAR - La Estrella Ltd, 90-92 Bolton Street, Chorley, PR7 3DX**

**RESOLVED (unanimously) – That Prior Approval be granted, subject to conditions outlined in the report.**

**i 16/00661/CB3 - Playing Field, Great Greens Lane, Bamber Bridge**

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

**j 16/00668/FUL - Stables West of Verona, Wrenalls Lane, Eccleston**

**RESOLVED (12:2:0) – That full planning permission be approved, subject to conditions outlined in the report.**

**16.DC.226 Tree Preservation Order Number 1 (Euxton) 2016**

Members of the Development Control Committee considered a report of the Director of Policy and Governance which sought confirmation of Tree Preservation Order No. 1 (Euxton) 2016 without modification.

Two 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.227 Appeals and Other Decisions**

This report was withdrawn from the agenda for technical reasons.

Chair

Date

**16/00580/FULHH**

**Case Officer** Thomas O’Kane

**Ward** Chisnall

**Proposal** Erection of single storey side and rear extension with alterations to hardstanding at front following demolition of detached garage and rear conservatory

**Location** 49 Chorley Lane

**Applicant** Mrs Elayne Piwowar

**Consultation expiry:** 21<sup>st</sup> October 2016

**Decision due by:** 5<sup>th</sup> September 2016 (Extension of time until 28<sup>th</sup> October 2016)

**Recommendation**  
**Permit Full Planning Permission (PERFPP)**

**This application was deferred at the previous committee for a site visit. The comments of Charnock Richard Parish Council that were on the addendum for the November committee have been added to this report.**

#### **Executive Summary**

Planning permission is sought for the erection of a single storey side and rear extension with alterations to hardstanding at the front. This is following the demolition of an existing detached garage and rear conservatory. Concerns were raised regarding the terracing effect of the proposals and the impact on No. 51, particularly for the lounge window on the side elevation. The applicant has made amendments to the side extension to ensure that it does not cause a terracing effect. The new access onto Chorley Road was omitted due to the concerns raised by the Highways Officers. The amount of light received into the lounge window is already limited given the orientation of the windows for this lounge. As the proposals are not located due south and the side window is restricted in outlook due to the siting of the applicant’s dwelling, it is considered that the proposals would not cause any unacceptable loss of light or outlook to this side window.

**Representations**

**Charnock Richard Parish Council –**

Charnock Richard Parish Council originally stated they had no objections to the application, however they reconsidered the application in the light of new information received since their initial observations were submitted, and they are now very much opposed to the proposal. They therefore object strongly to the application on the grounds that the imposition of a blank brick wall so close to the property line of the neighbours home and, adjacent to the neighbours window, would constitute a significant loss of amenity for the neighbour at No 51 Chorley Lane. Furthermore, the brick wall would block light into the only window into this room at No.51 Chorley Lane. The Parish Council are also extremely concerned that the volume of the proposed extension is significant and would result in No.49 and No.51 Chorley Lane almost joining up and looking like a pair of semi-detached houses, giving a terracing effect. These two houses have been detached dwellings since they were built and the proposed extensions at No 49 will materially, completely and detrimentally alter the existing street scene.

**Objections**

Total No. received: 2

- No ownership of hedge and boundaries or measurements so it is difficult to measure
- Loss of light, particularly to a lounge window;
- View of wall outside back door
- Restricting parking to side of property
- Overbearing at the rear
- Garage is not large enough
- Close to boundary (concerns with scaffolding)

Councillor Whittaker requested that the application be determined by the Planning Committee.

**Consultees**



Consultee	Summary of Comments received
Parish Council	No Objections (following reconsultation)
Waste and Contaminated Land	No Comments (for original scheme – none received for amended scheme)
Lancashire County Council Highways –	Concerns raised over provision of second access with regards to highway safety. The proposed garage is not of dimensions to be considered a space. Approval of proposals is not recommended unless the vehicle access can be reduced to one and the garage is of size to be considered an off street space (note amended plans have been received so only one access point is proposed).

### The Site

1. This application relates to a detached residential bungalow located on a linear row of housing on Chorley Lane, Charnock Richard. The dwelling is set back from the highway with no dwellings located to the rear

### The Proposal

2. Planning permission is sought for the erection of a single storey side and rear extension with alterations to hardstanding at the front. This is following the demolition of an existing detached garage and rear conservatory,
3. The extension would be set back from the front elevation by approximately 2 metres, where it would extend 12 metres in length towards the rear and wraparound the rear elevation. It would project a maximum of 4.78 metres beyond the rear elevation. The height to the eaves would match the existing dwelling, with a height to the ridge of 4.20 metres, 0.50 metres below the ridge height of the host dwelling.
4. Additional hardstanding is proposed at the front of the dwelling to provide additional off street parking for the property.
5. A porch is proposed on the front elevation; however the dimensions on the plans indicate that this could be built without planning permission under Permitted Development Rights, therefore the porch is considered acceptable.
6. The scheme was amended during the application process, the modifications include a setback achieved from the front elevation and set down from the ridge for the side extension, which meant that the application footprint at the rear increased to compensate. Members should note that the proposals for the insertion of dropped kerb and new access (thereby giving the property two access points from Chorley Old Road) have been removed following concerns raised by the LCC Highways. The access to the property will therefore remain as exists

### **Assessment**

#### Principle of the development

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

#### Impact on character and appearance of locality

7. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
8. *Policy BNE1 of the Adopted Chorley Local Plan 2012-2026 states that the proposal must not have a significantly detrimental impact on the 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, use of materials.*
9. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and set down from the ridgeline of the existing dwelling. In addition the*

*SPD requires extensions to respect the scale, character, proportions of the existing dwelling and surrounding area.*

10. The proposed scheme has been amended to ensure that the proposals are set back from the front elevation. Although the side extension will be built on the side driveway of the existing property and if a similar extension was repeated on no. 51 next door this would result on the properties essentially joining up, the setback of the side extension along with its reduced ridge height would still allow the original properties to be viewed in the streetscene. They would not appear to have been designed and built as a pair of semi-detached bungalows and therefore would not result in a terracing effect of the kind the Householder Design Guidance seeks to avoid.
11. It is of note that the proposals would appear subservient to the host dwelling.
12. The majority of the scheme would be located at the rear, with a roofscape lower than the host dwelling and as such it is considered that the proposals would not affect the character of the wider area. The external wall and roof materials are to match the existing dwelling.
13. Having regard to the above, the proposed development is not considered to be in accordance with Policy HS5 of the Chorley Local Plan 2012 – 2026 and the guidance set out within the Householder Design Guidance SPD.
14. Therefore in regards to impact on character and appearance in the locality, the proposals are acceptable.

#### Impact on neighbours

15. *HS5 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.*
16. *In addition, it states that extensive overshadowing of a neighbouring building or amenity space is unacceptable. Furthermore, it asserts that extensions should be located, and windows orientated, to prevent direct overlooking of habitable rooms or private amenity space that belongs to nearby properties.*
17. With reference to No. 51, the outlook from the rear of this dwelling to the east is already obscured to a large degree by the siting of their own detached garage. As such the proposal it is not considered to cause any unacceptable harm to views from the rear windows.
18. With regards to the side window facing the applicant's dwelling, this window is for a lounge which also enjoys outlook through a front bay window. Following concerns raised by the neighbour and Ward Councillor, Officers visited the objector's dwelling to further understand the relationship of the proposals with regards to the amount of light received for this lounge.
19. Officers note that this side window is north east facing, while a larger window to the front of this dwelling for this lounge is north-west facing. It is considered that this front window is the principal outlook, with this side outlook considered 'secondary'. Therefore the amount of sunlight that this room already receives is restricted through the orientation of these windows. The outlook of this side window is already restricted outlook due to the siting of the applicant's dwelling.

20. While there is no doubt that proposals would come closer towards this side window and would restrict some outlook and light from the current situation, given that the window is secondary to the room it is not considered that the impact would be so detrimental in terms of light; outlook or considered overbearing that the application could be refused on these grounds.
21. If the proposal did not include the wraparound extension to the rear it is possible a side extension could be built in the location proposed under Permitted Development Rights which would have a very similar impact on this window and this must be taken into account. It is not unusual for side extensions to be built on properties such as this when there are side windows in the neighbouring property looking onto a driveway.
22. With regards No. 47, Officers noted a conservatory to the rear of this dwelling. The proposals would not breach the 3 metre 45 degree guidance when measured from the near edge of this conservatory. Therefore the proposals are considered to not cause any undue amenity impacts upon either neighbouring dwellings.
23. Windows are only proposed on the rear elevation, with none proposed on either the side elevation or the front elevation of the proposed extension. There are no dwellings located to the rear and therefore there are no issues with privacy at the rear.
24. Having regard to the above, the proposed development is considered to be in accordance with policy HS5 of the Chorley Local Plan 2012 – 2026 and the guidance set out within the Householder Design Guidance SPD.
25. Therefore with regards to amenity, although the proposal will have some impact on the neighbouring property no. 51 it is not considered it is so detrimental that the application could be refused on these grounds.

#### Impact on parking Provision highway safety

26. *Policy HS5 of the adopted Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety. In addition, the Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5 metres by 5.5 metres and spaces in front of a garage should be 2.5 metres by 6 metres.*
27. Concerns were raised by the Highways Officer relating to the provision of a second access point to the property. The applicant has amended the scheme to ensure that the existing access remains as the sole access to the dwelling. The concerns raised by the Highways Officer regarding the garage (and one of the representations of objection) are noted but are not considered a reasons for refusal could be justified on these grounds, given that the applicant has offset the loss of hardstanding on the existing side driveway through new hardstanding at the front of the property. It is not unusual for properties to have garages that they do not use or are not able to use due to their size for parking, as many people prefer to use a garage for storage. The issue is whether the proposal has sufficient parking or not for the size of the property. Even with the side extension the site could accommodate at least two off-street spaces to the front of the property which is in accordance with Policy ST4 of the Local Plan 2012-2026 for three bedroom dwellings and the Householder Design Guidance SPD such as this, so is considered acceptable.

28. Concerns were raised over the parking of the occupants of the neighbouring dwelling. This is not considered a sufficient reason for refusal as the neighbour is currently reliant on the use of the applicant's land to exit their vehicle and the applicant could erect a fence on the boundary which would result in a similar scenario.
29. It is therefore considered that the proposal would not cause any significant harm to highway safety and accords the policy ST4 of the Chorley Local Plan 2012 – 2026.

#### Other Matters

30. The remaining concerns raised by the objectors relate to distances and ownership of hedges. The distance can be identified on the scale plans. The ownership of hedges is not a material planning consideration that can be taken into account in coming to a decision.

#### **Overall Conclusion**

31. The proposed development would not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents. The proposed development would therefore be in accordance with Policies BNE1 and HS5 of the Chorley Local Plan 2012-2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application be approved.

#### **Planning Policies**

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

#### **Planning History**

None

**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><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>			
2.	<p>All external facing materials of the development hereby permitted shall match in colour, form and texture those on the existing building, unless alternatives are submitted to an agreed in writing by the Local Planning Authority, in which case the development shall be carried out in accordance with the alternative approved details.</p> <p><i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i></p>			
3.	<p>The approved plans are:</p> <table border="0" data-bbox="363 797 1353 891"> <tr> <td data-bbox="363 797 730 891">Title Existing and Proposed Plans and Elevations</td> <td data-bbox="730 797 1018 891">Plan Ref. 16012-01 Rev D</td> <td data-bbox="1018 797 1353 891">Received on: 17<sup>th</sup> October 2016</td> </tr> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title Existing and Proposed Plans and Elevations	Plan Ref. 16012-01 Rev D	Received on: 17 <sup>th</sup> October 2016
Title Existing and Proposed Plans and Elevations	Plan Ref. 16012-01 Rev D	Received on: 17 <sup>th</sup> October 2016		
4.	<p>The extended parking area shown on the plans hereby approved shall be surfaced or paved, drained and made available in accordance with the approved plan prior to the occupation of any of the extension hereby permitted; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015.</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>			



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**location plan (1:1250)**

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**APPLICATION REPORT – 16/00857/FULMAJ**

**Validation Date: 15 September 2016**

**Ward: Chorley North West**

**Type of Application: Major Full Planning**

**Proposal: Erection of 59no. dwellings including associated works and creation of car park.**

**Location: Land East Of Ackhurst Lodge Southport Road Chorley**

**Case Officer: Mr Iain Crossland**

**Authorising Officer:**

**Applicant: Miller Homes Ltd - North West**

**Agent: N/A**

**Consultation expiry: 10 October 2016**

**Decision due by: 15 December 2016**

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**RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions and a Section 106 agreement securing affordable housing and a financial contribution towards the provision of public open space.

**SITE DESCRIPTION**

2. The application site is an open area of grassland located within the settlement area of Chorley and is allocated for housing under policy HS1.20 of the Chorley Local Plan 2012 – 2026. It has a total area of approximately 2.1 ha and is bound by Southport Road to the south, the playing fields to Parklands High School to the east and the woodlands of Astley Park to the north and west.
3. The site itself is relatively level but slopes gradually from north east to south west. Beyond the site to the north and west the land drops away more steeply towards a watercourse at the River Chor, which lies outside the site boundary. The site comprises ruderal grassland that has become overgrown.
4. The character of the locality is fairly mixed with areas of woodland, greenspace and playing fields surrounding the site with a business estate, housing estates, education developments and parkland beyond. There are examples of modern and traditional houses in the locality, however, housing densities are generally low. It is noted that the woodland to the north and west of the site is an Ancient Woodland that is designated a Site of Biological Importance and forms part of a Historic Park and Garden. Ackhurst Lodge to the west of the site is a Grade II listed building.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks planning permission for the erection of 59no. dwellinghouses with associated landscaping and infrastructure.
6. There would be a public car park to the south west of the site, providing car parking for users of Astley Park.
7. There would be two vehicular access points to the site from Southport Road. One serving the proposed estate and one serving the public car park.

**REPRESENTATIONS**

8. One letter has been received from Parklands High School neither objecting to nor supporting the application. This raised the following issues:
  - During the build period, access to and egress from the site and school must remain clear, and all site traffic is expected to enter the build site and not use the main road to conduct business.
  - Appropriate boundaries must be erected between the site and the school to prevent trespassing and safeguard pupils. The fencing proposed between the gardens of the proposed dwellings and the school grounds is not considered to be high enough.
  - Contractors will inevitably need access to the school land to carry out their work. This is both a safety and safeguarding concern and school would require written reassurance that appropriate procedures are in place prior to this taking place, including enhanced DBS checks. We expect all school land, including trees to remain.

**CONSULTATIONS**

9. **The Coal Authority** – No comments received.
10. **Conservation Officer** – The proposed development is considered to be acceptable, subject to a caveat that the 'optional location for the pump station' is utilised, as it will preserve the appearance of the adjacent listed building and thus also sustain the significance of this designated heritage asset.
11. **Environment Agency** – The Agency has no objection in principle to the proposed development.
12. **Greater Manchester Ecology Unit** – Have raised a number of issues although have no objection to the proposed development subject to conditions and advice notes.
13. **Lancashire Highway Services** – No highway objection to the proposal, subject to conditions and advice notes.
14. **Strategic Housing** – The proposed Affordable Housing provision is consistent with pre-application discussions.
15. **Lead Local Flood Authority** – Any comments will be reported on the addendum.
16. **United Utilities** – Have no objection to the proposed development subject to conditions and advice notes.
17. **Waste & Contaminated Land** – Have no objection.
18. **Lancashire Constabulary Architectural Liaison** – Comment that in order to reduce the opportunity for criminal activity at the proposed development and to provide a safe and sustainable environment a number of recommendations are suggested, which should be attached to an advice note.

## PLANNING CONSIDERATIONS

### Principle of the development

19. 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.
20. The application site is located in the core settlement area of Chorley, and is part of an allocated housing site covered by Policy HS1.20 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

21. The proposed development would be located to the north of Southport Road, Chorley, which is a main route into Chorley town centre. The site is bound by the woodlands of Astley Park to the north and west, and would have a site frontage facing Southport Road. As such the proposed development would be fairly prominent from Southport Road and would be visible across the playing fields of Parklands High School when travelling in a westerly direction along Southport Road.
22. The proposed development is made up of one main access road with two smaller cul-de-sacs running perpendicular to it. There would also be an access to the proposed public car park. The part of the site fronting Southport Road would incorporate the main access road to the east side and then three detached dwellings fronting a shared driveway. This would result in an active street frontage along Southport Road helping to create a sense of place. Beyond this would be the access to the public car park, which sits at the front of the site. Although the siting of the car park does not contribute particularly well to the street scene, and is not ideally positioned from a visual perspective, it is the most logical and practical location for a public car park to be located and would provide convenient access to Astley Park for visitors. In addition locating the car park adjacent to Southport Road would avoid creating the hazards and disturbance that might be associated with visitors driving through the estate roads if the car park were to be located in an alternative location to the back of the site for example.
23. There would be a strip of amenity greenspace along the frontage of the site facing Southport Road. This would incorporate hedges, trees, grass and wildflower planting. This would provide a soft frame to the site and an attractive interface with Southport Road. Trees and shrubs would be retained to the periphery of the site where possible and in accordance with the proposed landscaping plan, which would help frame the development within the landscape to some extent.
24. The majority of the proposed dwellings are detached although there are mews style properties and semi-detached dwellings within the central area of the development. The estate roads and layout follow a logical pattern and would incorporate a range of dwelling types and designs that would provide character and interest, whilst the dwellings themselves would include some consistent materials and details that would provide a level of coherence.
25. The design of the dwellings themselves would be traditional in appearance and they would be faced in red brickwork and white render to reflect the existing local vernacular and character. Features such as art stone heads and sills, projecting brick dentil courses, pediments and gables would be applied to provide diversity and interest. It is noted that there are a range of property types in the area.
26. The properties would all have garden areas providing sufficient for storage of bins and driveway parking. Some of the properties would also have detached garages situated in inconspicuous positions. The frontages would be open plan contributing to an open and uncluttered street scene, and boundary treatments have been selected so that prominent side gardens would have screen walls rather than fences enclosing them.

27. The overall density of the development would be relatively low, at approximately 32 dwellings per hectare, which reflects the suburban character of the area and density of nearby housing estates.
28. Overall, the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with policy 17 of the Core Strategy.

#### Impact on neighbour amenity

29. The application site is relatively isolated from existing residential dwellings, the nearest being at The Farthings 95m away to the north west of the site. Given the significant degree of separation there would be no impact on the amenity of any occupiers of existing residential dwellinghouses.
30. In terms of the interface distances between the proposed properties, these are considered to be acceptable in relation to the Council's guidelines taking into account the level changes across the site.
31. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties themselves.

#### Impact on heritage assets

32. The site is immediately adjacent to Ackhurst Lodge, which is a grade II listed building, a designated heritage asset as defined by Annex 2 of the Framework. The majority of the proposed buildings are to be located a reasonable distance, in excess of 70 metres, from the listed building. The site layout has clearly been designed with this in mind.
33. It was originally proposed to locate a pumping station approximately 20m to the east of Ackhurst Lodge. This has been relocated within a revised layout plan and as such the proposed development would have no material impact on the setting of the listed building.
34. As a result, the proposed development is considered to preserve the appearance of the nearby listed building. It is therefore in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also considered to sustain the significance of the designated heritage asset and to thus be in conformity with section 12 of the Framework, policy 16 of the Central Lancashire Core Strategy (2012) and policy BNE8 of the Chorley Local Plan 2012 - 2026.

#### Impact on highways/access

35. The application submission includes a Transport Statement (TS) setting out the transport issues relating to the proposed development site and details of the development proposal. The TS estimates that within weekday AM peak hours of 08:00-09:00 and 17:00-18:00, the residential development would generate 25 and 24 two-way traffic movements respectively. The cumulative weekday peak hour movements to be generated by both the residential development and the car park (referred to in the submission as Astley car park) which would have provided a more robust weekday estimate have not been worked out as it was assumed that the car park would mostly be used during weekends in the summer. Despite this aspect of the assessment not being accounted for, the overall conclusion is that the traffic to be generated by the car park and the residential development would have minimal impact on the highway network.
36. The residential development is to be accessed from the existing field access near the easterly boundary of the site, while the car park is to be accessed from a new access to be formed to Southport Road. The applicant appears to have taken into account the initial highway recommendations that both the residential and the car park accesses should be provided to widths of 5.5m incorporating 6.0m corner radii with 2.0m footways on both sides. The access locations are currently overgrown with shrubbery and trees, which severely impedes driver sightlines during egress of the accesses. The visibility splay indicated on plan shows that the trees and vegetation would need to be reduced in height for the car park to be egressed safely. No such splays have been shown for the residential access, but it is

considered that similar treatment would be required to ensure safety. As such, the landscaping within the visibility splays must be permanently maintained at a height not more than 1.0m.

37. The internal layout of the proposed development reflects the recommendations of the Manual for Streets as the design has incorporated sufficient speed control measures and turning areas with adequate attention given to servicing, delivery, waste collection and parking. It is noted from the TS that parking would be provided in accordance with the adopted parking standards.
38. The statement in paragraph 6.3 of the TS that the six recorded traffic incidents that occurred within the past 5 years in the proximity of the proposed site accesses do not raise highway concerns is unacceptable. If mitigation measures are not taken, the situation might be exacerbated when the development is brought into use as more pedestrians and vehicles enter and leave the site. As noted, there are currently no crossing facilities within close proximity of the site to assist pedestrians to safely cross the road, but a key consideration for achieving sustainable development is how the design can influence how people choose to travel. If residents are to be encouraged to use public transport, especially as the applicant's own assessment has shown that the site is not in a highly accessible location, then with bus stops located within close proximity of the site, measures must be implemented to ensure they can be accessed safely. It is, therefore, considered that a surface level crossing, such as a pedestrian refuge incorporating illuminated bollards and tactile pavings should be installed on Southport Road at a suitable location to be agreed with the highway authority to facilitate pedestrian crossing of the road to the bus stop opposite the site.
39. The section of Southport Road between Foxhole Road and Glamis Drive is currently subject to 40mph speed limit restriction. As part of the traffic accident mitigation measures aimed at ensuring safety at the site accesses and the immediate environment, it is proposed that the speed limit within this section should be further restricted to 30mph consistent with the rest of Southport Road. This should involve a comprehensive review of the existing carriageway markings and signs to include provision of right turn lanes to the proposed residential development and the car park; and also include a safe location of the pedestrian refuge.
40. There are no highway objections to the proposed development on the basis that appropriate highway safety measures are implemented. It is recommended that appropriate conditions are attached to any grant of planning permission to secure these highway safety measures, and it is noted that the applicant will be required to enter into a section 278 agreement with Lancashire County Council as the highway authority.

#### Ecology and trees

41. An ecological appraisal accompanies the application, which has been reviewed by the GMEU Ecologist. They advise that ecology surveys that have been undertaken in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.
42. It is noted that the plant surveys were carried out in September and that the presence of spring flowering woodland ground flora (such as bluebell) cannot be ruled out at this stage as a result. In response to this issue, and in anticipation of the presence of such plants, the developer has agreed to carry out native bluebell planting and spring flowering woodland ground flora on appropriate parts of the site and have updated the proposed landscaping plan to reflect this.
43. The Local Wildlife Site Ackhurst, Great, Judeland, Damhead and Dog Trap Wood Biological Heritage Site (BHS) borders the site along the north and western boundaries. This BHS comprises large areas of semi-natural woodland with a lake situated alongside the River Chor. Most of the woodlands within the BHS are listed in the Lancashire Inventory of Ancient Woodland (Provisional) English Nature 1994. The new houses and gardens would directly abut the woodland and there would be no space for a 'landscape buffer zone' to mitigate the potential harm that the development may cause the BHS. There would also be a need to prune most edge trees along the site boundary along with the removal of marginal

vegetation and scrub. The removal of trees would be mitigated to some extent by tree planting in other areas of the site. Following on from the pruning of the trees it is recommended that a woodland Tree Protection Order is imposed on the surrounding woodland to give the Council some degree of control over any future tree pruning works.

44. It is noted that the proposed development makes use of the entire area of land that was allocated for housing in the Local Plan, which is considered an efficient use of the land and helps to provide a meaningful contribution to the Borough's housing supply. This weighs heavily in the balance of the proposed development, and although the proximity of domestic gardens to the woodland brings potentially harmful human activity closer the BHS, the situation has effectively been endorsed by the extent of the allocation. A 2m high close boarded fence has been proposed to the site perimeter with the BHS to deter tipping of garden waste and access to these sites. This would mitigate the potential harm to some extent.
45. The dominant habitat on site is modified neutral grassland, with a smaller area of wet/marshy grassland present. These habitats are not of substantive nature conservation value. In addition, there is no evidence of the presence of protected species on the site.

#### Affordable Housing

46. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. Nine of the dwellings proposed are to be affordable, which equates to 15%, and a commuted sum equivalent to 9 x 3 bedroom mews houses has been proposed towards off site provision equating to 15%. This would result in the 30% policy requirement being achieved and is an approach that has been endorsed by the Council's Strategic Housing Team. The units to be provided on site would consist of 9 two bedroom houses for social rent, as advised by the Council's Strategic Housing Team. Any such on site affordable housing and off site contribution would need to be secured through a Section 106 legal agreement.

#### Sustainability

47. 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 1<sup>st</sup> 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."*

48. 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.



Public Open Space (POS)

49. 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.
50. The applicant has agreed to enter 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. The breakdown of the financial contributions required is as follows:
- |                      |            |
|----------------------|------------|
| Amenity greenspace   | = £4,640   |
| Equipped play area   | = £7,906   |
| Parks/Gardens        | = £0       |
| Natural/semi-natural | = £0       |
| Allotments           | = £885     |
| Playing Pitches      | = £94,341  |
| Total                | = £107,772 |

Community Infrastructure Levy

51. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.
52. Lancashire County Council (LCC) as Education Authority have requested a contribution of sixteen primary school places (£215,592.48) and seven secondary places (£142,125.13). The request for a contribution from LCC Education is noted, however this is an allocated site and education requests such as this are included in the CIL levy.

**CONCLUSION**

53. The application is recommended for approval subject to conditions and a Section 106 agreement securing affordable housing and a financial contribution towards the provision of public open space.

**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.

**RELEVANT HISTORY OF THE SITE**

There is no recent relevant planning history.

**Suggested Conditions**

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	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

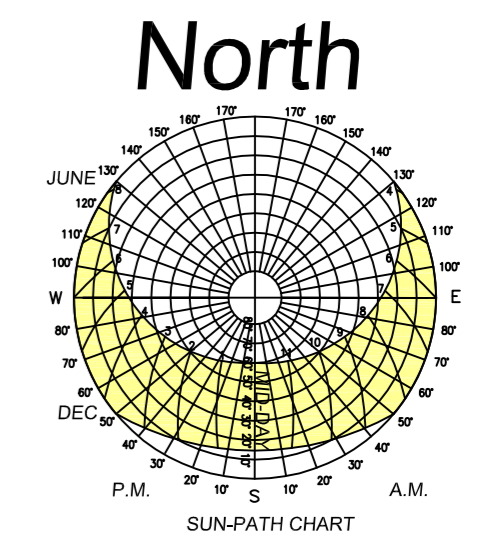
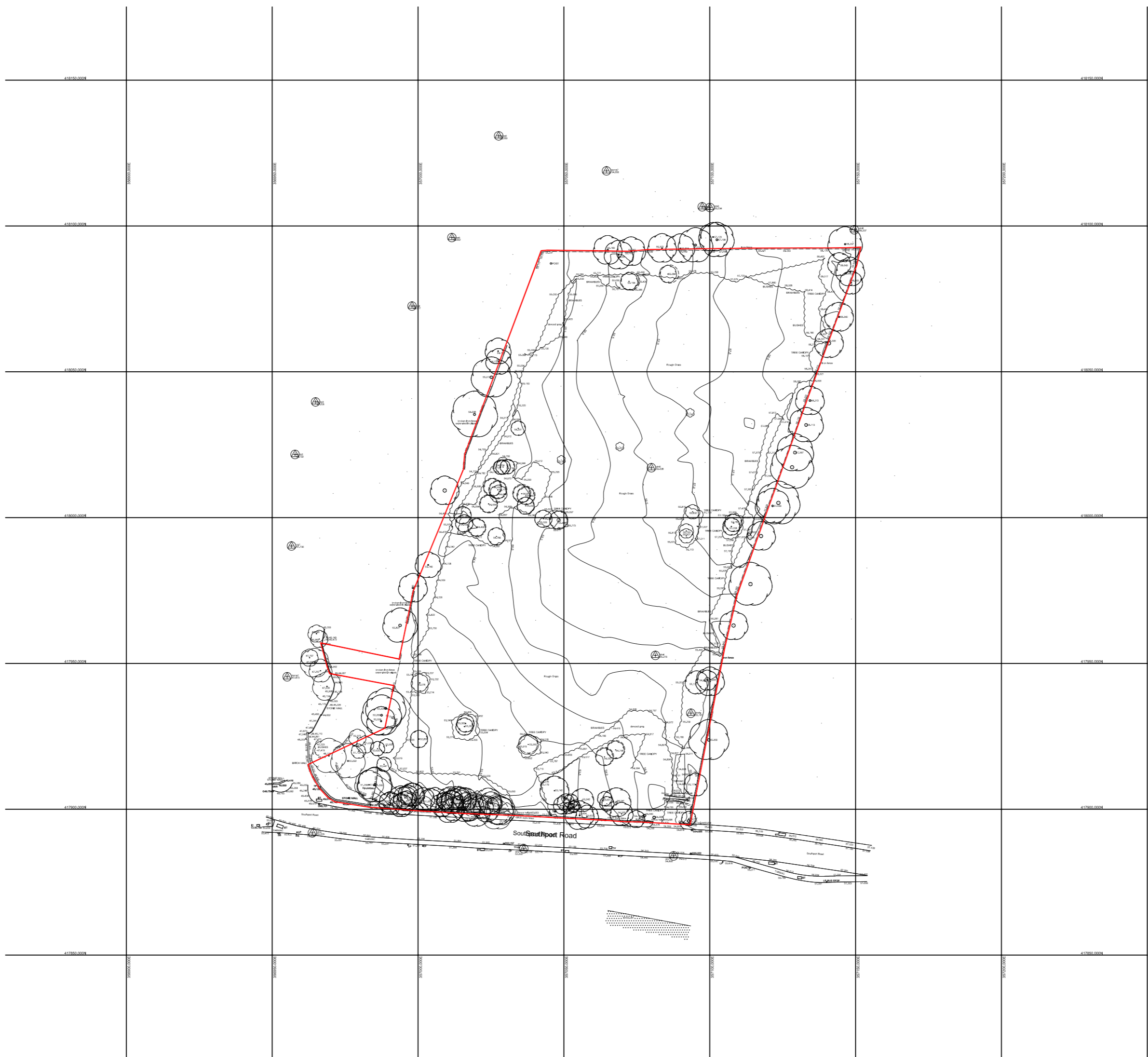
	<p>the occupation of the dwelling(s) they serve.</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
3.	<p>The detached or integral garages of the properties hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order amending or revoking and re-enacting that order), unless the properties benefit from off road parking as follows:</p> <ul style="list-style-type: none"> <li>-Three bed properties - two off-road parking spaces within the curtilage;</li> <li>-Four or five bed properties - three off-road parking spaces within the curtilage.</li> </ul> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
4.	<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><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>
6.	<p>The development hereby permitted shall only be carried out in conformity with the Invasive Species Management Plan prepared by TEP (doc. Ref. 5934.02.002) in relation to the management and disposal of Rhododendron and Himalayan Balsam.</p> <p><i>Reason: To ensure the eradication and control of any invasive species which are found on the site.</i></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><i>Reason: To safeguard the trees to be retained.</i></p>
8.	<p>No development other than site investigation and enabling works shall commence until details of the proposed surface water outflow through the Biological Heritage Site to the River Chor have been submitted to and approved in writing by the local planning authority. These details should include proposals for any landscape re-instatement that could be required following works to install the new drainage. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.</p> <p><i>Reason: To protect against harm to the Biological Heritage Site and to ensure that water quality is not detrimentally impacted by the development proposal.</i></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><i>Reason: Nesting birds are a protected species.</i></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><i>Reason: In the interest of the appearance of the locality.</i></p>
11.	<p>The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
12.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
13.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
14.	<p>No development other than site investigation and enabling works shall commence until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions is submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed in accordance with the approved details.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.</i></p>
15.	<p>No dwellings shall be occupied until details of a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <p>a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management</p>

	<p>company; and</p> <p>b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.</i></p>
16.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
17.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
18.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans: Details to follow</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
19.	<p>Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.</p> <p><i>Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.</i></p>
20.	<p>Prior to the construction of the superstructure of any of the dwellings and final surfacing of the car park hereby permitted a scheme for the construction of the site access and the off-site works of highway improvement including the promotion of a Traffic Regulation Order, provision of pedestrian refuge, carriageway markings and signs and a stage 1 safety audit, shall be submitted to and approved by the Local Planning Authority.</p>

	<p><i>Reason: In order to satisfy the Local Planning Authority that the final details of the scheme/works are acceptable before work commences on site.</i></p>
21.	<p>No part of the development hereby approved shall be used or occupied 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.</p> <p><i>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.</i></p>
22.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Southport Road to points measured 120m in each direction along the nearer edge of the carriageway of Southport Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level prior to the commencement of development other than site investigation and enabling works.</p> <p><i>Reason: To ensure adequate visibility at the street junction or site access.</i></p>
23.	<p>No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ol style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. hours of operation (including deliveries) during construction</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>vi. wheel washing facilities</li> <li>vii. measures to control the emission of dust and dirt during construction</li> <li>viii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ol> <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
24.	<p>The new estate road and accesses between the site and Southport Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.</p> <p><i>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p>
25.	<p>Prior to the marking out of spaces on the car park hereby permitted a scheme for the marking out of the car parking spaces and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the number and distribution of parking spaces for use by disabled persons. The car park hereby permitted shall not be used until the car parking spaces and manoeuvring areas have been marked out in accordance with</p>

	<p>the approved plan and approved car parking layout shall be retained at all times thereafter.</p> <p><i>Reason: To ensure the provision of adequate car parking on site for the purposes of disabled persons and to allow for the effective use of the parking areas.</i></p>
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Rev.	Description	Drawn	Date

**millerhomes**  
 Miller Homes Limited - North West Region  
 Hawthorn House  
 Woodlands Park  
 Ashton Road  
 Newton Le Willows, WA12 0HF  
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 www.millerhomes.co.uk

Project Title  
**SOUTHPORT ROAD  
 CHORLEY**

Drawing Title  
**LOCATION PLAN**

Scale	Drawn By	Checked By	Authorised By
1:1250	JAC		
	Date 08.09.16	Date	Date

Job No.	Drawing No.	Revision
	SRC/LOC/001	-

Original Sheet Size A2 Do Not Scale From This Drawing

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**APPLICATION REPORT – 16/00714/OUT**

**Validation Date: 9 August 2016**

**Ward: Wheelton And Withnell**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of four dwellings and associated infrastructure (with all matters reserved)**

**Location: Land To The Rear Of 56 School Lane Withnell Fold Old Road Brinscall**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Sharples**

**Agent: Chris Betteridge**

**Consultation expiry: 17 November 2016**

**Decision due by: 9 December 2016**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site comprises an area of land to the north of the Oak Tree Inn, School Lane, Brinscall and is within the settlement area of the village. The site is bound by Withnell Fold Old Road to the east, established residential properties fronting Queensway to the west and residential properties, Oak Tree public house and Post Office to the south. The site is roughly triangular in shape and extends to approximately 0.14 hectares. The topography of the site rises from Withnell Fold Old Road to the east up to the rear of the houses fronting Queensway with a change in levels of up to seven metres between the front and rear of the site. The site is covered by ruderal vegetation including self-seeded trees and grasses, and is free of built structures.
3. Current access to the site is via a vehicular entrance onto School Lane alongside the Oak Tree Inn, through the pub car park. There is also an existing pedestrian access to the site from Withnell Fold Old Road via a set of steps. The site is in an area of mixed character with residential and commercial uses around the site with open spaces nearby.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Outline planning permission is sought for the erection of four dwellinghouses, with associated residential curtilage and vehicular access to Withnell Fold Old Road. All matters are reserved. This has been reduced from the original submission, which was for five dwellings.

## REPRESENTATIONS

5. Three letters have been received citing the following grounds of objection:
  - Impact on privacy, light and outlook in relation to neighbouring properties
  - The site would be better suited to 4 rather than 5 dwellings
  - Impact on the retaining wall to the south
  - Impact on plants and wildlife
  - Impact on highway safety at junction with School Lane as a result of increased traffic.
  - Reduced parking opportunities on Withnell Fold Old Road due to creation of access
  - Risk of landslip / movement through excavating / groundworks associated with the development of the site.

## CONSULTATIONS

6. **Greater Manchester Ecology Unit:** Comment that an ecological assessment has been provided for the site and the only ecological constraints identified were nesting birds and reptiles. These issues can be resolved via appropriate informatives and conditions.
7. **Waste & Contaminated Land:** Have no objection subject to an appropriate condition being attached.
8. **Lancashire Highway Services:** Comment that the proposed development is acceptable in principle; however, the layout should be designed to incorporate sufficient speed control measures and turning areas with adequate attention given to servicing, delivery, waste collection and parking.
9. **United Utilities:** Have no objection subject to appropriate conditions being attached.
10. **Withnell Parish Council:** Are concerned at the impact of the development on the local road infrastructure and request that Members of the Committee pay a site visit to view the dangerous exit from Withnell Fold Old Road onto School Lane before making any decision.
11. The Parish Council are also concerned that a public right of way from Withnell Fold Old Road to School Lane, across the public house car park, would be lost by the proposed development. The ginnel is shown on one part of the supporting document but lost on the development proposal.

## PLANNING CONSIDERATIONS

### Principle of development

12. 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.
13. Brinscall is identified as one of the Rural Local Service Centres and policy 1(e) of the Central Lancashire Core Strategy states that limited growth and investment will be encouraged in Rural Local Service Centres to help meet local housing and employment needs. The proposed development is considered to be small scale and targeted at meeting local housing needs in line with this policy.
14. The application site is not designated within the local plan and does not appear to have a specific use. 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 within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
15. 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

16. The proposed development is for four dwellings to be located on land to the rear of 56 School Lane, Brinscall. The indicative layout plan suggests that the dwellings would be arranged and positioned so as to face Withnell Fold Old Road, with a vehicular access to the north of the site giving access to the rear of the properties. The land on which the proposed dwellings would be developed is at a higher level to the highway and the dwellings themselves would be prominent in the street scene in this location. As such, an arrangement in which the proposed dwellings face onto Withnell Fold Old Road would have a positive impact in terms of creating an active street frontage and contributing to the character of the area.
17. The dwellings at 46 and 48 School Lane are of traditional appearance and faced in stone and painted render. There is a stone wall to the boundary of the site with Withnell Fold Old Road and many of the properties along School Lane are traditional dwellings and cottages faced in natural stone. The dwellings to the north west of the site are of a more modern design and are faced in brown brick.
18. In terms of the eventual design and appearance of the dwellings to be proposed, the surrounding dwellings provide some cues as to an appropriate scale, and it is anticipated that the dwellings would be two storeys in height with dual pitched roofs. It would be appropriate for any proposed dwellings to be of traditional appearance making use of stone in the external facing materials or facing details.
19. The indicative positioning of the proposed dwellings would add to the street scene and 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 would form an important component as regards the details of the eventual development.
20. It is anticipated that four 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.
21. In order to retain the existing character of the area and ensure that the proposed development blends into the street scape, it is recommended that the stone retaining wall to the east of the site facing Withnell Fold Old Road should be retained within any proposed development. Details of boundary treatments at the site should be provided with any application for reserved matters.

#### Impact on neighbour amenity

22. The application seeks outline planning permission at this stage, however, an indicative site plan has been submitted that details as to the possible layout of the eventual scheme. The indicative site plan suggests that the proposed dwellings would extend north of the existing dwellings at 46 and 48 School Lane and would be positioned at a higher level to these properties. As the proposed development would be to the north of these dwellings there would be no loss of direct light in relation to them. It is also anticipated that windows to habitable rooms should be avoided in the side elevations to any dwellings that are approved on the site, thereby avoiding any impact on privacy. In relation to the amenity of the occupiers of dwellings at 46 and 48 School Lane, the impact on outlook is therefore the only potential concern.
23. At its closest point, the indicative plan shows that the proposed dwellings would be located approximately 5m from 48 School Lane. It is noted that there is one window to a habitable room in this part of the property facing the application site. This would not appear to directly face the gable end of the nearest property indicated on the plan and it should be noted that this is not the sole source of outlook to the room it serves. In addition the existing difference

in levels is such the proposed dwelling would not be directly visible as the window currently faces a high retaining wall. It is noted, however, that the gable end of the nearest dwelling may appear rather imposing from the rear yard to 48 School Lane, given the change in levels, and for this reason it is recommended that the proposed dwellings are positioned as far to north of this boundary as is practically possible to minimise any impact.

24. The indicative plan also shows that the proposed dwellings would be located approximately 10m from 46 School Lane, and that there are windows to habitable rooms in this property facing the application site. Although the proposed dwellings may be visible from these windows, it is noted that the north facing windows in the ground floor to 46 School Lane already face a high stone retaining wall. Given that there would be no loss of light or privacy, it is considered that the proposed dwellings could be positioned and designed in such a way that their proximity would not be so harmful to outlook as to warrant refusal of the planning application. Again, it is recommended that the proposed dwellings are positioned as far to the north of this southern boundary as is practically possible to minimise any impact on outlook.
25. The indicative plans show that the proposed dwellings would be located approximately 18m, at their nearest point, from the dwellings at 18 to 23 Queensway to the north-west of the site. The application site is located at a significantly lower level to these properties and the indicative layout suggests that the dwellings would be positioned at an angle to them and, therefore, there would be no parallel facing windows. Given the difference in levels and the positioning and degree of separation that could be achieved, it is considered that the proposed development could be designed so as to avoid any detrimental impact on light, outlook or privacy.

#### Highway impact and access

26. There is currently vehicular access to the site from School Lane, via a car park serving the public house. This would make an unsuitable access to the proposed housing development and the indicative site layout shows a vehicular access from Withnell Fold Old Road that would serve the dwellings to the rear via a private drive. It is possible to create this access in a manner that maintains highway safety, however, further details would be required to demonstrate this as part of any application for reserved matters.
27. There would be off street parking for approximately 10 cars, which would provide an adequate level of parking provision in this area given the sustainable nature of the location being close to shops, amenities and schools.
28. It is noted that the current junction arrangement between Withnell Fold Old Road and School Lane is narrow and that visibility is not ideal, however, this is an historic arrangement and the junction has operated in this way for many years.
29. It is noted that the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.

#### Loss of trees and impact on wildlife

30. An ecological assessment has been provided for the site. The only ecological constraints identified were nesting birds and reptiles. Reptiles are generally very rare in this region and the area is isolated from other potentially high value habitat, and very small. It is, therefore, recommended that an informative is attached to any grant of planning permission reminding the application that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended).
31. Birds were found to be nesting on the site at the time of the survey. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. As such, it is recommended that a condition is attached to the grant of any planning permission preventing works to trees or shrubs between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.

32. As noted by the consultants, the habitats on site are widespread and common. It is also noted that the area to be lost would be small and there are significant amounts of higher value habitat nearby. Despite this, its loss would still be a negative impact on biodiversity unless mitigation is provided. There is adequate space within the schematic layout to provide replacement planting and, therefore, it is recommended that details of appropriate landscaping are required by condition.

#### Public Open Space

33. In line with Local Plan Policy HS4 a contribution towards the provision or improvement of public open space (POS) would be required to address local needs. There is no local evidence of need to outweigh national policy in regards to open space and, therefore, a contribution is not required from this development.

#### Other matters

34. Loss of public right of way: There are no definitive public rights of way crossing the site. Any other rights of way or access that may be affected by the proposal are not a material planning consideration and are a civil matter.
35. Impact on the retaining wall to the south: It is recommended that a condition is attached to any grant of planning permission requiring details of the existing retaining walls and structures and any measures that are required in order to mitigate any impact on these structures.
36. Risk of landslip / movement through excavating / groundworks associated with the development of the site: It is recommended that a condition is attached to any grant of planning permission requiring details of the actual ground conditions and any measures that are required in order to implement the development.
37. Reduced parking opportunities on Withnell Fold Old Road due to creation of access: It is noted that any proposed access to the site from Withnell Fold Old Road would reduce the length of highway that is currently available for on street car parking. There would, however, be remaining opportunities for on street parking following the creation of any vehicular access in this location. 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.

#### **CIL**

38. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### **CONCLUSION**

39. It is considered that the four new dwellings on this site is acceptable in principle due to the sustainable credentials of the site and its characteristics. It is considered that four dwellings could be designed and positioned without causing undue harm to the appearance and character of the area and impact on neighbour amenity.
40. 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 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.**

**RELEVANT HISTORY OF THE SITE**

**Ref: 14/00412/FUL Decision: WDN Decision Date: 3 July 2014**  
**Description: Erection of 5 no. 2 bed affordable dwellinghouses**

**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. Either as part of the first reserved matters application or prior to the commencement of the development details of a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to and approved in writing 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 be occupied 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 four new dwellinghouses and shall be carried out in accordance with the following plans:

<b>Title</b>	<b>Drawing Reference</b>	<b>Received date</b>
Location Plan	1124-SK-05	02 August 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. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat.

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. Either as part of the first reserved matters application or prior to the commencement of the development details of a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. 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 5 l/s.

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.

10. Either as part of the first reserved matters application or prior to the occupation of any of the dwellings hereby approved details of a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

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. Either as part of the first reserved matters application or 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. Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence until the applicant has submitted to and had approved in writing by



the Local Planning Authority a Phase II ground investigation is recommended to determine more accurately the effect of the identified hazards on the development. Initially, this should include the following along with details of the necessary remediation measures.:

- A window sampling, trial pits and possibly cable percussive borehole investigation to confirm ground conditions and collect samples for analysis.
- Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined.
- Gas monitoring to assess the risk posed by ground gases.
- Geotechnical soils testing of the founding strata to assess its strength and suitable grades of buried concrete.
- Confirmation of the presence of existing drainage is required.
- Slope stability assessment (if required).
- Assessment of existing retaining walls.
- Investigation of surface water run-off from adjacent site.

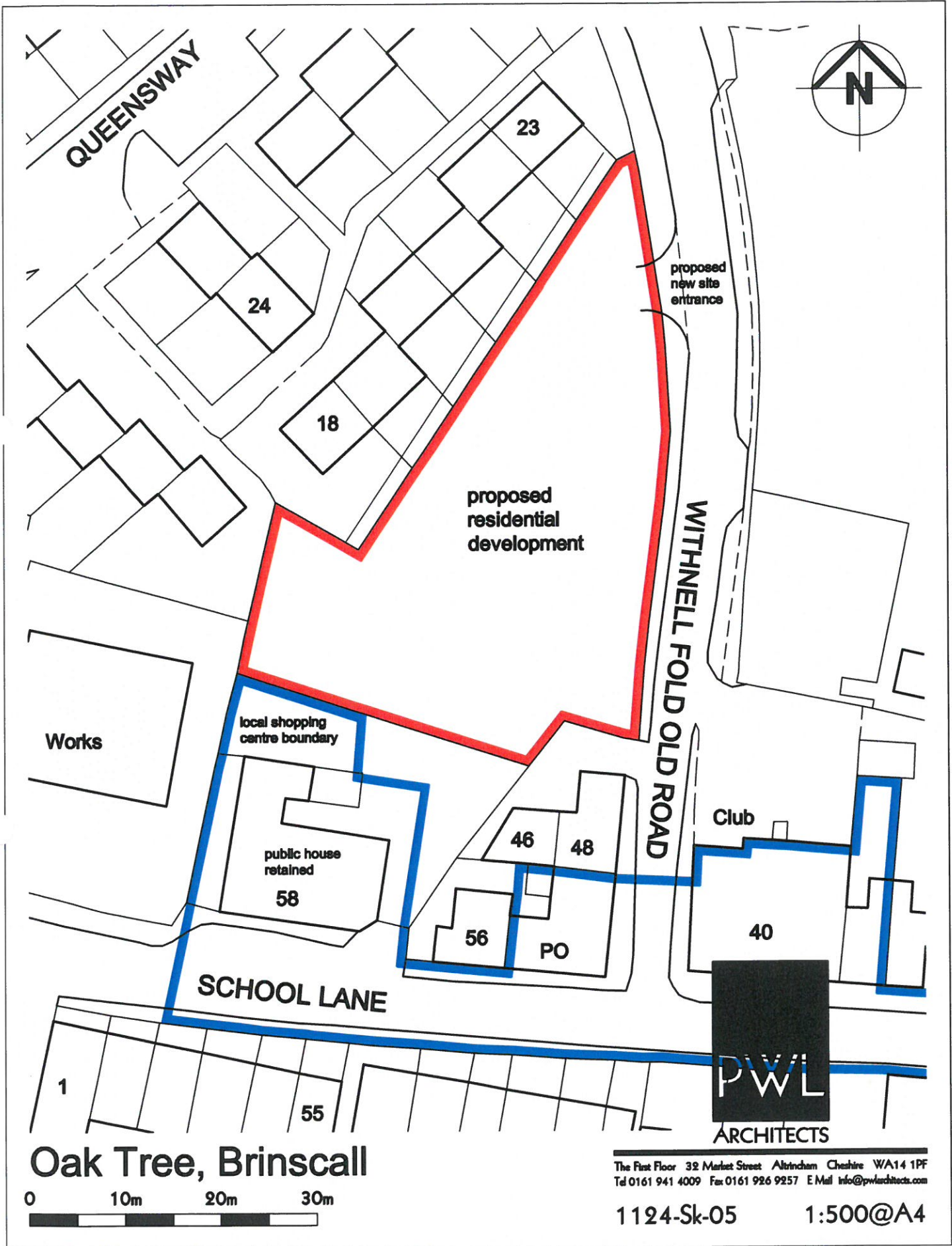
The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: Please note 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).

15. 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.

Reason: Nesting birds are a protected species.

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# Oak Tree, Brinscall

0 10m 20m 30m



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**APPLICATION REPORT – 16/00909/FUL**

**Validation Date: 10 October 2016**

**Ward: Chorley East**

**Type of Application: Full Planning**

**Proposal: Demolition of existing building and erection of 3 no. dwellings**

**Location: Moonlight Indian Cuisine 64 Brooke Street Chorley PR6 0HB**

**Case Officer: Mr Iain Crossland**

**Applicant: Mrs Nipa Begum**

**Agent: Paul Flynn**

**Consultation expiry: 1 November 2016**

**Decision due by: 5 December 2016**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site comprises a derelict building that has recently suffered fire damage, and associated areas of hardstanding. The building was most recently in use as a restaurant. The site is located within the core settlement area of Chorley, close to the town centre, and is bound by residential properties to the south and east and by the highways of Brooke Street to the north and Eldon Street to the west.
3. The existing building is of traditional appearance and is faced in painted render. The building is boarded up and a large part of the roof is missing as a result of recent fire damage. The area is distinctly urban in character and the buildings nearest to the site are in residential use and of traditional appearance.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The proposed development is for the demolition of the existing building and erection of a terrace of three dwellinghouses. The dwellings would be two storeys in height with accommodation in the roofspace. They would front onto Brook Street and would have allocated parking spaces to the rear accessed from Eldon Street.

**REPRESENTATIONS**

5. One letter of representation has been received expressing concerns about the availability of on street parking along Eldon Street whilst any development is taking place and once the dwellings are occupied.

## CONSULTATIONS

6. **Lancashire Highway Services:** Have no objection to the proposed development.
7. **United Utilities –** Have no objection to the proposed development.
8. **Waste & Contaminated Land –** Have no objection to the proposed development subject to an appropriate informative being attached.

## PLANNING CONSIDERATIONS

### Principle of the development

9. The National Planning Policy Framework (The Framework) states that planning should seek to encourage the effective use of land that has been previously developed, although it does not preclude the development of previously undeveloped land. One of the other core principles of the Framework is that development should be focussed in locations that are sustainable. The Framework also states that development in sustainable locations should be approved without delay.
10. 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.
11. The application site is located in the core settlement area of Chorley. Core Strategy Policy 1 is concerned with located growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
12. The application site is not designated within the local plan and is not protected. 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 within easy access of amenities such as shops, schools, churches and community facilities and public transport services.
13. 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.

### Design and impact on the character of the area

14. The proposal is for the demolition of the existing former restaurant building and erection of a terrace of three dwellings. The existing site and building are of poor quality appearance, which has been exacerbated by the fire damage recently suffered, and the site is in a prominent location on a main road. The proposed development would result in the provision of three townhouse style properties of traditional design style. These would be arranged and positioned so as to face the highway thereby reflecting the positioning of other dwellings and properties along Brooke Street.
15. There is a range of property types in the locality, which are generally of traditional appearance and, therefore, the use of a traditional design would complement the adjacent buildings. The positioning of the proposed development has been amended so that it would be set back from the highway in line with adjacent dwellings to the east, unlike the existing situation, whereby the restaurant is positioned immediately adjacent to the pavement. The scale of the proposed dwellings would be higher than that of the adjacent properties to the east, however, given that the application site occupies a corner plot and there is no distinct rhythm of heights along the street, the proposed development would not appear out of keeping and would not harm the character or appearance of the street scene.
16. No details of the landscaping or boundaries to the front of the dwellings have been provided. These would form an important visual aspect in terms of how the property relates

to the street scene and the appearance of the site in this prominent location. As such it is recommended that landscaping and boundary details are required by the attachment of an appropriate condition to any grant of planning permission.

17. The proposal would involve redevelopment of a somewhat dilapidated site and would result in a positive physical improvement in the appearance of the site, which is deteriorating. It is acknowledged that an active use needs to be established on the site to address the current situation. The proposed development would, therefore, result in an overall improvement in the appearance of the site and would subsequently enhance the character of the area.

#### Impact on neighbour amenity

18. The application site is bound by dwellings to the south and east. The dwelling to the immediate south at 1 Eldon Street is a bungalow orientated perpendicular to the proposed dwellings and approximately 1.5m from the boundary with the application site. The dwellings themselves would be located approximately 13m from the boundary with 1 Eldon Street facing towards the side elevation of the bungalow and its rear garden. This meets with the interface guidelines and the provision of a 1.8m high fence to the rear of the proposed development would provide an adequate screen between any parallel facing windows. Given that the existing building is located approximately 1.5m from 1 Eldon Street and the proposed dwellings would be approximately 14.5m away, there would be a net improvement in amenity for the occupiers of 1 Eldon Street.
19. The proposed dwellings would be located parallel to an existing dwelling at 66 Brooke Street. There would be no parallel facing windows and no direct views of the private intimate amenity areas at this property. There would be no impact on light or outlook in comparison with the existing situation and there would be a net improvement in amenity for the occupiers of 66 Brooke Street given the extensive footprint of the existing building.

#### Impact on highways/access

20. The proposed development would result in the provision of three four bedroom dwellings. Off street car parking has been identified on the proposed site plan for 6 vehicles. This falls below the requirements of the adopted parking standards set out in relation to policy ST4 of the Chorley Local Plan 2012 – 2026.
21. The application site is located within the core settlement area of Chorley, close to the town centre and within walking distance of a wide variety of amenities, services and public transport links. There are excellent pedestrian links across the area and the location is considered to be a highly sustainable one. Although the ideal number of car parking spaces would not be met in this case, it is noted that policy ST4 of the Local Plan 2012 – 2026 allows for lower levels of provision to be considered in locations that are considered to be more sustainable and well served by public transport. As the site is in a highly sustainable location it is considered that under the circumstances a reduced level of car parking is acceptable.
22. The proposed parking spaces would be accessed from Eldon Street, which is a quiet cul-de-sac and such arrangements reflect the situation at other properties on the street. It is not considered that the proposed development would result in any harm to highway safety.

#### Public Open Space

23. 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 Supplementary Planning Document. This would result in a contribution towards off-site provision for children/young people in Chorley East totalling £536 towards the improvement of site 1330.2 – Tatton Recreational Ground Playground.
24. The grant of planning permission would be subject to a condition requiring the applicant to submit a scheme for the off-site provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026.

Community Infrastructure Levy

25. 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 would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other matters

26. Impact on the availability of on street parking along Eldon Street:

It is noted that any proposed access to the site from Eldon Street would reduce the length of highway that is currently available for on street car parking. There would, however, be remaining opportunities for on street parking following the creation of the vehicular access in this location. 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.

**CONCLUSION**

27. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition, there is adequate parking given the sustainability of the location. On the basis of the above assessment, it is recommended that planning permission be granted.

**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.

**RELEVANT HISTORY OF THE SITE**

Ref: 93/00115/FUL Decision: PERFPP Decision Date: 11 November 1993  
Description: Alterations to front and side elevations single storey side extension and external flue

Ref: 93/00209/ADV Decision: PERFPP Decision Date: 11 November 1993  
Description: Display of externally illuminated signs

Ref: 92/00033/COU Decision: REFFPP Decision Date: 31 March 1992  
Description: Change of use to joiners workshop for manufacture of door and window frames

Ref: 89/00472/FUL Decision: PERFPP Decision Date: 3 August 1989  
Description: Display of internally illuminated projecting sign

Ref: 80/00076/ADV Decision: PERADV Decision Date: 11 February 1980  
Description: Wall mounted illuminated sign

Ref: 79/00084/FUL Decision: PERFPP Decision Date: 19 March 1979  
Description: Alterations and change of use of offices and bottle store to new club area

Ref: 79/00083/ADV Decision: PERADV Decision Date: 19 March 1979  
Description: Non-illuminated fascia sign

Ref: 74/00809/ADV Decision: PERADV Decision Date: 18 December 1974  
Description: Illuminated sign



**Suggested Conditions**

Conditions to follow

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**APPLICATION REPORT – 16/00368/FUL**

**Validation Date: 22 April 2016**

**Ward: Wheelton And Withnell**

**Type of Application: Full Planning**

**Proposal: Replacement of stable block and temporary storage buildings with new timber stable and equestrian storage building**

**Location: Hillview Stables Buckholes Lane Wheelton Chorley PR6 8JJ**

**Case Officer: Mrs Helen Lowe**

**Applicant: Mr Asakir Asghar**

**Agent: Mr John Welbank**

**Consultation expiry: 28 November 2016**

**Decision due by: 21 October 2016**

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**RECOMMENDATION**

1. It is recommended that the application is approved subject to conditions.

**SITE DESCRIPTION**

2. The application site comprises an existing stables and sand paddock, approved in 2003 (ref. 03/01132/FUL) located off Buckholes Lane, Wheelton. The site is surrounded by open countryside, with sporadic residential development located along Buckholes Lane. The site is screened from Buckholes Lane by a number of mature trees.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application proposes the demolition of the existing stable building and removal of a number of existing storage containers and static caravan that have been sited on the site and the erection of a replacement stable building. The plans have been amended to reduce the size of the stables. The application also includes the retention of an existing septic tank which has been located adjacent to the northernmost corner of the sand paddock.

**REPRESENTATIONS**

4. Two letters of objection to the original plans have been received. They make the following comments:
  - The size of the new building is not commensurate with the proposed use as private horse stabling;
  - If the current stabling is in a poor state of repair this is presumably due to lack of maintenance and could be rectified without the need for expanded development;
  - Security should not be a problem as someone appears to occupy a static caravan on site;
  - Three car movements a day seem to be an underestimate;

- There are three stable developments in close proximity in this area, with piecemeal littering of fields with dubious items of clutter;
- Screening of the site on the northwest is not going to be satisfactorily achieved by planting six mountain ash;
- There is no need for an increase in the height of the proposed building;
- It would not be in keeping;

No further comments have been received in response to the amended plans.

## CONSULTATIONS

5. **The Coal Authority** - Low risk area, standing advice
6. **Greater Manchester Ecology Unit** - state that they have no objections to the proposals. Recommend that in the interests of biodiversity enhancement swallow nesting boxes ('cups') could be installed on the new buildings.
7. **Lancashire Highway Services** - No comments have been received.
8. **Chorley Council Tree Officer** - Recommends trees along boundary with Buckholes Lane are retained. Some pruning work is required to reduce tree overhang from the stable site.
9. **Wheelton Parish Council** state that they feel that it is over development, not for personal use but would be a commercial development

## PLANNING CONSIDERATIONS

### Green Belt

10. The application site located in the Green Belt. The Framework states that the erection of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this include:

- Provision of facilities for outdoor sport and outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes if including land within it; and
- The replacement of a building provided that it does not result in disproportionate additions over and above the size of the original building.

11. At present the existing stable building comprises a linear block of eight stables, situated parallel to Buckholes Lane. When originally granted planning permission in 2003, the building was intended to accommodate six stables and a store and tack room of the same footprint as the stables, but these rooms have been given over to the keeping of horses. The stables are constructed from timber and have a maximum ridge height of 3.6m. The footprint of the existing stables (when including the overhang of the roof) is approximately 116 sq. m.

12. The proposed replacement stable building comprise six stables, a straw / haylage store and a tack room. The eaves height of the building would be 2.2m and the ridge height would be 3.5m. The footprint would be approximately 171 sq. m. .The replacement stable building would have a volume approximately 42% larger than the existing building.

13. The Council's Rural Development Supplementary Planning Document (SPD) provides detailed guidance on the replacement of existing buildings within the countryside and equestrian development. It sets out volume increases that may be considered acceptable for replacement dwellings (30%), but does not specify a figure for the replacement of non-residential development.

14. In respect of equestrian development, the SPD states that small scale private development will involve no more than three horses. The current proposal involves the provision of six stables, however a material consideration is the fact that the existing stables also provide for six horses. It is not considered that it would be reasonable to require a reduction in the number of stables when larger stables already exist. The provision of appropriate facilities for outdoor sport and recreation may not be inappropriate in the Green Belt. The height, siting and materials of

the proposed stables are otherwise in accordance with the SPD. No floodlighting is proposed and the applicants are not proposing to run a commercial enterprise from the premises. This can also be secured by condition.

15. It is considered that the amended proposals for a reduced scale of replacement building would not be inappropriate in the Green Belt, for the following reasons:

- The proposal is for the same number of stables as the existing building, therefore, there would be no intensification of the use of the site;
- The height would be no greater than the existing building;
- The use is one which is considered to be appropriate in a rural area, as is the design and appearance of the building;
- The building would be located in the same position on the site as the existing building and would not represent any significant incursion into any open or previously unused part of the site;
- The stables would still be for private use, no floodlighting is proposed;

#### Design and Appearance

16. The proposed building would be constructed from concrete block work, up to a height of 1m, with the remaining walls constructed from vertical timber boarding. The roof would be black onduline corrugated roofing. The building would be screened from Buckholes Brow to the south by the existing trees and hedging along the site boundary. Additional tree planting is proposed on the western boundary. The materials are in accordance with the Council's SPD and it is not considered that the proposed building would form a discordant or unduly prominent feature within the street scene and wider rural area.

#### Neighbour Amenity

17. The proposed replacement building would be located in approximately the same position on the site as the existing stables and, as a result, it is not considered that it would have any greater or significantly different impact on the neighbouring residents than the existing development. As the number of stables is not proposed to increase, it is not considered that any increase in intensity of use and associated noise and disturbance is likely.

#### **CONCLUSION**

18. On balance, the proposed development is not considered to be inappropriate. It is to replace an existing building of the same and similar intensity of use. The building would be slightly larger; however this would allow a consolidation of storage and reduce clutter on the site. The design and appearance are appropriate and impact on neighbours would be very similar to the existing situation. The proposal is accordingly recommended for approval.

#### **CONSTRAINTS**

**Coal consultation zone**  
**Green Belt**  
**Parish**

#### **RELEVANT HISTORY OF THE SITE**

**Ref: 03/01132/FUL Decision: PERFPP Decision Date: 10 December 2003**  
**Description: Provision of stable block and sand paddock**

**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	N/A	19 April 2016
Existing elevations	BBS02/4/16	20 April 2016
Ownership Plan	N/A	19 April 2016
Proposed replacement stables	BBS01/4/16	3 November 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. If the stables hereby permitted are not brought into use or the use of them ceases for a period of one year within 10 years of their substantial completion, they shall be removed from the land and the land shall be restored to its former condition.

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

5. No source of external illumination or sound amplification shall be installed on the development hereby permitted.

*Reason: To protect the open and rural character of the locality.*

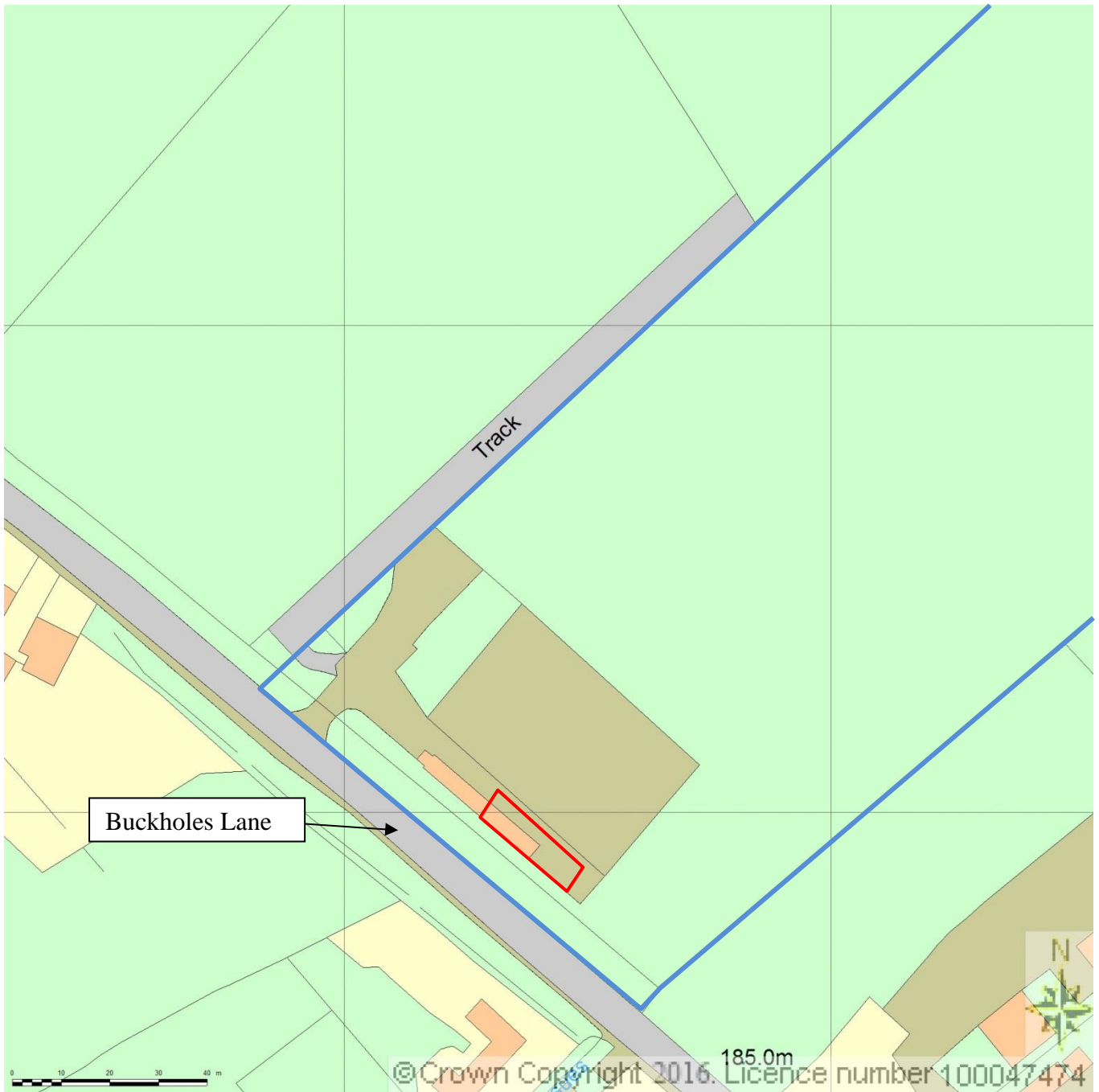
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 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..

*Reason: In the interest of the appearance of the locality.*





HILL VIEW STABLES SITE LOCATION PLAN  
AREA 5 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 361642, 422054



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**APPLICATION REPORT – 16/01036/S106A**

**Validation Date: 7 November 2016**

**Ward: Chorley South East**

**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 planning obligation (Affordable Housing) dated 4 March 2016.**

**Location: Myles Standish Way Chorley**

**Case Officer: Adele Hayes**

**Applicant: Rowland Homes Limited**

**Agent: N/A**

**Consultation expiry: N/A**

**Decision due by: 6 February 2017**

---

**RECOMMENDATION**

1. It is recommended that this request is accepted and the terms of the Section 106 Obligation be amended.

**SITE DESCRIPTION**

2. The application site is located within Chorley Town and is accessed via Myles Standish Way. This site forms part of a larger site than was historically occupied by United Utilities; the remainder of the site has been developed for housing by Arley Homes.

3. The application site itself is adjacent to Duxbury Gardens and the Arley Homes residential estate to the north. To the south of the site is Myles Standish Way, from which the site already has an established vehicular access.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. Planning permission was granted for the erection of 68 dwellings, associated garaging, car parking and access arrangements, on 4<sup>th</sup> March 2016. The affordable housing contribution required under the provisions of the signed Section 106 Obligation is for 18 homes comprising the following:

- 13 x 2 bed social rented houses
- 5 x 3 bed shared ownership houses

5. Adactus had made a provisional offer on all of the affordable properties; however the offer was reduced for the social rented properties, equivalent to a reduction of 12.8%, after the rent reduction clarification.

6. The original solution proposed by Rowland Homes was to change 4no. of the social rented 2 beds units into shared ownership and, therefore, have a 9/9 social rent/shared ownership split.

7. However, this was considered unacceptable from a strategic housing perspective because the 2 bedroom social rented houses are high demand units and the most conducive to meeting housing need in the borough for family households.

8. Following discussions between council officers and Rowland, and consideration of various different scenarios and options, Rowland Homes are proposing to sell 3no. of the shared ownership properties on the open market to make up for the loss of the revised offer from Adactus.

9. Rowland Homes are, therefore, now formally requesting to modify the provision of the Section 106 Obligation.

10. All of the other obligations within the Obligation are not affected by this request.

### **REPRESENTATIONS**

11. No notifications are required.

### **CONSULTATIONS**

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

### **PLANNING CONSIDERATIONS**

13. 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.

14. 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.

15. 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.

16. 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. 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.

17. The implications of the Government imposed 1% rent reduction on an annual basis for 3 years on social rented units that in real terms means a 4% reduction per year for 3 years (due to normal 3% per year increase being removed by the Government changes) is such that the developer is now seeking a reduction in the number of shared ownership units.

### **CONCLUSION**

18. Rowland Homes have demonstrated that whilst they would receive extra sales revenue from selling 3no. of the shared ownership properties on the open market, they would incur extra costs in terms of an overage clause with the former land owner, the requirement to pay CIL and additional sales costs would leave them worse off than the original Adactus offer although following discussions with council officers, they are prepared to accept this.

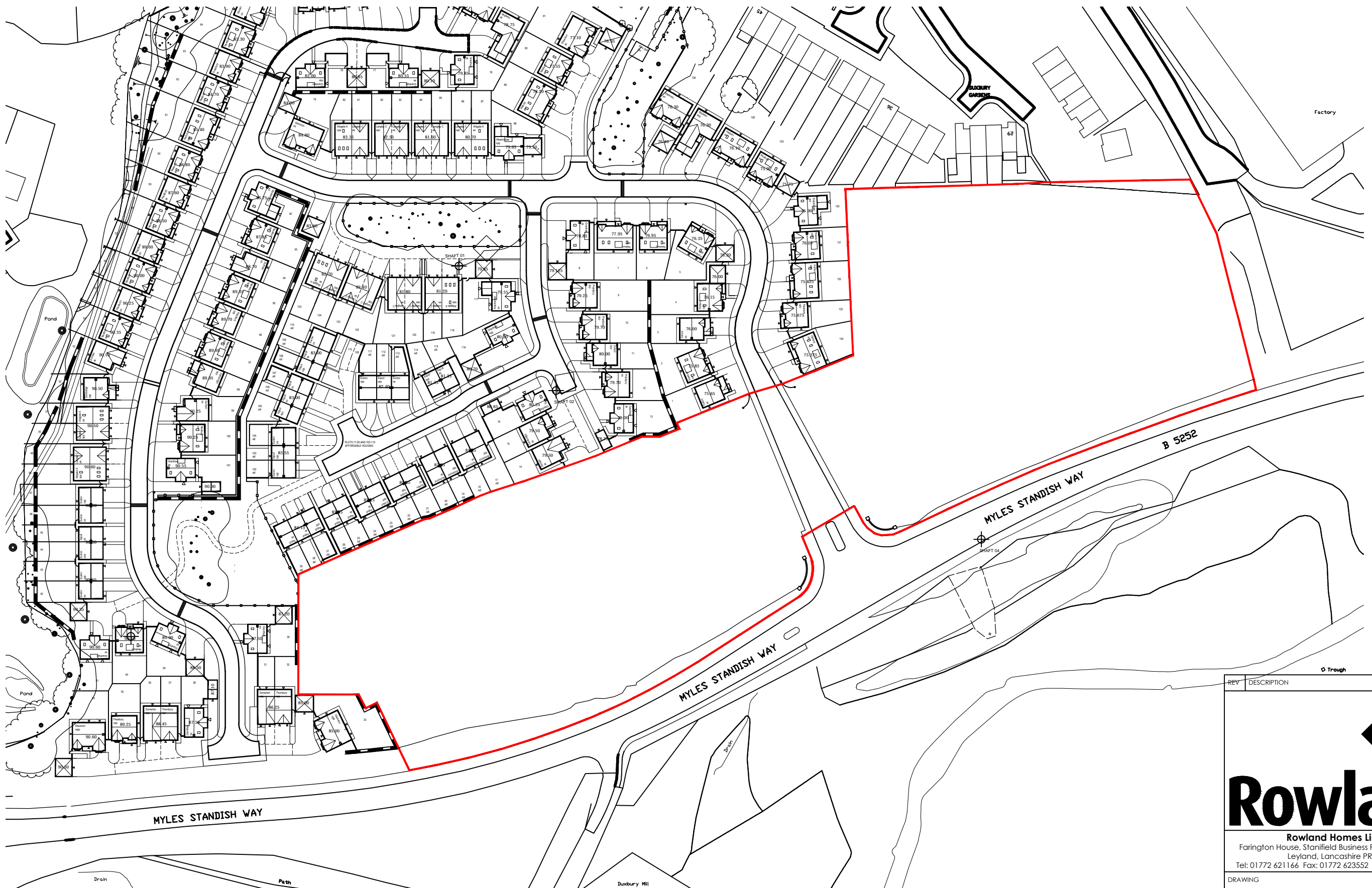
19. At the current stage in the development, it is not considered that a solution with another Registered Provider could be found to take any of the properties. To safeguard all the high demand social rented properties, whilst avoiding the complications of a stalled site, it is recommended that the compromise of the loss of 3no. shared ownership units is accepted and the S106 Obligation is modified.

**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.

#### RELEVANT HISTORY OF THE SITE

Reference	Description	Decision	Date
06/00850/CB3	Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha).	Approved	November 2006
08/01044/OUTMAJ	Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares).	Approved	December 2008
10/00004/DIS	Application to discharge condition 29 of planning approval 08/01044/OUTMAJ.	Discharged	January 2010
10/00240/DIS	Application to discharge condition 14 of planning approval 08/01044/OUTMAJ.	Discharged	April 2010
10/00888/FULMAJ	Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases.	Approved	11th January 2011
10/00946/REMAJ	Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley	Approved	February 2011
11/00190/DIS	Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ.	Discharged	May 2011
11/00263/FUL	Construction of a temporary junction and access road for use during the construction period.	Approved	May 2011
11/00453/REMAJ	Section 73 application to vary conditions 1 (approved plans), 4	Approved	August 2011

	(approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMMAJ		
11/01019/REMMAJ	Section 73 application to vary conditions 1 and 4 (approved plans) and 25 and 27 (plot references) attached to planning approval 11/00453/REMMAJ	Approved	April 2012
13/00178/FULMAJ	Erection of 70 residential dwellings, associated garaging, car parking, access arrangements and landscape works.	Approved	August 2013
15/00482/FULMAJ	Erection of 68 dwellings, associated garaging, car parking and access arrangements	Approved	March 2016



REV	DESCRIPTION	DATE



# Rowland

**Rowland Homes Limited**  
 Farington House, Stanfield Business Park, Stanfield Lane,  
 Leyland, Lancashire PR25 4UA  
 Tel: 01772 621166 Fax: 01772 623552 www.rowland.co.uk

DRAWING	
LOCATION PLAN	
PROJECT	
MYLES STANDISH WAY, CHORLEY	
SCALE	1:1250 @ A3
DATE	MAY '15
DRAWN	
REV.	
DRAWING No.	R074/1000

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Report of	Meeting	Date
Head of Legal, Democratic and HR Services	Development Control Committee	16 August 2016

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NUMBER 3 (MAWDESLEY) 2016 WITHOUT MODIFICATION**

**PURPOSE OF REPORT**

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order Number 3 (Mawdesley) 2016 without modification.

**RECOMMENDATION**

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

**EXECUTIVE SUMMARY OF REPORT**

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

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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**CORPORATE PRIORITIES**

- This report relates to the following Strategic Objectives:

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

**BACKGROUND**

- The Order was made on the 29 June 2016. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 29 June 2016. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that their removal would have a significant impact on the environment and its enjoyment by the public.

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

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

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

**COMMENTS OF THE MONITORING OFFICER**

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	01257 515170	01 August 2016	108678

**Tree Preservation Order**

**Town and Country Planning Act 1990**

The Chorley Borough Council Tree Preservation Order Number 3 (Mawdesley) 2016

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

**Citation**

This Order may be cited as Chorley Borough Council Tree Preservation Order Number 3 (Mawdesley) 2016

**Interpretation**

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

**Effect**

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

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

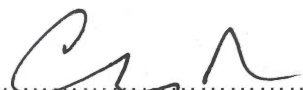
**Application to trees to be planted pursuant to a condition**

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

Dated this 29 day of June 2016

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of: )

 )  
 ..... )  
 Authorised Signatory



CONFIRMATION OF ORDER

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

OR

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

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

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

## SCHEDULE

## Specification of trees

**Groups of trees**

(within a red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	Oak, Sycamore, Weeping Willow, Fir, Pine, Birch and Beech	Bradshaw Lane, Mawdesley located in front of gardens of and in between properties known as 'Pickett' and 'Woodside Farm' and 'Ferndale' and 'Trelawney' (please see map)



## Agenda Item 4



Report of	Meeting	Date
Director (Customer & Digital)	Development Control Committee	6 December 2016

### **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 15 JULY 2016 AND 25 NOVEMBER 2016**

#### **PLANNING APPEALS LODGED**

Planning Application: 16/00522/P3PAO - Inspectorate Reference: APP/D2320/W/16/3160406

Appeal by Mr. Richard Prideaux against the Development Control Committee decision to refuse Prior Approval under Part 3, Class Q (a and b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed change of use of an agricultural building to 2no. dwelling houses and associated building operations.

Land at Orcheton House Farm, Wood Lane, Heskin, Chorley, PR7 5PA.

Inspectorate letter received 17 November 2016 - Written representations procedure.

Planning Application: 16/00164/FULHH - Inspectorate Reference: APP/D2320/D/16/315688

Appeal by Mr. and Mrs. P. Bradley against the delegated decision to refuse Full Planning Permission for the erection of a first floor rear extension and erection of a single storey orangery, following removal of an existing conservatory.

Over Hall Nook, South Road, Bretherton, Leyland, PR26 9AB.

Inspectorate letter received 22 August 2016 - Written representations procedure.

Tree Works Application: 16/00269/TPO - Inspectorate Reference: APP/TPO/D2320/5429

Appeal by Mr. S. Black against the Council's non determination of an application to fell 3 Sycamore and 4 Beech trees (covered by TPO 7 (Coppull) 1997).

10 Chantry Place, Coppull, Chorley, PR7 4QF.

Inspectorate letter received 1 September 2016 - Written representations procedure.

Planning Application: 15/01098/FUL - Inspectorate Reference: APP/D2320/W/16/3154595

Appeal by Mr. and Mrs. G. Brocken against the delegated decision to refuse Full Planning Permission for the erection of single detached dwellinghouse.

Coppull Moor Lane Nurseries, Coppull Moor Lane, Coppull, Chorley, PR7 5JH.

Inspectorate letter received 19 August 2016 - Written representations procedure.

Planning Application: 16/00334/ADV - Inspectorate Reference: APP/D2320/Z/16/3159794

Appeal by Mr J Barlow against the delegated decision to refuse advertising consent for Installation of advertising hoarding attached to trailer.

New Park Hall Farm, Back Lane, Charnock Richard, Chorley, PR7 5JY.

Inspectorate letter received 14 October 2016 – Appeal not yet valid.

### **APPEAL DECISIONS**

Tree Works Application: 16/00269/TPO - Inspectorate Reference: APP/TPO/D2320/5429

Appeal by Mr. S. Black against the Council's not determination of application to fell 3 Sycamore and 4 Beech (covered by TPO 7 (Coppull) 1997).

10 Chantry Place, Coppull, Chorley, PR7 4QF.

Appeal deemed not to be valid on 4 November 2016 because trees are not protected under the provisions of a Tree Preservation Order. A full award of costs was granted against the Council on grounds of "unreasonable" behaviour resulting in wasted or unnecessary expense.

Planning Application: 16/00164/FULHH, Inspectorate Reference: APP/D2320/D/16/315688

Appeal by Mr And Mrs P Bradley against the delegated decision to Refuse Full Planning Permission for Erection of a first floor rear extension and erection of a single storey orangery, following removal of an existing conservatory.

Over Hall Nook, South Road, Bretherton, Leyland, PR26 9AB.

Appeal dismissed 19 October 2016 - Written representations procedure.

Planning Application: 15/01092/OUT - Inspectorate Reference: APP/D2320/W/16/3152343

Appeal by Newriver Property Unit Trust No 4 against the Development Control Committee decision to refuse outline planning permission for the erection of up to 9 dwellings all matters reserved save for access.

Land north of the Railway Public House, Wigan Road, Euxton.

Appeal allowed 3 October 2016.

Planning Application: 15/01246/FUL - Inspectorate Reference: APP/D2320/W/16/3152417

Appeal by Westchurch Homes Ltd against the Development Control Committee decision to refuse full planning permission for the proposed erection of 7 no. residential dwellings and associated works.

Land adjacent to 75 Towngate, Eccleston.

Appeal allowed 3 October 2016. Application for costs refused.



Planning Application: 15/01098/FUL - Inspectorate Reference: APP/D2320/W/16/3154595

Appeal by Mr. and Mrs. G. Brocken against the delegated decision to refuse full planning permission for the erection of single detached dwellinghouse.

Coppull Moor Lane Nurseries, Coppull Moor Lane, Coppull, Chorley, PR7 5JH.

Appeal allowed 11 November 2016.

#### **PLANNING APPEALS WITHDRAWN**

Planning Application: 16/00152/FUL - Inspectorate Reference: APP/D2320/W/16/3151432

Appeal by Mr. Howard Rose against the non-determination of a full planning application for the 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.

Town Lane Farm, Town Lane, Heskin, Chorley, PR7 5QA.

Appeal withdrawn 3 October 2016.

#### **ENFORCEMENT APPEALS LODGED**

None received.

#### **ENFORCEMENT APPEAL DECISIONS**

Enforcement Case: 15/00063/NBLD - Inspectorate Reference: APP/D2320/C/16/3143664.

Appeals by Richard Greenwood Bramley and Mr. John Greenwood Bramley against enforcement notice relating to the erection of brick and concrete block walls and roof lintels to form a new building.

Disused building south of Sarscow Farm, Sarscow Lane, Ecclestone.

Appeal dismissed 13 September 2016 subject to correction and the enforcement notice is upheld.

Enforcement Case: 14/00136/NBLD - Inspectorate Reference: APP/D2320/C/16/3143506 and 3143573)

Appeal by Mr. and Mrs. Briscoe against enforcement notice relating to the erection of a summer house/garden tool store.

Land to the rear of 195 - 209, Town Lane, Whittle-Le-Woods.

Appeal dismissed 13 September 2016 subject to variation and the enforcement notice is upheld.

#### **ENFORCEMENT APPEALS WITHDRAWN**

Enforcement Case: 15/00217/OTHER - Inspectorate Reference: APP/D2320/C/16/3143704

Appeal by Alasdair Macdonald Morgan and Joanne Morgan against enforcement notice relating to the change of use from residential curtilage, stables and cattery to a mixed use of residential curtilage, stables, cattery and use as a haulage yard.

Close Gate Farm Cattery, Close Gate Farm, Buckholes Lane, Wheelton, Chorley, PR6 8JL.

Appeal withdrawn – 27 October 2016.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at [www.chorley.gov.uk/planning](http://www.chorley.gov.uk/planning).

ASIM KHAN  
DIRECTOR (CUSTOMER & DIGITAL)

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Adele Hayes	5228	25 November 2016	***