

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 17TH JANUARY 2017, 6.30 PM  
COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

- 1 **MINUTES OF MEETING TUESDAY, 6 DECEMBER 2016 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 5 - 8)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

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

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

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

- A **16/00714/OUT - LAND TO THE REAR OF 56 SCHOOL LANE, WITHNELL FOLD OLD ROAD, BRINSCALL**

(Pages 9 - 20)

- B **16/00890/FUL - PIPERS PRIVATE NURSERY, 11 SOUTHPORT ROAD, CHORLEY, PR7 1LB**

(Pages 21 - 28)

- C **16/00527/FUL - PIPERS PRIVATE NURSERY, 11 SOUTHPORT ROAD, CHORLEY, PR7 1LB**

(Pages 29 - 36)

- D **16/00533/FUL - PIPERS PRIVATE NURSERY, 11 SOUTHPORT ROAD, CHORLEY, PR7 1LB**

(Pages 37 - 54)

<b>E</b>	<b>15/00850/COU - LAND REAR OF 65 COPPULL MOOR LANE, COPPULL</b>	(Pages 55 - 60)
<b>F</b>	<b>16/01001/FUL - LAND 60M NORTH TO THE REAR OF 34 - 42 AND INCLUDING 42 CHORLEY LANE, CHARNOCK RICHARD</b>	(Pages 61 - 72)
<b>G</b>	<b>16/01127/REM - BOLTON ROAD, ADLINGTON</b>	(Pages 73 - 80)
<b>H</b>	<b>16/01140/P3PAJ - SUMNER HOUSE, 29 - 33 ST THOMAS'S ROAD, CHORLEY, PR7 1HP</b>	(Pages 81 - 86)
<b>I</b>	<b>16/00999/REMAJ - GROUP 1, EUXTON LANE, EUXTON</b>	(Pages 87 - 100)
<b>J</b>	<b>15/01230/FUL - EUXTON MILL, DAWBERS LANE, EUXTON, CHORLEY</b>	(Pages 101 - 116)
<b>K</b>	<b>16/01014/CB3 - APEX BUSINESS CENTRE, 1 ARLEY STREET, CHORLEY</b>	(Pages 117 - 124)
<b>L</b>	<b>16/01033/CB3MAJ - MARKET WALK EXTENSION, UNION STREET, CHORLEY</b>	(Pages 125 - 142)
<b>M</b>	<b>16/00942/FULHH - 16 ST HILDAS CLOSE, CHORLEY, PR7 3NU</b>	(Pages 143 - 150)
<b>4</b>	<b>WEST PENNINE MOORS SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI), LANCASHIRE; GREATER MANCHESTER: NOTIFICATION UNDER SECTION 28C (ENLARGEMENT) OF THE WILDLIFE AND COUNTRYSIDE ACT 1981</b>	(Pages 151 - 156)
	Report of the Director of Customer and Digital (enclosed).	
<b>5</b>	<b>APPEALS AND OTHER DECISIONS</b>	(Pages 157 - 158)
<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 Molyneux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Counce, John Dalton, Danny Gee, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

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

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**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

**MEETING DATE** Tuesday, 6 December 2016

**MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, John Dalton, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker

**RESERVES:** Councillors Jean Cronshaw and Gordon France

**OFFICERS:** Paul Whittingham (Planning Services Manager), Adele Hayes (Principal Planning Officer), Ian Heywood (Senior Planner (Conservation)), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

**APOLOGIES:** Councillors Henry Counce, Danny Gee and Tom Gray

**16.DC.228 Minutes of meeting Tuesday, 8 November 2016 of Development Control Committee**

**RESOLVED – That the minutes of the Development Control Committee held on 8 November 2016 be approved as a correct record for signature by the Chair.**

**16.DC.229 Declarations of Any Interests**

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

**16.DC.230 Planning applications to be determined**

The Director of Customer and Digital submitted eleven 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 16/00580/FULHH - 49 Chorley Lane, Charnock Richard, Chorley, PR7 5EP**

**RESOLVED (8:4:1) – That full planning permission be approved, subject to conditions outlined in the report.**

Councillor Whittaker proposed that the application be refused. The motion was seconded by Councillor Beaver. A vote was taken and the vote was lost (4:7:1).

**b 16/00489/OUTMAJ - Land Between Pear Tree Lane and School Lane, Pear Tree Lane, Euxton**

Registered speakers: Sue Shannon (objector), Aidy Riggott (Parish Councillor), and Danny Gee (Ward Councillor)

**RESOLVED (unanimously) – That the application be refused, for the following reasons.**

**Reasons: The proposed development is contrary to Policy BNE3 of the Chorley Local Plan 2012-2026 that allocates the site as Safeguarded Land and paragraph 85 of the National Planning Policy Framework that provides for the allocation of land between the urban area and the greenbelt, to meet longer term development needs stretching well beyond the plan period. Paragraph 85 also makes clear that Planning Permission for permanent development of safeguarded land should only be granted following a Local Plan Review. There are no material considerations that would indicate that permission should be granted. In particular the Council has a five year supply of deliverable housing sites and neither paragraph 49 or 14 of the Framework are engaged.**

**Insufficient information has been provided with regard to the design of the proposed pedestrian improvements/traffic calming on pear Tree Lane for pedestrian linkage to the wider built environment (Buckshaw Village/Chorley Town centre). As submitted, the applicant's Transport Assessment has not demonstrated the site can provide safe and suitable pedestrian access or connectivity to integrate with the existing built environment, or measures to encourage sustainable public transport contrary to ; hence the development is not in line with a number of key DP policies ST1 and BNE1 and paragraphs 7 and 32 of the NPPF including the three dimensions of sustainable development.**

**The proposed development is contrary to Policy 14 of the Central Lancashire Core Strategy and Paragraph 14 of the National Planning Policy Framework in that the proposed development will not provide for the required education contribution to provide accessible local services that reflect the community's needs that result directly from the development.**

**c 16/00633/OUTMAJ - Gleadhill House Stud, Gleadhill House, Dawbers Lane, Euxton (to follow)**

**This application was withdrawn from the agenda.**

**d 16/00857/FULMAJ - Land East of Ackhurst Lodge, Southport Road, Chorley**

**RESOLVED (unanimously) – That planning permission be approved, subject to conditions outlined in the report and addendum and a Section 111 agreement.**

e **16/00714/OUT - Land To The Rear Of 56 School Lane, Withnell Fold Old Road, Brinscall**

**RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals with an invitation to the Lancashire County Council Highways Officer to attend.**

f **16/00909/FUL - Moonlight Indian Cuisine, 64 Brooke Street, Chorley, PR6 0HB**

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

g **16/00368/FUL - Hillview Stables, Buckholes Lane, Wheelton**

**RESOLVED (10:3:0) – That planning permission be refused on the grounds of inappropriate increase in size within the green belt; the detailed wording for the reasoning be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.**

h **16/01036/S106A - Myles Standish Way, Chorley**

**RESOLVED (7:6:0) – That the request be accepted and the terms of the Section 106 Obligation be amended.**

i **15/00850/COU - Land Rear of 65 Coppull Moor Lane, Coppull**

Registered speaker: Kevin Lynch (applicant)

**RESOLVED (7:4:2) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.**

j **16/00527/FUL - Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB**

Registered speakers: Dennis Edgerley (objector) and Lorraine Stones (applicant)

**RESOLVED (10:3:0) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals with an invitation to the LCC Highways Officer to attend and allow officers to assess further a legal opinion disclosed by the applicant.**

k **16/00533/FUL - Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB**

Registered speakers: Dennis Edgerley (objector) and Lorraine Stones (applicant)

**RESOLVED (10:3:0) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals with an invitation to the LCC Highways Officer to attend and allow officers to assess further a legal opinion disclosed by the applicant.**

**16.DC.233 Tree Preservation Order Number 3 (Mawdesley) 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. 3 (Mawdesley) 2016 without modification.

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

**16.DC.234 Appeals and Other Decisions**

The Director of Customer and Digital submitted a report for information on planning appeals received from Lancashire County Council and other bodies between 15 July 2016 and 25 November 2016.

Two appeals had been lodged with the Planning Inspector against planning permission, one appeal against the grant of prior approval, one appeal against advertising consent and one appeal had been lodged against non-determination.

One appeal was deemed not valid, one appeal was dismissed and three appeals were allowed.

There were no enforcement appeals lodged, two enforcement appeals were upheld and one enforcement appeal was withdrawn.

**16.DC.235 Any urgent business previously agreed with the Chair**

The Planning Services Manager provided Members with an update on Five Acres, Dawbers Lane. Full planning permission for redevelopment had been granted previously subject to conditions regarding the implementation of a time limit on the removal of the existing car park and a Section 106 agreement. Members were informed that the decision had now been issued and the conditions activated meaning use of the car park would cease in three months.

In addition, the Planning Services Manager referred to the Hillview Stables application (16/00368/FUL) refused by committee earlier in the meeting. Authority was sought to prepare a report considering what enforcement action could be taken. The authority to issue an enforcement notice would be delegated to the Director of Customer and Digital in consultation with Head of Legal, Democratic and HR Services and Chair and Vice-Chair of the Development Control Committee.

Members agreed approval.

Chair

Date



**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.

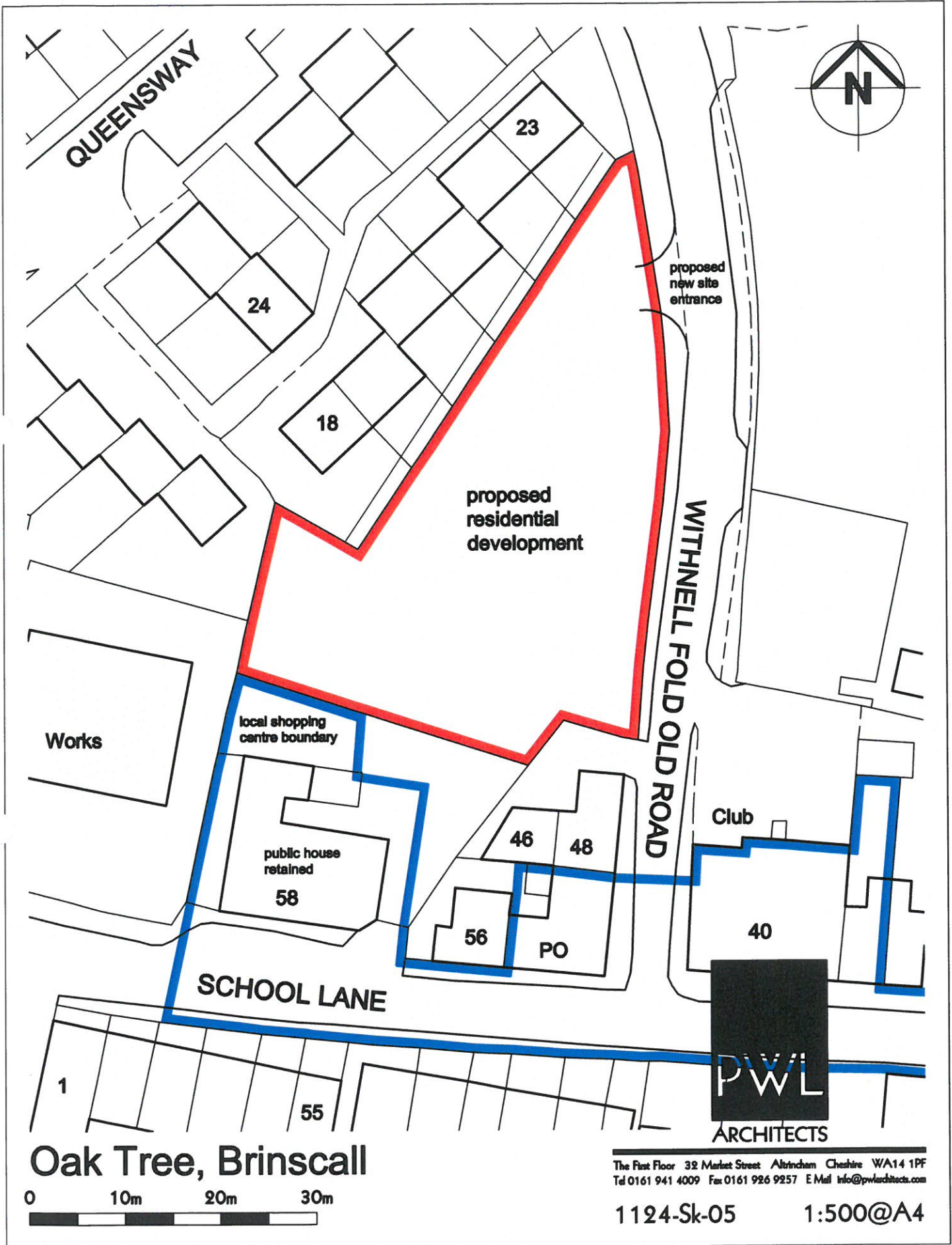
The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

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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1:500@A4

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**APPLICATION REPORT – 16/00890/FUL**

**Validation Date: 7 November 2016**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Build an open wooden canopy/shelter at the bottom of the garden to be used by the children during outdoor play.**

**Location: Pipers Private Nursery 11 Southport Road Chorley PR7 1LB**

**Case Officer: Andrew Williams**

**Applicant: Pipers Private Nursery**

**Agent: N/A**

**Consultation expiry: 28 November 2016**

**Decision due by: 2 January 2017**

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**RECOMMENDATION**

**Permit retrospective planning permission**

**SITE DESCRIPTION**

1. The application site is occupied by Piper's Nursery which is located along Southport Road and accessed to the rear, from Shaftesbury Place.
2. The building is typically late Victorian/early Edwardian in appearance, being constructed in brick with bay windows to the ground and first floors with front entrance under a stone archway and curved window above. The main pitched roof is lined with slates whilst the modern single storey rear extension has grey concrete roof tiles.
3. The immediate area is characterised by similarly scaled buildings of corresponding design which occupy long narrow plots with access onto Shaftesbury Place to the southern boundary. The connecting building to the east (No.9) is understood to be in commercial use whilst No.13 to the west, adjacent to the application site, is in residential use. The properties located along Shaftesbury Place to the southern aspect are also in residential use.
4. Each building within the immediate vicinity of the application site has undergone extension and alteration to the rear elevation through the construction of various single storey and two storey extensions of different sizes under a mixture of flat, mono-pitched and gable ended roofscapes.
5. There are three trees to the rear boundary adjacent to Shaftesbury Place (a sycamore and a horse chestnut) which are protected under Tree Preservation Order 6 dated 1984.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The proposal seeks retrospective planning permission for the construction of an open fronted wooden canopy/shelter surrounding a protected sycamore tree to the rear boundary of Piper's Nursery. The canopy/shelter is partly constructed.

#### RELEVANT HISTORY OF THE SITE

Ref: 00/00627/COU Decision: REFFPP Decision Date: 25 October 2000  
Description: Change of use from mixed use (Day Nursery/Residential) to Day Nursery use with ancillary office and staff accommodation,

Ref: 03/00044/COU Decision: PERFPP Decision Date: 30 April 2003  
Description: Change of use from mixed use (residential/day nursery) to day nursery,

Ref: 05/01203/FUL Decision: REFFPP Decision Date: 8 February 2006  
Description: Demolish existing wall, remove tree and create a parking area to the rear of the existing nursery

Ref: 14/00589/ADV Decision: PERADV Decision Date: 12 August 2014  
Description: Retrospective application for advertisement consent for a Non-illuminated sign on gable end of property

Ref: 16/00065/FUL Decision: WDN Decision Date: 18 March 2016  
Description: Erection of single storey rear extension and first floor rear extension

Ref: 16/00527/FUL Decision: PDE Decision Date:  
Description: Single storey extension and first floor extension to rear elevation of Nursery.

Ref: 16/00533/FUL Decision: PDE Decision Date:  
Description: Variation of condition 4 attached to 03/00044/COU (the change of use from mixed use (residential/day nursery) to day nursery) to increase the total number of children within the building from 55 to 70.

Ref: 93/00403/FUL Decision: PERFPP Decision Date: 3 August 1993  
Description: Single storey side extension to form additional classroom and toilet accommodation

Ref: 92/00829/FUL Decision: PERFPP Decision Date: 7 December 1992  
Description: Formation of vehicular access

Ref: 92/00280/FUL Decision: REFFPP Decision Date: 19 May 1992  
Description: Vehicular access

Ref: 91/00110/TPO Decision: PERTRE Decision Date: 2 April 1991  
Description: Pruning of horse chestnut tree covered by TPO No.6 (Chorley) 1984

Ref: 89/00070/FUL Decision: REFFPP Decision Date: 2 May 1989  
Description: Vehicular access

Ref: 89/00069/ADV Decision: PERFPP Decision Date: 28 March 1989  
Description: Display of name board

Ref: 87/00549/FUL Decision: PERFPP Decision Date: 8 September 1987  
Description: Conversion of two ground floor reception rooms into pre-school nursery

Ref: 86/00420/TPO Decision: REFTRE Decision Date: 23 September 1986  
Description: Felling 2 horse chestnut trees covered by a tree preservation in garden of

Ref: 85/00737/TPO Decision: REFFPP Decision Date: 19 December 1985  
Description: Felling 2 horse chestnut trees

**Ref: 81/00032/FUL Decision: PERFPP Decision Date: 9 February 1981**  
**Description: Conversion of coach house to granny flat**

**Ref: 80/00859/FUL Decision: PERFPP Decision Date: 20 October 1980**  
**Description: Change of use to Nursery and Support Unit for parents of mentally handicapped children (Use Class XV)**

**Ref: 80/00711/FUL Decision: PERFPP Decision Date: 29 September 1980**  
**Description: Conversion of former Coach House into Granny Flat**

## REPRESENTATIONS

Four letters of objection have been received (one duplicate) detailing the following concerns:

- The structure is too large and imposing;
- The proposal could cause damage to the protected tree;
- The structure is not in keeping with its surroundings and is damaging to the streetscene;
- The back of the structure projects around 2ft higher than the brick wall; and
- The structure as well as the proposed extension will seriously affect light entering The Coach House.

## CONSULTATIONS

**Parish Council** – No response received.

**Trees** – No objection subject to a condition restricting any form of fixings onto the main stems, limbs or branches of the tree.

## PLANNING CONSIDERATIONS

It is considered that the main issues for consideration in this application are:

- Impact of development upon the character and appearance of the street scene;
- Impact of development upon the amenity of neighbouring occupiers; and
- Tree implications.

### **Impact of development upon the character and appearance of the street scene**

Policy BNE1 of the Chorley Local Plan 2012 – 2026 stipulates 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.

The proposal seeks retrospective planning permission for the construction of an open canopy located to the rear of Pipers Nursery and adjacent to Shaftesbury Avenue.

The canopy is to be used in association with the outdoor play area and has been constructed from timber under a Perspex roof which encompasses a protected sycamore tree. The structure is 'L' shaped in form and measures 7.1 meters wide by 3.5m deep by 2.5 meters in height.

As viewed from Pipers Nursery, the structure appears domesticated in character and being constructed from timber remains a subservient feature within its context. Additionally, with appropriate staining, the canopy will assimilate with the centrally sited horse chesnut tree running through the near centre of the structure and also the dark tones of the adjoining brick walling.

As viewed from Shaftesbury Avenue, the concerns raised by neighbouring properties are duly noted. The structure projects approximately 0.3m above the brick walling and spans 7.1 meters

across the width of the boundary. Its current form is also highlighted within the street scene by the untreated timbers which given the colour differentiation between the boundary treatments highlights its prominence.

Notwithstanding the above, the scale is not excessively proportioned to detrimentally harm the character and appearance of this residential area. It is noted that the structure extends beyond the height of the brick wall, however with appropriate dark brown staining its prominence would be significantly reduced. Consideration is also given the presence of adjoining outbuildings/garages in the immediate area which also extend beyond the height of the brick walling and therefore such a feature is not uncommon.

It should be noted that the proposal, if the application building was in residential use, is unlikely to have required planning permission given its accordance with the stipulations of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

It is therefore considered that on balance, and subject to the submission of staining details, the proposal complies with Policy BNE1 of the Local Plan.

### **Impact of development upon the amenity of neighbouring occupiers**

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 development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing.

The Chorley Borough Council Householder Design Guidance SPD asserts that outbuildings should not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.

The nearest residential properties are located at Nos. 9 and 11 Shaftesbury Avenue, approximately 12 meters to the south of the application site. It is therefore considered that whilst the structure will be visible from these properties, its presence and visibility from these properties is not a viable reason for refusal. Given its height and distance from these properties, the proposal would not cause harm by virtue of overlooking, overshadowing or overbearing effect.

In respect to the comments made by the neighbouring occupier at The Coach House, the nearest habitable room window is approximately 17 meters from the canopy and is not in direct view from those windows. To this end the proposal is not considered to cause any discernible degree of harm through overshadowing.

The proposal complies with policy BNE1 of the Local Plan.

### **Tree Implications**

Policy BNE9 of the Chorley Local Plan 2012-2026 states that proposals which result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of the area will not be permitted.

In this regard the Council's Tree Officer has undertaken a site visit and notes that no excavations were carried out during construction with the canopy positioned on an existing area of hardstanding. The Officer therefore raised no objection to the works providing no nails, screws, fixings of any kind are placed on the tree and that wood treatment shall be contact free and shall not leach onto the ground surface. The latter, however, is not enforceable through a condition.

Subject to the incorporation of a condition requiring that no fixings are attached to the tree, the proposal is acceptable and complies with policy BNE9 of the Local Plan.

### **CONCLUSION**



The proposal seeks retrospective planning permission for the erection of a timber canopy. The structure is proportionately scaled and with appropriate staining will not significantly impact upon the character and appearance of the street scene. There are no adverse impacts upon the amenities of neighbouring occupiers or the health and protection of the tree and therefore the application is recommended for approval.

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

### Suggested Conditions

1. 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	2 November 2016
Proposed Site Plan	N/A	2 November 2016
Elevations and Floor Plan	N/A	2 November 2016

2. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

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

3. Prior first use of the structure hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of staining to be used on the structure. The work shall only be carried out in accordance with the approved details.

*Reason: In the interests of the character and appearance of the area.*

4. At no time shall any nails or screws be knocked into, or fixings of any kind be placed on the tree that goes through the structure.

*Reason: To safeguard the health and appearance of the tree being retained.*

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Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB



Site Plan shows area bounded by: 357827.67, 417516.99 357969.09, 417658.41 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**APPLICATION REPORT – 16/00527/FUL**

**Validation Date: 30 June 2016**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Single storey extension and first floor extension to rear elevation of Nursery.**

**Location: Pipers Private Nursery 11 Southport Road Chorley PR7 1LB**

**Case Officer: Andrew Williams**

**Applicant: Pipers Day Nursery**

**Agent: Jane Dickman**

**Consultation expiry: 21 July 2016**

**Decision due by: 12 October 2016**

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**RECOMMENDATION**

**Permit Full Planning Permission on the Approval of 16/00533/FUL.**

This application was deferred at the previous committee for a site visit.

**SITE DESCRIPTION**

1. The application site consists of a semi-detached three storey building located along Southport Road with three car parking spaces to the principal elevation and additional gated access to the rear from Shaftesbury Place.
2. The building is typically late Victorian/early Edwardian in appearance, being constructed in brick with pediment bay windows to the ground and first floors with front entrance under a stone archway and curved window above. The main pitched roof is lined with slates whilst the modern single storey rear extension is protected by grey concrete tiles.
3. The immediate area is characterised by similarly scaled buildings of corresponding design which occupy long narrow plots with access onto Shaftesbury Place to the southern boundary. The connecting building to the east (No.9) is understood to be in commercial use whilst No.13 to the west, adjacent to the application site, is in residential use. The properties located along Shaftesbury Place to the southern aspect are also in residential use.
4. Each building within the immediate vicinity of the application site has undergone extension and alteration to the rear elevation through the construction of various single storey and two storey extensions of different sizes under a mixture of flat, mono-pitched and gable ended roofscapes.
5. The application site is in use as a children's day nursery.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The proposal seeks the extension and alteration of the internal of internal layout of the building to facilitate an increase of child places available from 55 to 70 (16/00533/FUL).
7. The development involves a:
  - Single storey extension to the existing rear outrigger measuring approximately 4 meters in depth x 8.88 meters in width x a maximum height of 4.3 meters to the concrete tiled pitched roof;
  - Covered play area measuring 3.7 meters in depth x 5.1 meters in width x 2.4 meters in height; and a
  - First floor rear extension measuring 5.7 meters in depth x 5 meters in width under a gable ended pitched slate roof.
8. The applicant proposes to use matching materials to integrate the development with the existing built form.
9. Committee members are reminded that this application should be read in conjunction with 16/00533/FUL and not permitted unless the associated planning application is also minded for approval.

#### RELEVANT HISTORY OF THE SITE

- |                     |  |                  |               |                       |                          |
|---------------------|--|------------------|---------------|-----------------------|--------------------------|
| <b>Ref:</b>         | <b>93/00403/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>3 August 1993</b>     |
| <b>Description:</b> | <b>Single storey side extension to form additional classroom and toilet accommodation</b>                    |                  |               |                       |                          |
| <b>Ref:</b>         | <b>92/00829/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>7 December 1992</b>   |
| <b>Description:</b> | <b>Formation of vehicular access</b>   |                  |               |                       |                          |
| <b>Ref:</b>         | <b>92/00280/FUL</b>  | <b>Decision:</b> | <b>REFFPP</b> | <b>Decision Date:</b> | <b>19 May 1992</b>       |
| <b>Description:</b> | <b>Vehicular access</b>  |                  |               |                       |                          |
| <b>Ref:</b>         | <b>91/00110/TPO</b>  | <b>Decision:</b> | <b>PERTRE</b> | <b>Decision Date:</b> | <b>2 April 1991</b>      |
| <b>Description:</b> | <b>Pruning of horse chestnut tree covered by TPO No.6 (Chorley) 1984</b>                                     |                  |               |                       |                          |
| <b>Ref:</b>         | <b>89/00070/FUL</b>  | <b>Decision:</b> | <b>REFFPP</b> | <b>Decision Date:</b> | <b>2 May 1989</b>        |
| <b>Description:</b> | <b>Vehicular access</b>  |                  |               |                       |                          |
| <b>Ref:</b>         | <b>89/00069/ADV</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>28 March 1989</b>     |
| <b>Description:</b> | <b>Display of name board</b>   |                  |               |                       |                          |
| <b>Ref:</b>         | <b>87/00549/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>8 September 1987</b>  |
| <b>Description:</b> | <b>Conversion of two ground floor reception rooms into pre-school nursery</b>                                |                  |               |                       |                          |
| <b>Ref:</b>         | <b>86/00420/TPO</b>  | <b>Decision:</b> | <b>REFTRE</b> | <b>Decision Date:</b> | <b>23 September 1986</b> |
| <b>Description:</b> | <b>Felling 2 horse chestnut tress covered by a tree preservation in garden of</b>                            |                  |               |                       |                          |
| <b>Ref:</b>         | <b>85/00737/TPO</b>  | <b>Decision:</b> | <b>REFFPP</b> | <b>Decision Date:</b> | <b>19 December 1985</b>  |
| <b>Description:</b> | <b>Felling 2 horse chestnut trees</b>  |                  |               |                       |                          |
| <b>Ref:</b>         | <b>81/00032/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>9 February 1981</b>   |
| <b>Description:</b> | <b>Conversion of coach house to granny flat</b>  |                  |               |                       |                          |
| <b>Ref:</b>         | <b>80/00859/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>20 October 1980</b>   |
| <b>Description:</b> | <b>Change of use to Nursery and Support Unit for parents of mentally handicapped children (Use Class XV)</b> |                  |               |                       |                          |
| <b>Ref:</b>         | <b>80/00711/FUL</b>  | <b>Decision:</b> | <b>PERFPP</b> | <b>Decision Date:</b> | <b>29 September 1980</b> |
| <b>Description:</b> | <b>Conversion of former Coach House into Granny Flat</b>   |                  |               |                       |                          |

**Ref: 00/00627/COU Decision: REFFPP Decision Date: 25 October 2000**  
**Description: Change of use from mixed use (Day Nursery/Residential) to Day Nursery use with ancillary office and staff accommodation,**

**Ref: 03/00044/COU Decision: PERFFP Decision Date: 30 April 2003**  
**Description: Change of use from mixed use (residential/day nursery) to day nursery,**

**Ref: 05/00421/INV Decision: APPVAL Decision Date:**  
**Description: Demolish existing wall , remove trees and create a parking area to the rear of the existing nursery**

**Ref: 05/01203/FUL Decision: REFFPP Decision Date: 8 February 2006**  
**Description: Demolish existing wall, remove tree and create a parking area to the rear of the existing nursery**

**Ref: 14/00589/ADV Decision: PERADV Decision Date: 12 August 2014**  
**Description: Retrospective application for advertisement consent for a Non-illuminated sign on gable end of property**

**Ref: 16/00065/FUL Decision: WDN Decision Date: 18 March 2016**  
**Description: Erection of single storey rear extension and first floor rear extension**

**Ref: 16/00890/FUL Decision: PDE Decision Date:**  
**Description: Build an open wooden canopy/shelter at the bottom of the garden to be used by the children during outdoor play.**

## REPRESENTATIONS

10. In the determination of this application six letters of representation (two duplicates and three from the same resident) have been received detailing the following concerns:
- Insufficient car parking provision for nursery clients;
  - The lack of turn space causes cars to use resident's driveways;
  - Damage to cars;
  - Obstructions from car parking in unauthorised locations along neighbouring roads, particularly Shaftesbury Place;
  - At peak times it is impossible for emergency vehicles to access the site;
  - Noise implications which will intensify;
  - There have been successive applications to enlarge the nursery with great concern raised by local residents.
  - Loss of light and risk of overlooking to the occupiers of The Coach House;
  - The extension will exacerbate the traffic problems; and
  - If the condition variation is granted and the extension refused, the numbers will be increased to an even greater level and perhaps be used at some future date to justify extensions either at appeal or by a future application.
11. In the submission documentation, the following letters of support have been included which summarise that:
- Pipers Nursery is essential in working closely with the Duke Street Children's Centre which supports vulnerable families;
  - The nursery shares resources with support through a Speech and Language screening and intervention package;
  - The future of child care is to offer working parents 30 hours of free childcare whereas at present they only get 15 hours. This infers that, from September 2017, there will be a large shortfall of nursery places available if all working parents take up the offer.
  - The Nursery contributes substantially to the Derian House Children's Hospice; and
  - The Nursery supports the local Astley and Buckshaw Junior Football Club.

## CONSULTATIONS

**Regulatory Services - Environmental Health** – No response received in reference to the extension.

**Parish Council** – No response received.

**Lancashire County Council Archaeology Service** – No objection.

## PLANNING CONSIDERATIONS

12. In the determination of this application the main considerations are:
- Principle of development;
  - Siting, scale and design;
  - Highways; and
  - Amenity to neighbouring properties.

### Principle of development

13. As indicated within paragraph 72 of the NPPF the Government attaches great importance *'to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education'*.
14. Whilst it is acknowledged that a nursery is not incorporated within the definition of a 'school', its assimilation with education is of great importance to the local community and should be given due weight in the determination of an planning application. As such, the principle of extension to the nursery is acceptable providing other material considerations as detailed below are compliant with local and national planning policy guidelines.

### Siting, scale and design

15. Policy BNE1 of the Local Plan states that new development should not have a 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.
16. The NPPF at paragraph 60 states that *'planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness'*.
17. The proposal seeks the extension and alteration of an existing building located within a predominately residential area. As shown on the submitted plans, the extensions are solely located to the rear elevation with limited intermittent views from public vantage points along Southport Road. In respect to Shaftesbury Avenue to the rear, the first floor extension would be sited in excess of 33 meters whilst the ground floor extension lies approximately 22 meters from the road with a 1.8 meter high brick wall to the boundary. It is therefore considered that the distance, in addition to the position of the high wall, will ensure that the proposed development does not impact upon the wider character and appearance of the area.
18. In respect to its immediate impact upon the existing building, the single storey rear extension remains a subservient addition, despite its length, given the height and overall massing of the existing building which given its historical context is larger than contemporary structures. There is no objection to the first floor extension which is of a proportionate size to appear a subservient addition to the main building.



19. In respect of materials, the proposal assimilates with the existing built form through matching brickwork and a mixture of slate and concrete grey tiles.
20. The proposal is therefore considered to comply with policy BNE1 of the Local Plan.

### Highways

22. Policy BNE1 of the Chorley Local Plan (2012-2026) indicates that planning permission will be granted where the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces.
23. In respect to the impact of the extension upon the highway network, it is not considered that the extensions would have any discernible impact upon highway safety. The existing car parking arrangements are to be retained with Lancashire Highways raising no objection to this part of the scheme. It is considered necessary, however, to understand how the construction traffic will operate to ensure the amenities of local residents are maintained. A condition is therefore recommended to be attached to any grant of any permission.
24. On the provision of a Construction Method Statement, the proposal is considered to comply with the policy BNE1 of the Local Plan.

### Amenity to neighbouring occupiers

25. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
26. In evaluating the appropriateness of the development it is considered that there would be no additional adverse impacts upon the amenities of neighbouring properties warrant a reason for refusal. It is acknowledged that windows are envisaged to the side elevation of the proposed development, however this would be at a sufficient distance to meet spatial standards and given the height of the boundary treatment, this adequately negates any perceived overlooking or overbearing effect the proposal would have on immediate occupiers.
27. In respect to properties located along Shaftesbury Avenue, the proposed development is sited over 22 meters from facing windows with a TPO tree and 1.8 meter high brick wall to the boundary to adequately negate any impact of overlooking or overbearing effect.
28. The proposal is considered to comply with policy BNE1 of the Local Plan.

### CONCLUSION

29. The proposed extensions to the nursery building are considered proportionately scaled to ensure the character and appearance of the building and that of the locality is sufficiently preserved. There are no overriding issues concerning highways or the impact of development upon neighbouring properties and therefore the proposal is recommended for approval on the grant of 16/00533/FUL.

**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	N157P1	8 June 2016
Proposed Plans	N157P2 REV A	8 June 2016

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

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

4. All windows in the first floor of the building's west elevation shall be fitted with obscure glass and obscure glazing shall be retained at all time thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

**Members should be note that the following condition should also be attached in the event the application for the variation of condition 4 attached to 03/00044/COU to increase the total number of children within the building from 55 to 70 is refused:**

5) The total number of children within the resultant building (including the approved extension if constructed) shall not exceed 55 at any time.

*Reason: In the interests of highway safety to ensure an appropriate level of car parking availability for staff members in accordance with policy ST4 of the Chorley Local Plan (2012-2026).*

Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB



Site Plan shows area bounded by: 357827.67, 417516.99 357969.09, 417658.41 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**APPLICATION REPORT – 16/00533/FUL**

**Validation Date: 28 June 2016**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Variation of condition 4 attached to 03/00044/COU (the change of use from mixed use (residential/day nursery) to day nursery) to increase the total number of children within the building from 55 to 70.**

**Location: Pipers Private Nursery 11 Southport Road Chorley PR7 1LB**

**Case Officer: Andrew Williams**

**Authorising Officer: CT**

**Applicant: Pipers Day Nursery**

**Agent: Jane Dickman**

**Consultation expiry: 19 August 2016**

**Decision due by: 12 October 2016**

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**RECOMMENDATION****Refuse Full Planning Permission**

This application is brought before members following deferment of the application at the 6<sup>th</sup> December Development Control Committee to appraise supporting information submitted by the agent in the form of a Counsel Opinion by Kings Chambers earlier on the day and to allow a site visit to take place.

**UPDATE**

**Below is an update since the previous committee. The previous report and addendum from 6<sup>th</sup> December is set out beneath it for completeness.**

**Summary of Counsel Opinion**

In summary, it has been agreed within the Counsel Opinion that the use of a planning obligation through a S106 undertaking, as recognised through case law, is not applicable through Section 106(1) of the Town and Country Planning Act 1990. However, the author remains satisfied that the attachment of an appropriately worded condition would suffice.

The Counsel Opinion considers that the tests of enforceability of the condition previously considered is of no real substance given that whilst the Council itself could not directly control the behaviour or third parties to use the permits provided, *'the reasonable availability of suitable provision, be it on-site spaces or those nearby car parks, is what matters. And the reasonable availability of the latter can be enforced by condition through the obtaining by the nursery of the parking permits'*.

In respect to reasonableness, the author maintains that the purchasing of parking permits would not amount to an unjustifiable and disproportionate burden on the applicants given that *'while it is true that an applicant's agreement to an unreasonable condition is not an answer to unreasonableness, the fact that the applicant has agreed here to the purchasing of parking permits is nevertheless good evidence that there is not an unjustifiable and disproportionate burden'*.

With this in mind, the Opinion concludes that a Grampian condition [this is a condition that prevents the start of a development until something off site has been secured on land not controlled by the applicant] could be used through the provision of a parking management strategy which could provide additional sustenance to the enforceability of the case which imposes an obligation on employees who are provided with parking permits.

### **Response to Counsel Opinion**

In response to the Counsel Opinion, the Council's Legal Department remains unconvinced that a parking management strategy is appropriate or reasonable to outweigh the evidential harm caused through the proposed increase in child capacity which would undoubtedly lead to the need for additional staff resources, as acknowledged by the applicant.

The Legal Department maintains that the example employed by Manchester City Council and referred to in the Counsel Opinion for the inclusion of a parking management strategy is not appropriate and bears little comparison to this particular situation and therefore fails on the tests of reasonableness. This is because the Manchester City Council example was for a residential scheme and not for commercial purposes. As such, staffs are more likely to use on-site spaces were there a sufficient number as opposed to more distant town centre car parks and therefore the Counsel Opinion's comparison of on-site spaces as compared to town centre spaces is not a realistic one.

### **Concluding Remarks**

The application is recommended for refusal on the following grounds:

It has not been demonstrated that the use of a condition or legal agreement to secure parking permits for staff members in perpetuity meets the tests of set out in the National Planning Policy Framework and therefore it is recommended that the application be refused on highway safety grounds in accordance with the Chorley Local Plan (2012-2026) policies BNE1 and ST4 and the guidance contained within paragraph 32 of the NPPF (2012) as the benefits of the scheme do not outweigh the harm.

## **PREVIOUS APPLICATION REPORT 6<sup>th</sup> December committee**

### **RECOMMENDATION**

**Permit Full Planning Permission [note this was changed to a recommendation to refuse on the addendum set out below].**

### **SITE DESCRIPTION**

1. The application site consists of a semi-detached three storey building located along Southport Road with three car parking spaces to the principal elevation and additional gated access to the rear from Shaftesbury Place.
2. The building is typically late Victorian/early Edwardian in appearance, being constructed in brick with pediment bay windows to the ground and first floors with front entrance under a stone archway and curved window above. The main pitched roof is lined with slates whilst the modern single storey rear extension is protected by grey concrete tiles.

3. The immediate area is characterised by similarly scaled buildings of corresponding design which occupy long narrow plots with access onto Shaftesbury Place to the southern boundary. The connecting building to the east (No.9) is understood to be in commercial use whilst No.13 to the west, adjacent to the application site, is in residential use. The properties located along Shaftesbury Place to the southern aspect are also in residential use.
4. Each building within the immediate vicinity of the application site has undergone extension and alteration to the rear elevation through the construction of various single storey and two storey extensions of different sizes under a mixture of flat, mono-pitched and gable ended roofscapes.
5. The application site is in use as a children's day nursery.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. This application seeks the variation of condition 4 attached to 03/00044/COU which sought the change of use of 11 Southport Road from a mixed use (residential/day nursery) to a day nursery.
7. Condition 4 attached to the decision notice dated 30 April 2003 reads:  
  
*'4. The total number of children within the building shall not exceed 55 at any time.  
Reason: In the interests of the amenities of the local residents'*
8. This application seeks to vary the condition to increase the total number of children within the building from 55 to 70.
9. Committee members are reminded that a separate application is also reported on this committee agenda for an application for extensions to the nursery (ref: 16/00527/FUL).

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

**Ref: 00/00627/COU Decision: REFFPP Decision Date: 25 October 2000**  
**Description: Change of use from mixed use (Day Nursery/Residential) to Day Nursery use with ancillary office and staff accommodation,**

**Ref: 03/00044/COU Decision: PERFPP Decision Date: 30 April 2003**  
**Description: Change of use from mixed use (residential/day nursery) to day nursery,**

**Ref: 05/00421/INV Decision: APPVAL Decision Date:**  
**Description: Demolish existing wall , remove trees and create a parking area to the rear of the existing nursery**

**Ref: 05/01203/FUL Decision: REFFPP Decision Date: 8 February 2006**  
**Description: Demolish existing wall, remove tree and create a parking area to the rear of the existing nursery**

**Ref: 14/00589/ADV Decision: PERADV Decision Date: 12 August 2014**  
**Description: Retrospective application for advertisement consent for a Non-illuminated sign on gable end of property**

**Ref: 16/00065/FUL Decision: WDN Decision Date: 18 March 2016**  
**Description: Erection of single storey rear extension and first floor rear extension**

**Ref: 16/00527/FUL Decision: PDE Decision Date:**  
**Description: Single storey extension and first floor extension to rear elevation of Nursery.**

Ref: 16/00890/FUL Decision: PDE Decision Date:  
Description: Build an open wooden canopy/shelter at the bottom of the garden to be used by the children during outdoor play.

Ref: 93/00403/FUL Decision: PERFPP Decision Date: 3 August 1993  
Description: Single storey side extension to form additional classroom and toilet accommodation

Ref: 92/00829/FUL Decision: PERFPP Decision Date: 7 December 1992  
Description: Formation of vehicular access

Ref: 92/00280/FUL Decision: REFFPP Decision Date: 19 May 1992  
Description: Vehicular access

Ref: 91/00110/TPO Decision: PERTRE Decision Date: 2 April 1991  
Description: Pruning of horse chestnut tree covered by TPO No.6 (Chorley) 1984

Ref: 89/00070/FUL Decision: REFFPP Decision Date: 2 May 1989  
Description: Vehicular access

Ref: 89/00069/ADV Decision: PERFPP Decision Date: 28 March 1989  
Description: Display of name board

Ref: 87/00549/FUL Decision: PERFPP Decision Date: 8 September 1987  
Description: Conversion of two ground floor reception rooms into pre-school nursery

Ref: 86/00420/TPO Decision: REFTRE Decision Date: 23 September 1986  
Description: Felling 2 horse chestnut trees covered by a tree preservation in garden of

Ref: 85/00737/TPO Decision: REFFPP Decision Date: 19 December 1985  
Description: Felling 2 horse chestnut trees

Ref: 81/00032/FUL Decision: PERFPP Decision Date: 9 February 1981  
Description: Conversion of coach house to granny flat

Ref: 80/00859/FUL Decision: PERFPP Decision Date: 20 October 1980  
Description: Change of use to Nursery and Support Unit for parents of mentally handicapped children (Use Class XV)

Ref: 80/00711/FUL Decision: PERFPP Decision Date: 29 September 1980  
Description: Conversion of former Coach House into Granny Flat

## REPRESENTATIONS

10. During the determination of this application the following representations were received objecting to the proposal:

- 6 letters of objection received from the same household at no.13 Southport Road;
- 1 letter of objection received from the occupier of no.2 Shaftesbury Place;
- 1 letter of objection received from the occupier of no.7 Shaftesbury Place;
- 1 letter of objection received from the occupier of no.9 Shaftesbury Place;
- 1 letter of objection received from the occupier of no.15 Shaftesbury Place;
- 1 letter of objection received from the occupier of no.16 Shaftesbury Place; and
- 1 letter of objection received from the occupier of The Coach House, Shaftesbury Place.

11. In summary, the objectors raised the following concerns:

- The rear extensions would reduce light levels in the kitchen and dining room area of No.13 Southport Road;



- Insufficient car parking provision for nursery clients;
  - At peak times Shaftesbury Place is blocked with customer's cars blocking driveways and access for neighbouring occupiers;
  - There is insufficient 30 minute spaces available with customers regularly using 'resident only' spaces;
  - Children are unable to play on Shaftesbury Place due to the traffic;
  - The lack of turning space causes cars to use resident's driveways;
  - Minor damage has occurred to neighbours cars;
  - Obstructions from car parking in unauthorised locations along neighbouring roads, particularly Shaftesbury Place;
  - At peak times it is impossible for emergency vehicles to access the site;
  - Refuse collection lorries cannot access the road at peak times;
  - Noise implications which will intensify;
  - There have been successive applications to enlarge the nursery with great concern raised by local residents.
  - Loss of light and risk of overlooking to the occupiers of The Coach House;
  - The extension will exacerbate the traffic problems;
  - If the condition variation is granted and the extension refused, the numbers will be increased to an even greater level and perhaps be used at some future date to justify extensions either at appeal or by a future application;
  - In 2000/2001 an application to change the first floor residence to a nursery use (total 55 children) was refused due to the increase in vehicle movements. The decision was appealed and dismissed by an Inspector who considered that Shaftesbury Avenue was inadequate to serve the number presently associated with the nursery. In 2003, an application was granted for the use of the building for a maximum of 55 children however the current application indicates that the children numbers have increased to 62 which is in breach of condition 4;
  - Application 16/00065/FUL was submitted and later withdrawn after many objections from residents;
  - The submitted Transport Statement offers no solution to the problem of excessive vehicle movements; and
  - The application is for an increase in floor area of 50sqm to accommodate 8 more children. However this number is likely to be more.
12. In the submission documentation, the following letters of support have been included which summarise that:
- Pipers Nursery is essential in working closely with the Duke Street Children's Centre which supports vulnerable families;
  - The nursery shares resources with support through a Speech and Language screening and intervention package;
  - The future of child care is to offer working parents 30 hours of free childcare whereas at present they only get 15 hours. This infers that, from September 2017, there will be a large shortfall of nursery places available if all working parents take up the offer.
  - The Nursery contributes substantially to the Derian House Children's Hospice; and
  - The Nursery supports the local Astley and Buckshaw Junior Football Club.

### CONSULTATIONS

**Lancashire Highway Services** – No objection subject to permit parking for staff members and the submission of a Travel Plan promoting the reduced dependence of car borne journeys.

**Regulatory Services - Environmental Health** – No objection.

### PLANNING CONSIDERATIONS

13. In the determination of this application the main considerations are:
- Principle of development;
  - Highways;

- Amenity to neighbouring properties; and
- Other matters.

### Principle of development

14. Paragraph 7 of the NPPF (2012) identifies three dimensions to sustainable development which involves economic, social and environmental considerations. This is further supported through paragraph 14 which indicates that there is a presumption in favour of sustainable development which should be seen as a 'golden thread' running through local policy and during the decision making process. In regards to the decision making process, the NPPF states that:
  - Development proposals which accord with the development plan shall be approved without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework as a whole; or specific policies which indicate that development should be restricted.
15. In addition to the above, paragraph 17 of the NPPF seeks to encourage sustainable economic development to positively meet the needs of local communities with consideration given to delivering sufficient community and cultural facilities.
16. As indicated within paragraph 72 of the NPPF the Government attaches great importance *'to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education'*.
17. At a local level, there are no specific policies relating to nursery development however policies relating to school and higher education provision are demonstrated through policy 14 of the Cores Strategy. Policy 14 encourages provision for education by enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport. Furthermore, the support for the retention of Children's Centres is mentioned within policy HW6 of the Local Plan.
18. Whilst it is acknowledged that a nursery is not incorporated within the definition of a 'school' or a 'Children's Centre', its assimilation with education is of great importance to the local community and should be given due weight in the determination of a planning application.
19. The principle use of the building as a nursery is previously established and the proposal is considered acceptable in principle subject to the acceptability of the cumulative impacts of the increased capacity on the highway network and the amenity of neighbouring residential properties.

### Highway considerations

21. Paragraph 32 of the NPPF states that planning decisions should take into consideration:
  - Opportunities available for sustainable transport modes depending on the nature and location of the site;
  - Safe and suitable access to the site can be achieved for all people; and
  - Improvements proposed to limit significant impacts of development.

22. Moreover, paragraph 32 reiterates that:

*'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

23. Policy BNE1 of the Chorley Local Plan (2012-2026) indicates that planning permission will be granted where the residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces.
24. In support of the application a Transport Statement produced by SK Transport Planning (dated June 2016) has been submitted. The Statement identifies the current arrangements for car parking provision for existing staff numbers and the level of available parking bays available within the surrounding area for the dropping off/picking up of children.
25. In this regard the Statement recognises that there are 5 available car parking spaces off Southport Road for 22 full-time and 3 part-time staff members (of which there are only 18 staff members on the site at any given time) with access gained for customers from Shaftesbury Place to the rear of the application site. Parking is available to the general public within 9 marked bays on the northern side of Shaftesbury Place for a maximum stay of 30 minutes, as well as various other roads within the immediate area contributing towards the provision of car parking for public use. It is noted, however, that the southern side of Shaftesbury Place is exclusive to residential permits.
26. In reference to car based journeys the Statement surmises that 44% of staff are reliant on the car (61% if including passengers) whilst at table 3.7 nursery activity on Shaftesbury Place considers an accumulation in numbers of cars using the 9 available public spaces as between 1-4 cars at peak times throughout the day. This figure is based upon a survey undertaken between 07.15 to 9.30am and 04.15 to 6.30pm on Tuesday 10<sup>th</sup> May 2016. The same survey was undertaken at Ashfield Road (table 3.9) which also showed an accumulation of between 1-4 cars at peak times throughout the day.
27. As a result of the findings, the assessor considered that the existing provision of short-stay space on the northern side of Shaftesbury Place (9 vehicles) and those available along Ashfield Road is sufficient to meet the current demand generated by the nursery.
28. In addition to the above, a parent survey was undertaken to consider the modes of transport for the children. The data (table 3.4) showed that between weekdays dependence on the car ranged from 56% to 74% (this excluded travel with staff members) and between 21% and 37% for parents walking or using public transport.
29. In terms of future modes (based upon 70 children), the analysis considered that the future accumulation patterns over the same timeframe would range from 1-5 cars and therefore would be accommodated by the existing provision. Furthermore, the results showed that Ashfield Road was significantly underutilised and therefore the applicant would actively encourage parents to also use the additional parking bays available on Ashfield Road and Collison Road to further spread the impact of the nursery on the surrounding highways network.
30. In response to the Transport Statement, Lancashire County Council Highways acknowledged the accessibility and general sustainability of the site to various transport networks. However, concerns were raised by the suppositions made within the submitted Statement.
31. The Highway Officer accepted the approach taken in respect to staff parking however noted that the evidence base assumed that there would only ever be 18 staff on site. As indicated within the Statement (paragraph 3.11) the nursery currently hires 22 full-time and 3 part-time staff members and therefore concern was raised as to whether consideration had been given to the possibility of more than 18 being present on site at any one time. In this regard, and based upon the car journeys evidenced, there would be insufficient spaces to accommodate any additional staff members if all 23 staff were to be accounted for.

32. As indicated within the Statement, the existing staff off-street parking provision is located to the front of the building along Southport Road. It is stated that this area accommodates 5 car park spaces however from a highways safety point of view and based upon the standard sized parking space (2.4m x4.8m), it is estimated by the Highways Officer that the site is only capable of accommodating 3 cars to the front of the site. It is therefore apparent that the nursery lacks adequate off-street car parking facilities to meet the needs of the staff. It has been acknowledged by the Highways Officer that whilst the applicant is not expected to fully meet the standard due to the size and location of the site, any deficit in parking must be made up for by measures to encourage more sustainable travel choices.
33. In respect to the capacity issue and cumulative impact of additional car journeys of parents accessing the facility, the Highway Officer eludes to Shaftesbury Place having no turning facility and although vehicles in the limited waiting bays are permitted to partially park on the footway, consideration must be given to this being a two way street where the presence of parked cars on both sides severely hinders traffic movements and can cause additional delays. Moreover, as young age children require parents to escort them into the scheme, inappropriately parked cars are often left unattended longer than the 10 minutes specified in paragraph 3.24 of the Transport Statement. As a result, and as experienced on site by the Officer, the delays are often compounded by drivers undertaking unacceptable turning and reversing manoeuvres into Ribblesdale Road with an increase in the number of car journeys exacerbating which is already considered to be unsatisfactory traffic conditions on Shaftesbury Place and the surrounding highway network.
34. The Highway Officer also considers that given the high number and percentage of parents driving their children to and from the nursery as explained in paragraphs 3.18-3.32, the proposal seems rather reliant on the availability of limited on-street waiting facilities provided on the local network with no consideration given to the use of those spaces by members of the public who are undertaking unrelated activities. As a result it is deliberated that should these spaces be unavailable, given the nature of the facility, parents would have difficulties and potential contravene the existing waiting restrictions and the general highway safety of the immediate area.
35. It was therefore considered that based on the information provided the nursery lacked adequate parking facilities customers with the effect of increased traffic movements compromising the safety of the highway network. As a result, the Highways Officer recommended the application to be refused.
36. In receipt of the consultation response and further to extensive negotiation between the highways consultant and Lancashire County Council, the initial consultation response detailing a recommendation of refusal by the Highways Officer was retracted and substituted on the 28<sup>th</sup> October 2016 by a revised consultation response.
37. The amended response detailed the Highway's Officers recognition that parking provision for staff is inadequate with the proposed increase in the number of nursery children from 55 to 70 potentially causing a material increase in travel demands whereby impacting upon the usability of the highway network.
38. In an effort to negate these concerns, the Highway's Officer has agreed with the applicant's intention to purchase two additional car parking permits for use of the nearby public car parks (the nearest being approximately 350m away) by staff that require the additional spaces is sufficient. This was considered acceptable taking into account the additional 1 staff member hired through the enlargement of the facility and also, realistically, the applicants use of the front car parking area by 5 cars which despite not meeting the parking standard, is not enforceable to restrict.
39. The applicant had also agreed to the introduction of a School Travel Plan with measures to encourage sustainable modest of travel to and from the nursery.

40. As a result of these arrangements the Highways Officer is now of the opinion that the proposed increase in capacity to the nursery is acceptable providing the School Travel Plan is implemented and the off-site staff parking arrangements are confirmed. The permits for staff are considered necessary to make the development acceptable. The advice of the Council's legal department has been sought to check that the purchase of car parking permits for staff can be secured, either via a condition or through a legal agreement and therefore taken into account as a material consideration in determining the application. This matter will be updated on the addendum.
41. An interim School Travel Plan has now been submitted as a means of providing additional information on the intentions of the applicants to promote sustainable travel alternatives. This includes the creation of a Travel Plan Coordinator responsible for the day-to-day running of the travel plan and also the development, implementation and monitoring the travel plan's effectiveness. The Coordinator will also be responsible for raising awareness and marketing of the travel plan.
42. As confirmed through Paragraph 32 of the NPPF the applicant has identified measures which have the capability to negate the concerns raised previously and improve the effectiveness of the highway network to the benefit of the nursery and local residents. The paragraph reiterates that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*. In this regard the Highways Officer does not consider that the residual cumulative impacts of development are now severe and therefore in the opinion of the Planning Officer, based upon the specialist advice provided, the proposal complies with policy BNE1 of the Local Plan and relevant paragraphs of the NPPF (2012). This is subject to the Council being able to secure the parking permits as detailed above.

#### **Amenity to neighbouring properties**

43. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property. This is supported by the NPPF (2012) which under paragraph 17 states that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
44. The application has generated 12 letters of objection from local residents largely concerning the level of traffic generated at peak times and the impact this has upon the amenities of those occupiers. Furthermore, noise impacts were also raised as a concern.
45. It is important to note, however, that the impact of the extensions themselves is not a material consideration in the determination of this application and has been assessed within the associated planning application 16/00527/FUL.
46. In regard to the potential noise impacts associated with the increased capacity of children the Council's Environmental Health department have been consulted and have raised no objection to the proposal given the site's existing established use as a day nursery which generates a level of noise which is not considered to be amplified by the addition of 15 children.
47. It is considered, however, that any increase in capacity has the ability to impact upon highway safety and the usability of the surrounding streets by immediate residents. Notwithstanding this, and as demonstrated above, the intention of the applicant to implement a School Travel Plan will have a positive impact upon the amenities of local residents with customers made more aware of the underutilisation of surrounding streets and the promotion of more sustainable modes of travel through public transport, car sharing or walking.
48. The concerns raised by local residents are duly noted however with the implementation of a School Travel Plan, alongside additional permits being bought for staff members, should improve the usability of the local network and therefore the amenities of local

residents in accordance with Policy BNE1 of the Local Plan and guidance contained within paragraph 17 of the NPPF.

#### **Other matters**

49. As noted within one of the representations received by a local resident, the change of use of the building from a mixed use (day nursery and residential) to a day nursery with ancillary office and staff accommodation was refused under 9/00/00627/COU on the 25<sup>th</sup> October 2000. The reason for refusal considered that:

*'The proposed change of use would result in an increased number of children accommodated within the nursery, which would in turn lead to an increased number of vehicles being brought to the site and, in particular, onto Shaftesbury Place. Due to the lack of any on-site parking provision, the restricted width and limited street parking this would add to the congestion and be detrimental to the amenities of residents on Shaftesbury Place'*

50. In receiving a refusal notice, the applicant brought the application before the Planning Inspectorate (PINS ref no. APP/D2320/A/01/1058972) where it was later dismissed on the 31<sup>st</sup> May 2001 due to concerns raised by the Inspector that Shaftesbury Place was inadequate to serve the numbers presently associated with the nursery based upon vehicle movements and the children numbers which was at the time controlled by the amount of floor space permissible for nursery activities.
51. However, since this decision, planning permission was granted in 2003 (03/00044/COU) for the change of use of the building as a nursery. This application was permitted on the transport information submitted alongside the proposal and a maximum capacity within the building of 55 children.
52. For the purposes of this application it is not considered that 9/00/00627/COU is of irrelevant given that planning policy has significantly changed since 2001 and the principle has been now been established through the grant of 03/00044/COU. No weight is therefore attributed to the previously refused application.

#### **CONCLUSION**

##### **Planning Balance**

53. The proposal seeks to increase the capacity of children at the nursery from 55 to 70 in an effort to support the financial viability of the nursery given the Government's intentions of offering free funding for nursery places from 15hrs a week to 30hrs a week. The expansion is therefore to allow the nursery to accommodate the proposed changes in Government policy. This is considered to be in accordance with the main thrust of paragraph 72 of the NPPF and carries significant weight.
54. It is considered the initial concerns raised by the Lancashire County Council's Highways Officer could be negated through the acceptability of providing additional car parking permits for staff members elsewhere (subject to legal advice that the purchase of car parking permits for staff can be secured, either via a condition or through a legal agreement) and the implementation of a School Travel Plan to reduce the reliance, and therefore the amount, of car journeys anticipated by customers using the site.
55. It is in the opinion of the Planning Officer that, on balance, the benefits of the proposal outweigh the harm when assessed against the policies of the framework as a whole. The applicant has shown willingness to achieve suitable solutions in an effort to reduce the concerns raised by local residents and the Highways Authority.
56. Notwithstanding the above, it is a finely balanced application and it is for Members to consider if the commitments made by the applicant will sufficiently negate the concerns detailed above.

57. The application is recommended for approval subject to legal advice that parking permits can be secured through a condition or a legal agreement. This will be updated on the addendum.

**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 (6<sup>th</sup> December report)**

1. 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	N157P1	8 June 2016
Proposed Plans	N157P2 REV A	8 June 2016

2. Prior to the commencement of the development a full Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled 16/00533/FUL. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To reduce the number of car borne trips and to encourage the use of public transport.*

3. The total number of children within the day care nursery facility shall not exceed 70 at any time.

*Reason: In the interests of the amenities of the local residents.*

4. All windows in the first floor of the building's west elevation shall be fitted with obscure glass and obscure glazing shall be retained at all time thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

Addendum from 6<sup>th</sup> December committee:

**ITEM 3k- 16/00533/FUL - Pipers Private Nursery, 11 Southport Road, Chorley**

The recommendation has changed as follows:

The application is recommended for **refusal** due to a legal opinion being received which evidenced that the suggested parking permits could not be secured by condition or through a legal agreement.

The Council's legal department have assessed the options and have concluded that neither a condition or unilateral undertaking would suffice in the purchasing of parking permits to outweigh the highway safety concerns raised by Lancashire County Council.

On this basis, the application for the variation of condition of condition 4 attached to 03/00044/COU is recommended for refusal.

The legal department have quoted a High Court judgement (Westminster City Council v SSCLG and Anr 2013) in which the Judge deemed that the 'tests' for a S106 contribution would not be met through prohibiting development authorised by the planning permission until a specified action has been taken. To meet the tests of a s106, it was considered the obligation must

- restrict the development or use of land; require operations or activities to be carried out on the land; or
- require a use to be carried on or require a sum or sums of money to be paid to the local planning authority.

In this case the obligation had none of those characteristics and so was not therefore considered enforceable by the Courts.

In respect to the attachment of a condition, conditions must only be imposed if they meet the six tests and therefore the tests of concern to the Legal Department were the 'enforceable' and 'reasonable' test. With regards to enforceability, the applicant could obtain parking permits but it does not necessarily mean that the staff will use and park in the Council's car parks. This indicates that technically the applicant would have complied with the condition but the Council would not be able to enforce that the staff use those permits. Furthermore, consideration has been given as to whether the condition is 'reasonable', depending on the size of the nursery and how many staff are employed. In this respect, the Officer's interpretation of the advice received is that legally, it would be deemed unreasonable to impose a financial obligation/burden on the nursery to meet the cost of the permits, even with a confirmation from the applicants themselves to enter into such an arrangement.

In response to the advice obtained by the legal department, the applicant has provided evidence where an example of imposing such conditions have been used and accepted by Manchester City Council as a means of negating the inconformity to parking standards. In this regard, the applicant has quoted a case in which a residential scheme for 201 units provided no on-site parking and therefore opportunities for residents to purchase parking permits/season tickets for off-street car parks run by NCP was incorporated into a Travel Plan.

With this in mind, the applicant has suggested the following conditions be attached to any grant of planning permission:

- 1) The development hereby approved shall be carried out in accordance with the Travel Plan Framework prepared by SK Travel Planning stamped as received by the Council on (date). In this condition a travel plan means a document that includes the following:
  - i) the measures proposed to be taken to reduce dependency on the private car by residents and those [attending or] employed in the development;
  - ii) a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time;
  - iii) mechanisms for the implementation of the measures to reduce dependency on the private car;
  - iv) measures for the delivery of specified travel plan services; and
  - v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car



Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the Council as local planning authority. Any Travel Plan which has been approved by the Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

*Reason - To assist promoting the use of sustainable forms of travel , pursuant to policies*

2) No part of the development shall be occupied unless and until details of a parking management strategy for employees has been submitted to and approved in writing by the Council as Local Planning Authority.

*Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future employees who may need to use a motorcar.*

In response to this, the legal department has indicated that irrespective of whether or not Manchester City Council has agreed to such a condition, the legalities associated with its enforceability is still not considered to be sound and therefore without the purchasing of parking permits to outweigh the highway safety concerns raised by Lancashire County Council the application is recommended for refusal.

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**The reason for the refusal thus reads:**

**The applicant is unable to secure the requirement to provide an additional two car parking spaces for staff members through a permit scheme through condition or legal agreement to justify the deviation from the Parking Standards as set out under Policy ST4 of the Chorley Local Plan (2012-2026). The proposed development would therefore cause additional local parking congestion to the detriment of the highway network and cannot be supported.**

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The applicant has provided a response as follows:-

Following Andrew's email yesterday late afternoon our clients have taken counsel opinion see attached regarding the conditions we proposed to address the matter of staff parking permits. Given this we ask that the original recommendation of approval on both applications is reinstated and reported to your committee tonight please as the proposed conditions do meet the NPPF condition tests.

**Officer Response**

The legal advice will need to be considered by the Councils legal team and recommendations provided to Committee about the weight to be attached to the advice and the applicants representations.

The advice in full is as follows:-

PIPERS PRIVATE NURSERY, 11 SOUTHPORT ROAD, CHORLEY

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ADVICE

1. I am asked in this case to advise on behalf of Pipers Private Nursery, 11 Southport Road, Chorley.
2. The nursery operates under a planning permission which has a condition restricting the maximum number of children in the building to 55.
3. The nursery wishes to increase this number to 70. Two planning applications have been submitted to Chorley Borough Council. One application seeks to vary the condition which imposes the restriction accordingly. The other seeks permission for an extension of the building.
4. One of the key issues in relation to the applications has been the highway and parking implications of the proposals. Ultimately matters have been resolved with the highway authority, Lancashire County Council, provided that concerns in relation to the availability of staff parking at the nursery are resolved by purchase by the nursery of two additional car parking permits for use of the nearby public car parks.
5. However, Chorley Borough Council is now taking the view, on the basis of legal advice, that the permit solution cannot be appropriately secured through a planning obligation or a condition.
6. The fullest explanation of Chorley's position is contained in an email of 2nd December 2016 from the case officer to my Instructing Consultant. In relation to a planning obligation, the email makes reference to advice received from the Council's legal department to the effect that case authority suggests that it would not be possible to devise an obligation which would fall within the scope of section 106 of the Town and Country Planning Act 1990 ("the 1990 Act") and thus qualify as a planning obligation. The case law is not identified in the email but I believe it is probably *Westminster City Council v Secretary of State for Communities and Local Government*. The case was one where a purported planning obligation was in the form of an undertaking not to apply for a residential parking permit. It was held that the undertaking did not meet any of the requirements of section 106(1) of the 1990 Act. It did not: (a) restrict the development or use of the land in any specified way; (b) require specified operations or activities to be carried out in, on, under or over the land; (c) require the land to be used in any specified way; or (d) require a sum or sums to be paid to the authority. The case was followed in the later decision of *Khodari v Royal Borough of Kensington and Chelsea*.
7. The above cases dealt with a different situation from the present in that they related to undertakings not to apply for residential parking permits. The present case would involve an undertaking to purchase parking permits for use on off-street public car parks. Be that as it may, it seems to me that a similar problem in terms of bringing such an undertaking within the scope of a planning obligation under section 106(1) could well arise in the present case. I would not therefore disagree with the Council's position in relation to a planning obligation. This is perhaps not of particular significance in that the present way forward which is envisaged by my Instructing Consultant is through the use of a condition and it is in that connection that my specific advice is sought.
8. In respect of the use of a condition, the case officer's email reports that the advice received from the Council's legal department is that a condition would not meet the policy tests of enforceability and reasonableness. In respect of enforceability, it was

said that the applicant could obtain parking permits but that would not necessarily mean that the staff would use and park in the car parks. The point was made that the applicant would have complied with the condition to obtain the parking permits but the Council would not be able to enforce the use of those permits by the staff. In respect of reasonableness, it was said that the advice received from the Council's legal department was understood to be that it would be considered unreasonable to impose on the nursery a financial obligation or burden to meet the cost of the permits.

9. It seems to me that the concern of the Council's legal department about enforceability is not of any real substance. As I understand it, the concern is not as to the enforceability of a condition which would require permits to be obtained by the nursery but about the enforceability by the Council of the use of those permits, once obtained, by the staff in question. However, that level of enforceability does not seem to me to be required. It might often be said that the Council itself could not directly control the behaviour of third parties, such as employees of a business, through a planning condition. For instance, it could be said that, while there are on-site parking spaces at the nursery, the Council itself could not actually ensure that staff took up the opportunity of parking there. It seems to me that the reasonable availability of suitable parking provision, be it on-site spaces or those in nearby car parks, is what matters. And the reasonable availability of the latter can be enforced by condition through the obtaining by the nursery of the parking permits.

10. It is not entirely clear whether the Council is continuing to maintain its enforceability objection. I say this in the light of the case officer's latest response to the suggestion most recently made by my Instructing Consultant to the Council. That suggestion refers to a solution used by Manchester City Council in relation to apartment development where there is insufficient on-site parking available. The solution is to have both a condition for a travel plan and one for a parking management strategy which would provide for alternative arrangements, including, by way of example, parking leases with car parking companies.

11. The Council's response to this suggestion via a further email from the case officer is that, whatever view Manchester City Council may take, Chorley do not consider that the suggested condition would meet the test of reasonableness. On one view of matters, therefore, the issue has become simply one of reasonableness rather than enforceability and reasonableness. I assume that the reasonableness point relates only to that aspect of a parking management strategy which might require the purchase of car parking permits. There is nothing at all unreasonable about conditioning a parking management strategy per se. A condition in respect of a travel plan is entirely unobjectionable and I do not think that there is the remotest suggestion otherwise from the Council.

12. It is not entirely clear what the real concern of the Council is in relation to reasonableness in connection with the car park permits. There is reference in the case officer's email of 2nd December 2016 to the Council's reasonableness judgment depending on the size of the nursery and how many staff are employed. In this context it may be that the Council considers that a condition which would involve the purchase of parking permits by the nursery would be one which would place an unjustifiable and disproportionate burden on an applicant. This is given as an example in the Planning Practice Guidance of a condition which would fail the test of reasonableness. However, I do not see why the purchase of parking permits would amount to an unjustifiable and disproportionate burden. While it is true that an applicant's agreement to an unreasonable condition is not an answer to unreasonableness, the fact that the applicant has agreed here to the purchase of parking permits is nevertheless good evidence that there is not an unjustifiable and disproportionate burden.

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13. It is also correct that positively worded conditions requiring payment of money or other consideration are not acceptable: see again the Planning Practice Guidance on this point. However, what is suggested in this case is a negatively worded Grampian condition on the lines of the Manchester City Council model. That is acceptable, as the Planning Practice Guidance also makes clear.

14. Overall, I consider that the Manchester City Council approach is one which meets the test of reasonableness. I see no good reason why a similar Grampian condition should not be used in the present case in respect of a parking management strategy. I would suggest only that the reference to “parking leases with car parking companies” in the reason is changed to parking permits for the relevant car park(s) in Chorley, which should then be identified by name. A parking management strategy could provide additional sustenance to the enforceability dimension of the case (if this were still thought to be required) by incorporating a requirement that the nursery impose a contractual obligation on employees who are provided with parking permits to utilise them. This is no different in principle from the sort of contractual mechanism that might be employed in, say, a conditioned routing strategy to ensure lorries use only specified roads.

15. If the Council do not have time to consider the points made in this advice before the committee meets, I do not see why it would not be sensible to see if a deferment could be obtained.

16. I trust that the above is of some assistance. If I can assist further, my Instructing Consultant should not hesitate to contact me.

Kings Chambers  
36 Young Street  
Alan Evans  
Manchester M3 3FT  
6th December 2016

PIPERS PRIVATE NURSERY, 11 SOUTHPORT ROAD, CHORLEY

Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB



Site Plan shows area bounded by: 357827.67, 417516.99 357969.09, 417658.41 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**APPLICATION REPORT – 15/00850/COU**

**Validation Date: 24 August 2015**

**Ward: Coppull**

**Type of Application: Change of Use Planning**

**Proposal: Application for a retrospective change of use of a former stable block to storage facility for a separate electrical contractor's business to include provision of a workshop within part of the stable block in association with the electrical contractors business.**

**Location: Land Rear Of 65 Coppull Moor Lane Coppull**

**Case Officer: Mr Paul Whittingham**

**Applicant: LME Services & Repair Ltd**

**Agent: LME Services & Repair Ltd**

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The application was presented to the last Committee meeting in December at which it was agreed to undertake a site visit.

**RECOMMENDATION**

1. Approve subject to the imposition of conditions

**SITE DESCRIPTION**

2. The application site is the site of stables and a yard area enclosed by a 2 metre high fence. The yard is gated and provides access for parking within the yard area. Access is along a single track lane that is a public footpath and access to Hic Bibbi Nursery. The application site and nursery are sited to the south of a number of properties that front Coppull Moor Lane and have gardens that extend upto the application site and nursery.
3. There are two steel containers that lie to the east of the application site, one is used and occupied by the applicant linked to the electrical contractors business and has been stationed recently within the last few years whilst the other container has been in situ for a much longer period of time.
4. There is an informal parking area laid out within the boundary of the nursery that is used by both the nursery and the electrical contractors to park on.
5. The application site, nursery and the nearby houses are all sited within the green belt and washed over. The edge of the settlement of Coppull is sited some 500m to the north-west.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The application is to change the use of the stable block to be used as a storage facility for an electrical contractor with one of the stables to be used as a workshop for the use in association with the electrical contractors business. The yard area within the fenced off area is also to be used in association with the electrical contractors business for the parking of a trailer and mini digger.
7. The yard area currently has materials stored within it linked to the electrical contractors business as well as a forklift truck that allegedly was for the nursery business use as well as the electrical contractor but this will be removed from the site.

**CONSTRAINTS**

8. **Coal consultation zone**  
**Consult EA Landfill Red Site & 250m Buf**  
**Green Belt**  
**Public Right of Way**

**RELEVANT HISTORY OF THE SITE**

9. **Ref: 15/00850/COU Decision: PCO Decision Date:**  
**Description: Application for a retrospective change of use of a former stable block to storage facility for a separate electrical contractor's business to include provision of a workshop within part of the stable block in association with the electrical contractors business.**
10. **Ref: 92/00743/FUL Decision: PERFPP Decision Date: 12 January 1993**  
**Description: Erection of stable block and tack room**

**REPRESENTATIONS**

11. 6 letters of objection have been received that are summarised below:-
- The inclusion of a workshop means more permanent presence and activity that will be difficult to monitor and storage does not warrant a workshop.
  - Regular disturbance from unauthorised activities with 3 vehicles often present leading to the erosion of the greenbelt. The building should be returned to equine use.
  - That the manufacturing of gates and barriers with deliveries of steel, banging, welding and the smell of paint is not consistent with the nearby nature reserve and public footpath.
  - Increase in vehicles will have a safety impact.
  - Hours of use are excessive and include weekend working which has a significant impact on residents and should not be conducted from a rural location.
12. In addition to the above there have been a number of responses submitted about alleged activities taking place on the site as a regular update.

**CONSULTATIONS**

13. **Lancashire Highway Services** – No objection
14. **Parish Council** – No objections

**PLANNING CONSIDERATIONS**Principle of the Development

15. The stables building was erected by a local resident for their own horses and when that use ceased the building and some adjacent land was sold to another local resident and then leased to the Nursery owner who has subsequently leased the stables building and yard to the electrical contractor.
16. The original stables building was erected and planning permission granted in 1992 and the planning permission did not require the building to be removed if the use ceased and therefore the building, sited within the green belt must be considered in relationship to an appropriate use within such a location.
17. In accordance with paragraph 89 of the Framework, the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is not considered to be inappropriate development. In relation to what is considered to be a previously developed site this is defined by the Framework as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.



18. Local Plan Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and in relation to re-use criterion a) states that the re-use should not have a materially greater impact than the existing use on the openness of the greenbelt. Criterion b) states that the development should respect the character of the landscape and has regard to the need to integrate the development with its surroundings.
19. The Rural Development SPD considers the re-use of buildings in the countryside and highlights that re-use or adaption can help reduce demands for new buildings in the green belt. The SPD requires that buildings are permanent and substantial and should not require significant extension which is met in this case. The SPD also describes that re-use for business purposes will usually be preferable to residential use because they will require less alteration.
20. The principal of re-using this former stable block for storage and a workshop is acceptable having regard to the local connection with the owner of the electrical contractor. The impact of the use on the surroundings including nearby residential properties is an assessment that must be made to consider the acceptability of the development as a whole.

#### Impact of the development on sensitive land uses

21. The use of the stables for a storage use would not have a direct impact upon the nearby residential properties if there were controls put in place over the times of use and that the yard area is not used for storage. The use of part of the stables building as a workshop has been subject to a noise assessment and survey and the advice from the Councils Environmental Health Officer is that the use of hand tools within the building with the door closed is acceptable in noise terms. The noise survey also tested the use of a power washer within the yard area and the impact of this activity on the noise sensitive properties is deemed to be acceptable.
22. However the power washing activity is likely to be associated with the applicant's personal activities of washing motorbikes and other vehicles not in association with its use as an electrical contractors use. The use of the stables and yard area can be restricted by condition to only be used for the purposes of storage and a workshop in association with the electrical contractors business and that there should be no use of tools or activity or storage within the yard area.
23. The use of the workshop is a matter that can also be restricted by condition in terms of the typical hand tools and equipment used and that any operation would be undertaken with the door closed and the additional insulation recommended within the noise report implemented.
24. The potential impact of the use of the application site can also be reduced by restricting the opening hours of the business and on the basis of the proposal to use the stables for storage and a workshop then it would be appropriate to restrict the use of the application site to 07.30 – 18.00 Mon to Fri, 08.00 – 18.00 Sat and at no time on Sun and Bank Holidays. The workshop element should though be limited further and have a more restricted timescale for operating of 08.00.

#### Other matters

25. There is concern within some of the objections and representations about the steel container sited close to the application site and its use by the applicant. It is clear that this container has been in place for up to 3 years and having regard to the position of the container in the green belt that such an additional new building cannot be justified in planning terms. The applicant has agreed to remove the container and the owner of the nursery site has also agreed that the container would be removed. This will be dealt with as a separate enforcement matter and authority to issue a notice will be sought.

#### **CONCLUSION**

26. The principle of the re-use of the application site for a business use is considered to be acceptable and in accordance with national and local policy subject to restrictions and controls regarding the use of the stables building. With appropriate restrictions imposed by condition the development as a whole can be made acceptable in planning grounds and if the conditions are clear then they can be appropriately enforced.

**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**

The storage use of the building hereby permitted shall be limited to the storage of electrical equipment and materials employed in connection with the electrical contractors business which operates from the site. No loading or unloading of vehicles shall take place within the yard area outside of the times of 07.30 to 18.00 on Mondays to Fridays inclusive and 08.00 to 18.00 on Saturdays and at no time on Sundays, Public or Bank holidays.

The workshop use hereby approved shall only operate from the area of the former stable block marked with a blue edge on plan 1 and the workshop shall not be used until the recommendations of the noise report dated June 2016 prepared by Martin Environmental Solutions have been fully implemented.

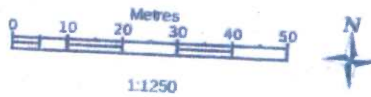
The door in the northern elevation of the former stables building shall be kept closed at all times when powered machines for the cutting, grinding or drilling of metal associated with the electrical equipment for the approved use (excluding electrically powered hand drills) are being operated within the building.

The yard area to the former stable block shall only be used for the storage of vehicles used by the electrical contractor for the carrying out of their activities, trailer and mini digger required directly for the approved use of the former stable block.



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**APPLICATION REPORT – 16/01001/FUL****Validation Date: 7 November 2016****Ward: Chisnall****Type of Application: Full Planning**

**Proposal: Alterations to previously approved house types J and D on plots 1, 3 and 4 (originally approved under 13/00600/FUL), to add an integral garage with room above to the side of plot 1 and to increase the ridge height and add roof lights to the semi-detached bungalows on plots 3 and 4 (to allow creation of a room in the roof space). Also, to amend the line of the French drain in the rear gardens of these properties to avoid the tree line on the western boundary.**

**Location: Land 60M North To The Rear Of 34-42 And Including 42 Chorley Lane Charnock Richard****Case Officer: Andrew Williams****Authorising Officer: CT****Applicant: Mr J Mawdsley****Agent: Tony Lawson****Consultation expiry: 28 November 2016****Decision due by: 2 January 2017**

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**RECOMMENDATION****Permit subject to legal agreement****SITE DESCRIPTION**

Originally, the application site contained a nursery business which ceased trading in the early 1990's and has remained vacant since this time. It is bound by residential properties to the north, south and eastern boundaries whilst the west adjoins a field currently within the ownership of a neighbouring property.

The site is currently in the process of being redeveloped to provide eight dwellings (13/00600/FUL) with the access road from Chorley Lane completed and plots 1-4 currently under construction.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

This application seeks the following amendments to permission 13/00600/FUL:

- Relocation of detached single garage to provide integral single garage with first floor accommodation above to the side (eastern) elevation of Plot 1;
- Creation of an additional driveway to Plot 1;
- Increased ridge height of plots 3 and 4 from 4.7m to 6.035m to provide first floor habitable accommodation (bedroom and en-suite) within the roofscape with three rooflights to the principle (eastern) elevation.

- Retrospective permission for the deviation of the French drain further east within the rear gardens of plots 1, 3 and 4 for the continued protection of the root protection areas to the adjacent trees.

**RELEVANT HISTORY OF THE SITE**

**Ref: 12/00369/FUL Decision: WDN Decision Date: 12 July 2012**  
**Description: Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development**

**Ref: 13/00600/FUL Decision: PERFPP Decision Date: 26 November 2014**  
**Description: Demolition of 42 Chorley Lane and former nursery buildings and the erection of 8 dwellings, access road and associated development.**

**Ref: 15/00153/DIS Decision: PEDISZ Decision Date: 17 July 2015**  
**Description: in the Green Belt Application to discharge conditions 2 (external materials), 3 (Design Stage Assessment), 4 (carbon reduction statement), 5 (parking for contractors and visitors), 6 (hard ground surfacing materials), 8 (foul and surface water drainage), 15 (contamination report), 17 (fences and walls), 18 (pre-cautionary bat survey), 21 (habitat/landscape plan) and 25 (plots 1-4 land drainage) of planning approval ref: 13/00600/FUL (which was for demolition of 42 Chorley Lane and former nursery buildings and the erection of 8 dwellings, access road and associated development).**

**REPRESENTATIONS**

Three letters of objection received detailing the concerns as summarised below:

Objection	Response
The present construction of these buildings has accentuated the impact that building above ground level has created. The rear ground floor bedroom windows are visible above the 2.1 meter garden fence which has created a loss of privacy to the nearby residents	This concern will be assessed below.
By creating a third bedroom would also remove the affordable housing element which was part of the original application.	There is 1 affordable house on the site which shall remain in the care of a registered provider, all others are market housing and are therefore susceptible to market forces which cannot be controlled by the local authority.  A material consideration in the determination of the previous approval was the need for 2 and 3 bedroomed properties as confirmed through the Chorley Rural Housing Needs Study. The scheme, providing two three-bedroomed properties, remains consistent with the Study.
There is only one entrance/exit to the properties	LCC Highways raise no objection to the additional accommodation.
There does not appear to have been any French drains installed on the site to the present date.	Further to a site inspection the French drains have been installed and are operational.

<p>The French drain cuts across the west of the site diagonally and therefore it leaves a triangular piece of land next to the boundary of their land unprotected from rainwater. They suggest that the French drain along the northern boundary extends to the existing ditch on the northern boundary of their land to take any water away which has entered their land via the existing field drains from the site. Also it is imperative that the French drain is completed to the southerly point as indicated on the drawing to capture any water draining off the elevated site ground.</p> <p>During recent rainfall the adjoining field was flooded. To help to alleviate this problem recurring, the drains need to be extended to include additional boundaries of the site: A-B and C-D.</p>	<p>This application only relates to a restricted area of the site as shown within the red line boundary on the Location Plan and not the extended areas as indicated by the objectors.</p> <p>Additionally, it has been confirmed that the drainage measures approved under 13/00600/FUL are sufficient in negating the risk of flooding and should improve the current situation.</p> <p>Although the French drain is at a slight angle away from the west boundary of the site it only leaves a very small triangle between it and the boundary to avoid impacting on the trees.</p>
<p>The height of the road and build so far is at least 1 meter above ground level and surrounding properties.</p>	<p>Building Control has confirmed that the site levels are as permitted under 13/00600/FUL.</p>

**CONSULTATIONS**

**Parish Council – Object**

Charnock Richard Parish Council remains strong in the objections to the proposed amendments to this application:

- that the height of the properties at this development will have a significant detrimental impact on all the surrounding homes, some of which are already experiencing flooding problems as a result of this development;
- the proposals to create houses from the bungalows which the developer obtained planning permission for. Not only will this make the properties taller than originally planned but could also have an intrusive impact on existing properties whose gardens and windows will be lower than those in the properties on this development. An application for houses on this site was unlikely to be successful in the first instance but, the developer is now endeavoring to get around this by making an amendment to the house types and providing accommodation in the roof space. This is considered to be development by stealth;
- the French drain will not be adequate to take the drainage from this development without impacting on neighbouring homes and gardens. The pipe coming out of this development is an 18" pipe but the main outlet pipe this is going into on Chorley Lane, is only a 9" pipe therefore, there will be significant problems with the drainage from the development which could result in flooding problems on the carriageway. The Parish Council therefore strongly objects to the proposed amendments to this application.

**Tree Officer** – The addition of an integral garage will have no impact on trees along the site boundary. The addition of roof lights to the semi-detached bungalows on plots 3 and 4 may lead to future request for tree pruning or tree removal from residents due to trees casting excessive shade.

**United Utilities** – No response received.

**Waste & Contaminated Land** – No response received.

**The Coal Authority** – standing advice. Low risk area so informative note needs to be added to any permission.

**Greater Manchester Ecology Unit** – As there appear to be no ecological issues associated with the application, we have no comment to make.

## **PLANNING CONSIDERATIONS**

It is considered that the main issues in the determination of this application are:

- Principle of development;
- Impact upon the character and appearance of the locality;
- Highways implications;
- Flooding;
- Arboriculture; and
- Amenity considerations.

### **Principle of development**

The principle of development has been established through extant permission 13/00600/FUL for which this application seeks amendment to.

The Chorley Rural Housing Needs Study (2011) demonstrates that there is a need for a large number of additional dwellings to serve Charnock Richard to meet affordable and market housing requirements for which this identifies a demand for 2 and 3 bedroom semi-detached bungalows.

The proposal seeks amendment to the original scheme through the provision of two 3 bedroomed chalet-style semi-detached bungalows and as such remains consistent with identified need within the local area. Additionally, it is important to note that one of the properties within the residential estate will still meet the definition of affordable housing and therefore the proposal is considered acceptable and compliant with the relevant policies of the Local Plan and wider guidance contained within the NPPF (2012).

### **Impact upon the character and appearance of the locality**

Criterion c) of Policy HS7 of the Chorley Local Plan (2016-2026) requires rural development to complement the character and setting of the existing buildings.

In addition to the above, Policy BNE1 of the Local Plan states that planning permission will be granted for new development 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 ration, height, scale and massing, design, orientation and use of materials.

Paragraph 60 of the NPPF (2012) states that '*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*'

The proposal seeks alteration to provide an integral single garage with first floor accommodation to plot 1 and an increase to the ridge height of plots 3 and 4.

Further to undertaking a site visit it is considered that the proposals are unlikely to harm the character and appearance of the street-scene to any discernible degree. It is agreed that the formation of a two storey side extension will reduce the spatial distancing between plots 1 and 2 however this would not cause a terracing effect with the extension remaining a subservient and proportionate addition, being set back from the principle building line by 1.5m and having a lower ridge height to the host dwelling. In terms of design, the amendment remains integrative with the architectural detailing of the property with corresponding materials, similar fenestration patterns and cill features.

There is no objection to the creation of an additional driveway to the principle elevation of Plot 1 as this will ensure sufficient parking for this property along with the garage. A condition is recommended that the garage should remain free for parking.



In respect to the proposed alterations to plots 3 and 4, the increase in ridge height does not unbalance the proportions of the built form, nor would it create an incongruous feature within the surrounding street-scene to the detriment of the area. The incorporation of 3 rooflights to the principle elevation, is acceptable given the minor scale of the openings and position high within the roof slope whereby reducing its visual impact upon the aesthetics of the development from public vantage points.

### **Highways implications**

Policy BNE1 of the Chorley Local Plan 2012-2026 reiterates that development will only be permitted where the *'residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces below the standards stated with the Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*

Policy ST4 requires development to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. In this regard the proposal includes two car park spaces or two spaces and a garage of a size sufficient to be classed as a parking space which meets the parking standards for 3 and 4 bedroomed properties.

The proposal therefore complies with the stipulations of the aforementioned policies.

### **Flood Risk**

As identified by the Environment Agency, the site is not located within Flood Zone 2 or 3 and as such unlikely to lead to localised flooding.

Notwithstanding the above, and in an effort to help reduce run-off to neighbouring land, a French drain soakaway was approved along the north and western boundaries which intersected a line of trees originally sought for retention. Further to the commencement of works the applicant noted that to preserve the trees, the French drain required diversion away from the root protection areas as shown on dwg.13/040/EN01 rev C. This diversion is considered acceptable as it is close to the boundary but avoids the root protection area of the trees and as evidenced during a thorough site visit, is fully operational.

### **Arboriculture**

Policy BNE10 states that proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of development outweighs the loss of some trees or hedgerows.

The Council's Arboricultural Advisor has acknowledged that there would be no impact of the development to Plot 1 on the setting of neighbouring trees however did raise concern with the addition of roof lights to the semi-detached bungalows on plots 3 and 4 could cast excessive shade. Further to undertaking a site visit and reviewing the submitted plans, the rooflights are located on the eastern roof slope and over 18m from the nearest trees on the western boundary. To this end, it is not considered that the incorporation of rooflights will lead to unacceptable pruning or potential loss of the trees.

The proposal is therefore considered acceptable.

### **Amenity considerations**

Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.

The amendments made to the detached property (Plot 1) are unlikely to have any additional adverse impacts upon the amenities of neighbouring occupiers. The rear first floor window, whilst occupying a more prominent position on the boundary with Plot 2, would not reduce the level of privacy to habitable room windows of neighbouring occupiers or cause any overbearing affect. In respect to the front elevation, the first floor window serves an en-suite which shall be obscurely glazed and would therefore not adversely impact upon the amenities of the properties set along Chorley Lane.

In respect to the amendments made to Plots 3 & 4 through the increase in ridge height by 1.3m, the distances maintained between the adjacent properties along Lichen Close to the northern aspect and the new dwellings are sufficient in meeting the Council's interface distances and would not cause an unacceptable overbearing effect.

Further to undertaking a site visit it has been noted however that given the level changes between the development and that of the properties along Lichen Close, there would be a level of overlooking from the ground floor side elevational windows which was not foreseen in the determination of the previously approved application. Notwithstanding this, it has been confirmed that the levels are as approved and therefore there is no deviation from the permitted scheme. To this end it is considered reasonably necessary to obscurely glaze the side windows to Plot 4 to reduce any perceived level of overlooking into the private amenity spaces of the neighbouring properties along Lichen Close. These serve a bathroom and a secondary window to a living/dining/kitchen so it is considered this can be controlled through condition.

### **Community Infrastructure Levy**

The Chorley CIL Infrastructure Charging Schedule provides a specific amount for housing - £65 per sqm. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. This development is CIL liable which is index linked, unless an exemption is applied for.

### **S106 Agreement**

A Supplemental Agreement has been drafted to tie this application in with the original S106 Agreement signed on the 31<sup>st</sup> October 2014 for 13/00600/FUL. The Supplemental will ensure one of bungalows becomes an affordable unit as defined by the NPPF (2012).

### **CONCLUSION**

The principle of development has already been established and therefore taking into account the material consideration discussed above, the proposal is acceptable subject to the signing of a Supplemental Agreement to 13/00600/FUL.

**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 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
Proposed site layout with enclosures	13/040/EN01 REV C	25 October 2016

details French drain/soakaway position and hard surfacing.		
Location Plan	13/040/L01	25 October 2016
House Type J-a (Alternative) 3H958	13/040/P08	25 October 2016
House Type D-a (Alternative) - 4H1654	13/040/P07	25 October 2016

2. The external facing materials, detailed on the submitted application form shall be used and no others substituted.

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

3. 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.*

4. 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.*

5. Contractors and visitor parking shall be provided as per drawing ref: LMP drawing 13/040/PA01) during the build.

*Reason: To ensure there is sufficient parking provided within the site and to discourage parking on Chorley Lane to the inconvenience of surrounding residents and in the interests of highway safety.*

6. The hardsurfacing of the site shall be carried out in accordance with LMP drawing 13/040/EN01 Rev A: Driveways constructed using Marshalls Driveline 50 Block Paving in Brindle with a Charcoal edging and access road and footpaths to be finished in tarmac to an adoptable standard.

*Reason: To ensure a satisfactory form of development in the interests of the visual amenity of the area.*

7. During the construction period, all trees to be retained shall be protected by 1.2m high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No

construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced.

*Reason: To safeguard the trees to be retained on and adjoining the site.*

8. Foul and surface water drainage shall be carried out in accordance with REFA drawings 02-1 and 05-1.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.*

9. The single garage hereby approved on plot 1 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter to convert to the space into living or other accommodation.

*Reason: To ensure three garaging/off street parking spaces are provided and maintained for these properties and thereby avoid hazards and nuisance caused by on-street parking.*

10. All windows in the first floor of the west-southwest elevation of the dwelling hereby permitted on plot 1 (house type D) shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

*Reason: In the interests of the privacy of occupiers of neighbouring property.*

11. The new estate road and access point shall be constructed to at least base course level as a minimum past the driveway of each plot (in accordance with the approved site layout plan) prior to that plot being occupied. The estate road/access shall be fully completed and surfaced in accordance with the approved site layout plan prior to either plots 3, 4 or 5 being occupied.

*Reason: To ensure that satisfactory access is provided to the site before construction commences and to ensure future residents have a satisfactory means of access to their properties*

13. 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.*

14. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

*Reason: To ensure provision of adequately off-street parking facilities within the site*

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 2m measured along the centre line of the proposed road from the

continuation of the nearer edge of the carriageway of Chorley Lane to points measured 43m in each direction along the nearer edge of the carriageway of Chorley Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

*Reason: To ensure adequate visibility at the street junction or site access*

17. No dwelling shall be occupied until all fences and walls shown on the approved plan to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

18. Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, including Montbretia and Variegated Yellow Archangel, shall be eradicated from the site and working methods shall be adopted to prevent their spread.

*Reason: To prevent the spread of invasive plant species*

19. Prior to occupation of the development, nesting opportunities for birds (house sparrow, starling and house martin) shall be installed into the site as detailed in 5.4.5, 5.4.6 and 5.4.8 of the Ecological Survey and Assessment (ERAP Ltd, July 2013, ref:2013\_084) and paragraph 1.4 and figure 1 of the Annex Report to Ecological Survey and Assessment (ERAP Ltd, August 2013, ref:2013\_04b). In addition bird boxes for other Species of Principal Importance including Song Thrush (open fronted bird boxes) shall be installed in suitable locations within the developed site.

*Reason: To secure nesting bird opportunities*

20. The development shall be carried out in accordance with the Woolerton Dodwell Landscape & Maintenance Plan dated January 2015.

*Reason: To ensure a satisfactory landscaping scheme is carried out which encourages habitat creation*

21. In order to avoid impacts hedgehogs, amphibians and reptiles (protected species and Species of Principal Importance):

- 2 hedgehogs house shall be installed within the developed site as recommended/illustrated in figure 1 of the Annex Report to Ecological Survey and Assessment (ERAP Ltd, August 2013, ref: 2013\_084b);
- Works affecting any features likely to provide shelter for amphibians, reptiles and/or hedgehogs (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) will be avoided when these species are likely to be hibernating;
- All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched immediately prior to removal / development works. If clearance works are unavoidably carried out at the time of year when amphibians may be hibernating and hedgehogs and reptiles may be hibernating or breeding, any amphibians, reptiles and/or hedgehogs found should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any amphibians, reptiles and/or hedgehogs encountered shall be carefully moved to a safe area of suitable habitat, which will then remain undisturbed;
- If the presence of Great Crested Newt is detected or suspected at any stage before or during development works, then works must not proceed until advice has been sought regarding the need for Natural England a licence.

*Reason: To safeguard protected species and Species of Principal Importance.*

*Reason: To safeguard protected species and Species of Principal Importance*

22. Details of any lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

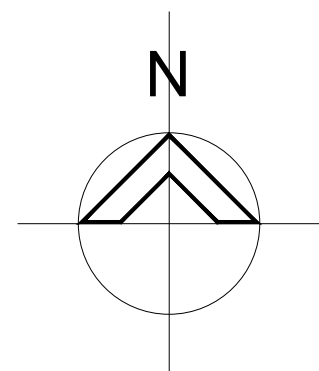
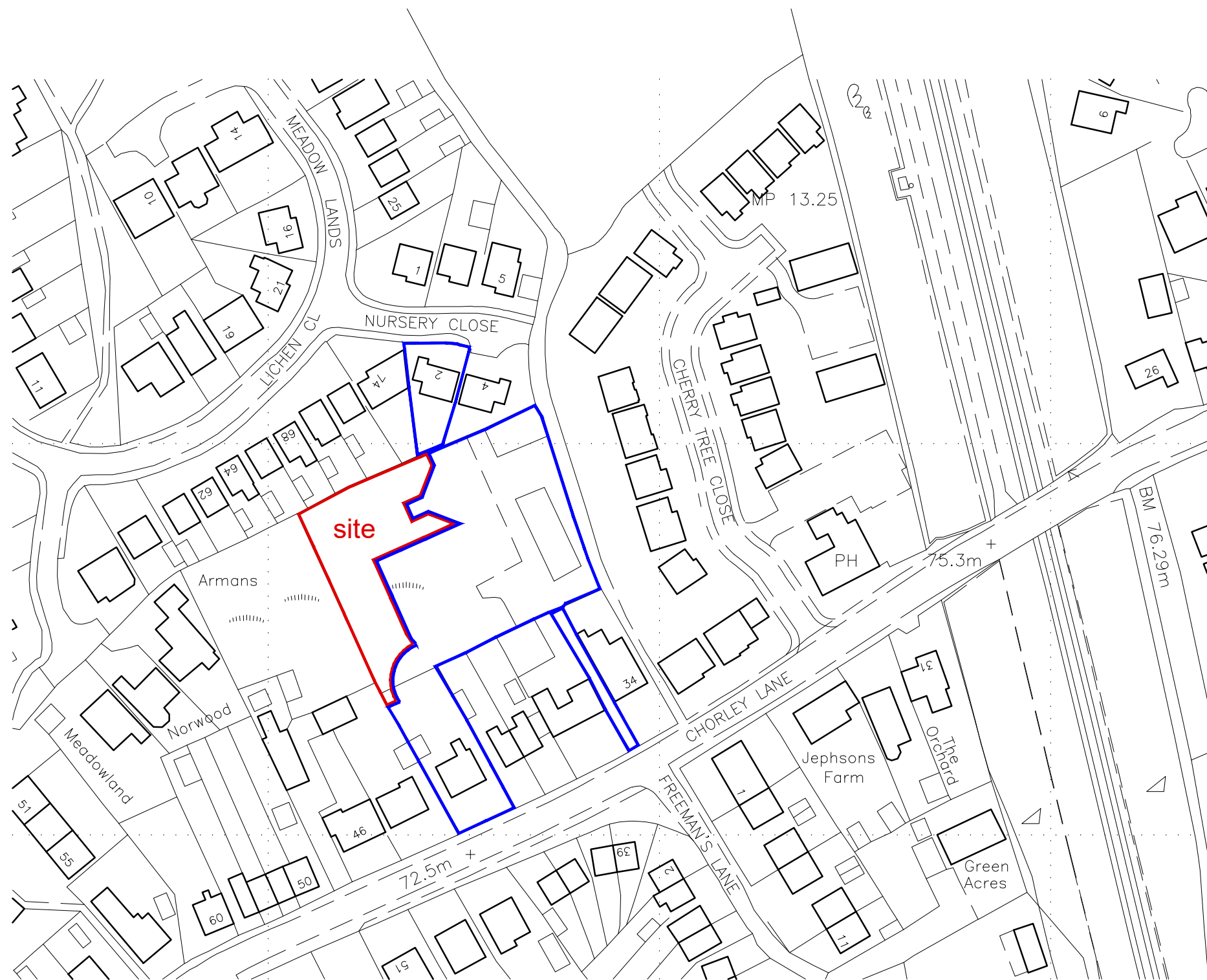
*Reason: To avoid excessive light spill and to avoid illuminating bat roosting opportunities within the site, the roof or eaves of the nearby buildings or trees and hedgerows in the area.*

23. The development hereby permitted shall only be carried out in conformity with the building slab levels shown on the approved site layout plan.

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

26. All windows in the side (northern) elevation of Plot 4 house type J-a shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.


*Reason: In the interests of the privacy of occupiers of neighbouring property.*



Application site area edged red = 0.098 ha.  
 Areas edged blue indicates adjoining land under the applicants ownership.



REVISIONS

CLIENT Thomas Mawdsley Building Contractor					 213 PRESTON ROAD WHITTLE-LE-WOODS CHORLEY LANCASHIRE PR6 7PS TEL: 01257 261555 FAX: 01257 267224 www.lmparchitects.co.uk © Copyright Lawson Margerison Practice Ltd.
PROJECT Proposed residential development at Former Buttermere Nursery, Chorley Lane, Charnock Richard Alterations to House Types on Plots 1, 3 & 4					
DRAWING TITLE Location Plan					
DATE 25/10/16	SCALE 1:1250 @ A3	DRAWN asl	DRWG No. 13/040/L02	REV	

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**Agenda Item 3g****APPLICATION REPORT – 16/01127/REM**

**Validation Date: 30 November 2016**

**Ward: Adlington And Anderton**

**Type of Application: Reserved Matters**

**Proposal: Reserved matters application for the erection of four dwellings (plots 81-82 & 103-104) (pursuant to outline consent 15/00568/OUTMAJ)**

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

**Case Officer: Mrs Helen Lowe**

**Authorising Officer:**

**Applicant: Mr Ben Sutton**

**Agent:**

**Consultation expiry: 27 December 2016**

**Decision due by: 25 January 2017**

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**RECOMMENDATION**

Approve subject to conditions

**SITE DESCRIPTION**

The plots that are the subject of this application are located within the centre of the housing development that is currently under construction. The wider site is located within the settlement of Adlington and is accessed via Bolton Road. It is adjacent to Belmont Road, Abbey Grove and Huyton Terrace and is located to the rear of the dwellings on Bolton Road

**DESCRIPTION OF PROPOSED DEVELOPMENT**

This is a further reserved matters application for the erection of nine dwellings on a development of 158 houses off Bolton Road, Adlington. The four plots that are the subject of the application already benefit from outline planning consent (granted in August 2013) and reserved matters (approved in September 2015). The current application seeks to amend the house types on the plots that are the subject of the application. There would be no change in the number of dwellings on the site as a whole

**CONSTRAINTS**

**AISSWF**

**ALSSWF**

**Coal Area Standing Advice**

Chorley Core Area  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Tree Preservation Orders  
 Gas Pipelines  
 Green Belt  
 Housing Allocations  
 New Cycle Routes  
 Chorley Polling Districts  
 Chorley Polling Districts  
 Chorley Polling Districts  
 Public Right of Way  
 Road Classifications  
 Chorley Settlements  
 Settlement Areas  
 SSSI Impact Risk Zones  
 Ward

#### RELEVANT HISTORY OF THE SITE

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

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

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

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

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

**Ref: 15/00568/OUTMAJ Decision: PERFPP Decision Date: 8 September 2015**

**Description:** Section 73 application to vary conditions 16, 17 and 18 (all relating to Code for Sustainable Homes) and to remove condition 19 (Carbon Reduction Statement) attached to outline planning approval 12/00741/OUTMAJ

**Ref:** 15/00901/DIS **Decision:** APPRET **Decision Date:**  
**Description:** Application to discharge conditions 3, 4, 6, 12, 13, 15, 21 and 25 attached to outline planning approval 12/00741/OUTMAJ

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

**Ref:** 15/00959/DIS **Decision:** REC **Decision Date:**  
**Description:**

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

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

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

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

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

**Ref:** 16/00516/S106A **Decision:** PEROPP **Decision Date:** 11 October 2016  
**Description:** Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a unilateral undertaking dated 8th September 2015

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

**Ref:** 16/00823/MNMA **Decision:** APPRET **Decision Date:**  
**Description:** Plot Substitution on plots 80-81, 92-101, 103-104 & 127-133

**Ref:** 16/00836/TPO **Decision:** PERTRE **Decision Date:** 19 October 2016  
**Description:** English oak and ash tree belt (Tree Group no.1 with Chorley BC TPO no. 3 Adlington 2012) - plots 16, 24 and 25. Raise the crowns to a height of 4m and provide a 4m clearance from the three dwellings.

**Ref:** 16/01100/MNMA **Decision:** APPRET **Decision Date:**  
**Description:** Plot Substitution on plots 126-132 & 158-159.

**Ref:** 16/01126/REM **Decision:** PCO **Decision Date:**  
**Description:** Reserved matters application for the erection of nine dwellings (plots 126 - 132 & 158 - 159) (pursuant to outline consent 15/00568/OUTMAJ)

**Ref:** 16/01127/REM **Decision:** PCO **Decision Date:**  
**Description:** Reserved matters application for the erection of four dwellings (plots 81-82 & 103-104) (pursuant to outline consent 15/00568/OUTMAJ)

## REPRESENTATIONS

None received

## CONSULTATIONS

**Parish Council** No comments received

**CIL Officers** No comments received

## PLANNING CONSIDERATIONS

The main issues for consideration are considered to be whether the proposed changes would give rise to any harmful impact on neighbour amenity, highway safety and design and appearance.

### Neighbour Amenity

The plots that are the subject of the application are located wholly within the application site, and the changes would not impact on any existing dwellings located outside of the site. The proposed changes would result in three of the four plots (80, 103, 104) increasing from a four bedroom to a five bedroom house.

A Juliet balcony would be introduced to front elevation of plots 80 and 104. Some very minor changes to the interface distance would arise, but the proposals would still comply with the Council's standards.

The proposed amendments to the house types are not considered to have an unduly detrimental impact upon the amenity of prospective neighbouring residents.

### Highways

The level of off street parking required would remain the same as previously approved for each dwelling (three off road spaces), although the number of bedrooms at three of the plots would increase from four to five. The level of parking provision is considered to be adequate on all the plots. The internal dimensions of the integral garage proposed at plot 81 is slightly less than would normally be considered desirable, however the dimensions as presently approved (all be them slightly larger) were also smaller than the usual standard of 6m by 3m. It is not considered that this deficiency would warrant refusal of the proposals.

A condition would be added requiring the garages to be kept freely available for the parking of cars, as has been imposed previously.

It is therefore considered that the proposals would not cause any undue harm to highway safety.

### Design and appearance

The design and appearance of the proposed dwellings would be in keeping with the other dwellings approved on the development.

## CIL

The application relate back to 15/00568/OUTMAJ which was a s73 application relating to 12/00741/OUTMAJ. Applicationn12/00741/OUTMAJ was granted approve before the Council's

CIL charging schedule came into force, therefore the reserved matters application is not CIL liable.

**CONCLUSION**

The proposed changes to the plots would be in keeping with neighbouring proposed properties, the design and appearance would be acceptable and on balance there would be no undue harm, to highway safety. The proposed changes are therefore considered to be acceptable.

**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**

To follow

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**APPLICATION REPORT – 16/01140/P3PAJ**

**Validation Date: 8 December 2016**

**Ward: Chorley North West**

**Type of Application: Prior Approval Offices to Dwellings**

**Proposal: Prior approval application under Part 3, Class O of The Town and Country (General Permitted Development) Order 2015 to change existing office building (Class B1(a)) into 42 no. apartments (Class C3) with existing access and parking facilities to be retained**

**Location: Sumner House 29 - 33 St Thomas's Road Chorley PR7 1HP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr John Heaton**

**Agent: Mr Andrew Titterton**

**Consultation expiry: 30 December 2016**

**Decision due by: 1 February 2017**

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**RECOMMENDATION**

1. That Prior Approval is granted.

**REPRESENTATIONS**

2. None received

**CONSULTATIONS**

3. **Waste & Contaminated Land:** Based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.
4. **Lancashire Highway Services:** No comments received
5. **Lead Local Flood Authority:** No comments received

**PLANNING CONSIDERATIONS**

6. The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as "Use Classes". The categories give an indication of the types of use that may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. The Town and Country Planning (General Permitted Development) (England) Order 2015 gives

permitted development rights to allow buildings falling within Class B1(a) offices to change to a dwellinghouse(s) (falling within class C3).

7. Town and Country Planning (General Permitted Development) (England) Order 2015  
Schedule 2, Part 3, Class O of the above Order permits development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.
8. Development is not permitted by Class O if—
- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
  - (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
    - (i) on 29th May 2013, or
    - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
  - (c) the site is, or forms part of, a safety hazard area;
  - (d) the site is, or forms part of, a military explosives storage area;
  - (e) the building is a listed building or is within the curtilage of a listed building; or
  - (f) the site is, or contains, a scheduled monument.
9. Development under Class O is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
- (a) transport and highways impacts of the development;
  - (b) contamination risks on the site; and
  - (c) flooding risks on the site,
  - (d) impacts of noise from commercial premises on the intended occupiers of the development,
- and the provisions of paragraph W shall apply in relation to any such application.
10. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.
11. The local planning authority may refuse an application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
- any conditions, limitations or restrictions specified in the Part as being applicable to the development in question.
12. In relation to the criteria above:
- (a) the building is not on article 2(5) land [areas listed in the GPDO as an area exempt from these permitted development rights] and the application was received this year.
  - (b) the building was in use as an office on 29<sup>th</sup> May 2013;
  - (c) the site is not in a safety hazard area;
  - (d) it is not in a military explosives storage area;
  - (e) the building is not listed or in the curtilage of a listed building;
  - (f) the building is not listed or a scheduled monument.

13. Therefore assessing the above aspects:

14. a) Transport and highways impacts of the development

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority;

15. In this case, the building the change of use relates to is located close to Chorley Town Centre, but not within the Town Centre boundary. The property has off street parking capable of accommodating at least 42 cars. Given that the use of the building as an office could have attracted a similar number of vehicles as the number of apartments proposed, it is considered that the use of the building for 42 flats would result in similar levels of vehicles visiting the property. Although the time of day/week vehicles may visit a dwelling is likely to be different to an office, as the site has off road parking spaces available to it, it is not considered that the development will result in a material increase or a material change in the character of traffic in the vicinity of the site. Therefore the transport and highways impact of the development are considered to be acceptable.

16. b) Contamination risks on the site

In relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

17. The Council's Waste and Contaminated Land Officer has reviewed the application in this respect has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land under this criterion.

18. c) Flooding risks on the site

Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—

- a) in an area within Flood Zone 2 or Flood Zone 3; or
- b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

19. The application site does not lie within flood zone 2 or 3, or an area that is susceptible to surface water flooding.

20. d) Impacts of noise from commercial premises on the intended occupiers of the development

The building is self-contained and although located in close proximity to a range of commercial uses, including public houses, offices, clinics and public administration premises it is not considered that there would be noise of a frequency and volume that would have an unacceptable impact on the proposed dwellings. Indeed there are already other residential properties in the vicinity.

21. Other matters

The legislation states that the local planning authority shall, when determining an application, take into account any representations made as a result of any consultations or representations received and shall have regard to the National Planning Policy Framework (The Framework) issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

22. No consultee responses or representations have been received that would result in the proposal being unacceptable, and it is considered that the proposal accords with the aims of The Framework.

23. Community Infrastructure Levy (CIL)

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

24. Development commenced under general consent is liable to pay the Community Infrastructure Levy (CIL) if a new dwelling is being created (even if this is through a change of use). 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Although not a reason for consideration under this application, the agent has been made aware of this and submitted the relevant CIL forms.

25. **CONCLUSION**

It is considered that the proposed change of use meets the criteria of the legislation. Prior approval is required and is granted subject to required conditions.

**RELEVANT POLICIES: Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).**

**RELEVANT HISTORY OF THE SITE**

**Ref: 07/00253/ADV Decision: PERADV Decision Date: 21 June 2007**

**Description: Erection of two business signs attached to brick elevations (Retrospective)**

**Ref: 91/01076/FUL Decision: PERFPP Decision Date: 18 February 1992**

**Description: Alterations to form additional car parking areas**

**Ref: 89/00092/FUL Decision: PERFPP Decision Date: 6 June 1989**

**Description: Demolition of mill and erection of 5 storey office block with car park at the rear with access off Dole Lane**

**Suggested Conditions**

The use of the building as a dwelling house must be completed within a period of 3 years starting with the date of this letter.

*Reason: As required by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

Date:

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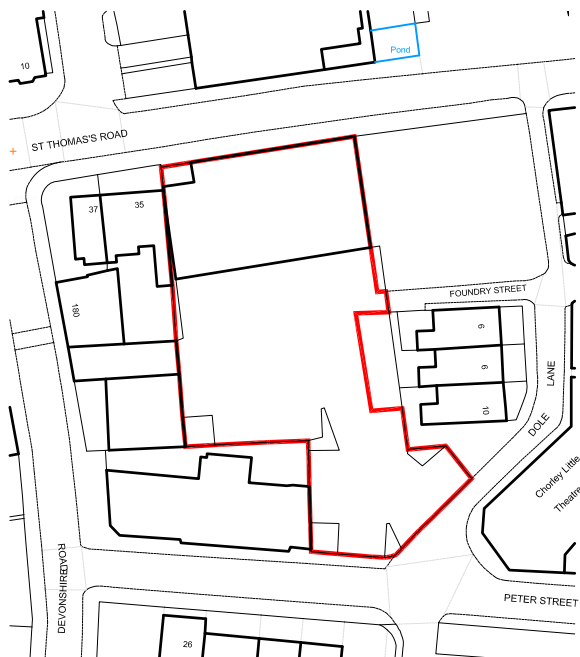
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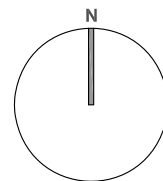
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Initial Issue



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Project Title

**Chorley  
Sumner House**

Drawing Title

**Location Plan**

Project No.  
T621

Drawing No.  
P001

Date  
06/12/2016

Scale  
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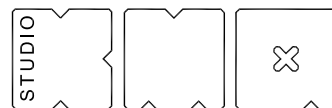
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**APPLICATION REPORT – 16/00999/REMAJ**

**Validation Date: 26 October 2016**

**Ward: Astley And Buckshaw**

**Type of Application: Major Reserved Matters**

**Proposal: Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for the erection of 166 no. dwellings**

**Location: Group 1 Euxton Lane Euxton**

**Case Officer: Adele Hayes**

**Applicant: Persimmon Homes (Lancashire)**

**Agent: N/A**

**Consultation expiry: 30 January 2016**

**Decision due by: 8 February 2017**

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**Recommendation**

1. It is recommended that this application is approved.

**Proposal**

2. The Group One site is located to the west of Central Avenue and covers an area of 54.34 hectares. It is located to the south west of Buckshaw Village and forms part of the former Royal Ordnance site. It is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council with the larger part of the site within the boundary of Chorley.
3. Outline planning permission was granted in December 2009 for the redevelopment of the Group One site for mixed use development comprising housing and commercial uses and associated landscape treatment and highway works (08/00910/OUTMAJ). Permission was granted subject to a number of conditions and obligations contained within a Section 106 Agreement.
4. Three further Section 73 applications (11/00403/OUTMAJ, 13/00126/OUTMAJ and 14/00927/OUTMAJ) to vary condition 29 (access on the A49) of the outline planning permission, to remove the requirement for the dwellings to achieve Code Level 6 and to vary condition no. 30 (Construction of main access road) to enable re-positioning of the main access road through the site, were approved on 27<sup>th</sup> July 2011, 17 July 2013 and 30 March 2015 respectively.
5. Infrastructure has been constructed to deliver serviced land and reserved matters approval has been given for several of the land parcels. Development is underway.

6. An application to vary the affordable housing obligations contained in the original Section 106 Agreement dated 22 December 2009 (in so far as they relate to the part of the Group 1 site within Chorley Borough Council's administrative area) was approved in September 2013.
7. The amendments involved a reduction in the affordable housing provision from 20 per cent to 15 per cent and for all of the affordable housing units provided to be in the form of social rented housing.
8. Two further applications have been submitted under Section 106A of the Town and Country Planning Act 1990 (as amended) to modify the planning obligation again insofar as it relates to the provision affordable housing and its delivery timeframe on other land parcels.
9. All of the other obligations within the original Agreement are not affected by these applications.
10. This application relates to parcel H1a(c) and seeks reserved matters consent for the erection of 166 dwellings and associated works (pursuant to outline permission reference 14/00927/OUTMAJ). The scheme includes for the provision of 36no. affordable dwellings, 11 of which are effectively recovered from other development parcels where reserved matters consent has already been granted.

### **Main Issues**

11. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Design and layout
  - Impact on the neighbours
  - Traffic and transport
  - Contamination
  - Drainage and sewers

### **Representations**

12. The application has been publicised on site and no representations have been received as a result of this publicity.

### **Consultations**

13. Lancashire County Council (Highways) - Any comments will be reported on the addendum.
14. Chorley's Waste & Contaminated Land Officer - Has no objections to the proposed development and advises that the applicant should check all Remediation Verification Reports to confirm any site development constraints, recommendations and conditions; for example, a development platform has been created by BAE, but there is a general requirement for import of a suitably-validated cover layer of soils for any proposed residential gardens and landscaped areas. Furthermore in some areas of the site there is a requirement for ground gas protection measures in the development. The applicant should consult the approved Assessment of Ground Gas Regime Phase 2 and Phase 3 report. An informative to this effect is suggested.
15. Chorley's Strategic Housing Officer - Comments that 2 bedroom Social Rent houses are in high demand and are very much welcomed.

### **Assessment**

#### Principle of the development

16. The acceptability of the proposal has already been established by the original grant of outline planning permission and subsequent S73 applications as detailed above. The



outline permission required a Design Code to be drawn up and this has been submitted to and approved by the Council. The application has therefore been assessed as to whether it conforms to the approved Design Code.

#### Design and character of the development

17. The design principles for the proposed development are set out in the Design Code for the site. Three distinct character areas are proposed in the Design Code:
  - 'Mixed Use Hub' (plots C1, C2 and M1) that connects the site into Buckshaw Village;
  - 'The Village' (plots H1 and H5) that follows the new link road through the site; and
  - Three distinctive 'Woodland Greens' (H2, H3 and H4).
18. The Design Code provides details about how these character areas respond to their distinctive nature in respect of the proposed building mix, type, height and use of materials and establishes parking principles, landscaping details and boundary treatments.
19. There will be a mixture of dwelling types and sizes ranging from 2 to 4 bedroom family homes. 36 units are proposed to be affordable dwellings and this will meet the requirements of the renegotiated terms of the Section 106 Obligation for this parcel and parcels H2 and H1e in part as well, leaving 5no. affordable houses still to be recovered.
20. The proposed scheme is considered appropriate in respect of its layout and accords with the approved principles established by the outline planning permission and the proposed housing mix is considered to represent a good mix of dwelling sizes.
21. The layout of the development parcel is as generally indicated at outline stage, accessed from two access points from the main spine road running through the Group 1 site, with an additional accessway also provided.
22. The general design principle for the proposed housing incorporates a perimeter block layout with strong street frontages and secure defensible rear gardens. The individual house types, which comprise a mix of detached, semi-detached, and terraced dwellings accord with the Design Code. Some properties will incorporate integral garages, while others have in curtilage parking or access to shared parking areas.
23. Landscaping associated with the development will provide amenity and sustainability benefits.

#### Impact on the neighbours

24. The application site is set within a distinct parcel within the Group 1 site. The development parcel rises on a north-west / south-east axis and the relationships of the dwellings are considered to be acceptable.

#### Traffic and Transport

25. The site will be accessed from two main points off the main spine road running through the development. Cul-de-sacs and accessways will branch off this.
26. The majority of the proposed dwellings meet the Council's parking standards of two spaces for two/ three bed properties and four spaces for four or more bed properties with the exception of properties that will not have driveways and will share communal parking areas where the spaces are not all allocated to specific properties.
27. With the spaces not being allocated it will allow a more flexible and efficient use of them as visitors will be able to park in spaces that would not otherwise be available if they were dedicated to a property, even if they were empty. This approach, with a mixture of dedicated and non-dedicated spaces, is supported by Manual for Streets which states a combination of on-plot, off-plot and on-street parking will often be appropriate. LCC

Highways have not objected to the proposal on these grounds and it has been accepted elsewhere on the Group 1 site. The more flexible the use of parking spaces, the more efficient the use of space is. In this case it is also considered that communal parking for residents and visitors is, therefore, considered acceptable.

- 28. Garages counted as a parking space will be conditioned to prevent them being converted without express planning permission being granted.

Contamination

- 29. The site has been the subject of a separate application for remediation (ref: 09/00095/FULMAJ) and contamination is not, therefore, a matter for this reserved matters application.

Drainage and Sewers

- 30. A drainage strategy in relation to surface water and flood risk forms part of the Design Code based around the current natural drainage catchments on the site, the aim of which is attenuating surface water runoff for all events up to and including a 100-year event, plus a 20% allowance for climate change and attenuation within the site for runoff above the existing 1-year, 15-minute runoff rate. There will be provision of attenuation on the wider Group 1 site in existing ponds with an additional attenuation feature in the northwest of the site. Standard piped drainage within the site will drain surface water runoff from hard standing areas to the attenuation areas.

**Overall Conclusion**

- 31. The reserved matters details are considered acceptable and the application is recommended for approval. The applicant is bound by the conditions placed on the outline permission and the legal agreement that was submitted at that time.

**Suggested Conditions**

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters.

Reason: To define the permission and in the interests of the proper development of the site.

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

Title	Drawing Reference	Received date
Location Plan	N/A	26 October 2016
Planning Layout	TGDP/GOE-H1c/PL1 Rev B	22 November 2016
Boundary Treatment Plan	199.302 Rev F	12 December 2016
Surface Treatment Plan	199.303 Rev E	12 December 2016
Affordables Layout	199.308 Rev D	12 December 2016
Dwarf Wall and Fence Detail	DWFD.02 Rev C	9 January 2016
Plot Divisional Fence	SDF11-08	9 January 2016
600mm High Timber Knee Rail Fence	SDF12	9 January 2016
1800mm Wall with Brick Pillars	PR.S.D.24/2	9 January 2016
1800mm High Close Boarded Fence	PR.S.D.22	9 January 2016
Landscape Proposal – 1 of 2	5120.01 Rev D	12 December 2016
Landscape Proposal – 1 of 2	5120.02 Rev D	12 December 2016
Levels	(C)2-P-99	9 January 2016
Moseley E	N/A	26 October 2016
Moseley M	N/A	26 October 2016
Hanbury	N/A	26 October 2016
Westbury 2B	WP32B	26 October 2016

The Alnwick E	N/A	22 November 2016
The Alnwick M	N/A	22 November 2016
The Alnwick S	N/A	22 November 2016
Rufford Semi	N/A	26 October 2016
Rufford Detached	N/A	26 October 2016
Westbury 3B E	WP3C	26 October 2016
Westbury 3B M	WP3C	26 October 2016
Westbury 3B C	WP3B	26 October 2016
Souter E	N/A	26 October 2016
Souter M	N/A	26 October 2016
Souter S	N/A	26 October 2016
Hatfield	N/A	26 October 2016
Clayton Corner	N/A	26 October 2016
Longthorpe	N/A	26 October 2016
Clarendon Plus	N/A	27 October 2016
Warwick	N/A	26 October 2016
Garages	LPH.SGD.WD01 Rev B	9 January 2016

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

3. 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).

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

4. The external facing materials detailed on the approved plans shall be used and no others substituted.

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

5. 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 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, unless the Local Planning Authority gives written consent to any variation.

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

6. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents..

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission) or on the boundary of the site.

Reason: To protect the appearance of the locality and ensure a satisfactory relationship is maintained with the immediate surroundings.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

9. The development hereby approved shall be carried out in accordance with the approved surface water regulation system.

Reason: To secure proper drainage.

10. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

11. The garage(s) hereby approved 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 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.

12. No dwellings shall be occupied until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

13. Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

### **Planning Policies**

#### National Planning Policies:

The Framework

#### Adopted Chorley Borough Local Plan Review

Policies: GN2

### **Planning History**

**97/00509/OUT:** Outline application for mixed use development. Approved August 1999.

**97/00660/CTY:** Erection of a landfill containment facility for the storage of contaminated soils and demolition material and associated land forming. Approved January 1998.

**02/00748/OUT:** Modification of conditions on outline permission for mixed use development. Approved December 2002.

**05/00017/CTY:** Variation of conditions 1, 3 and 4 of planning permission 9/97/660 to allow the importation of hazardous waste and to amend the phasing of landfilling and restoration at the existing landfill containment facility. Approved March 2005.

**07/01108/CTY:** Variation of condition 1 of planning permission 09/05/0017, extending the period of operations of the contained landfill facility by 3 yrs. from 1/03/08 to 1/03/11. Approved by LCC January 2008.

**08/00645/FUL:** Erection of a bat house at Group One, Buckshaw Village. Approved July 2008.

**08/00910/OUTMAJ:** Outline planning application for the redevelopment of land at Group One (Site Area 54.34 Hectares), Royal Ordnance Site, Chorley for mixed use development comprising housing and commercial uses (including uses A1, A2, A3, B1, B2, C1, C2 and C3 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2006) and associated landscape treatment and highway works. Approved December 2009.

**08/01002/FUL:** Erection of a bat house at group one Buckshaw Village. Approved November 2008.

**09/00058/CTY:** Construction of a landscape mound for recreational and nature conservation use, utilising surplus excavation soils from the restoration of the site. Approved by LCC April 2009.

**09/00084/FUL:** Erection of a bat house at group one, Buckshaw Village. Approved April 2009.

**09/00095/FULMAJ:** Land reclamation and remediation earthworks to create a development platform at Group 1, Buckshaw Village (site area 54.34 hectares). Approved December 2009.

**10/00153/DIS:** Application to discharge conditions 4, 9, 10, 11, 12, 14, 16, 17, & 18 attached to planning approval 09/00095/FULMAJ. Discharged April 2010.

**10/00247/DIS:** Application to discharge condition 32 of planning approval 08/00910/OUTMAJ. Discharged April 2010.

**10/00309/DIS:** Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (discharge of phase 1 only). Discharged July 2010.

**10/00339/DIS:** Application to discharge conditions 7, 8 and 23 of planning approval 09/00095/FUL. Discharged June 2010.

**10/00608/NLA:** Neighbouring local authority application for construction of an access road onto the A49. No objection August 2010.

**10/00693/DIS:** Application to discharge condition 14 attached to planning approval 09/00095/FULMAJ (further phase relating to more information on tree removal/tree retention in the high and medium risk remediation zones). Discharged September 2010.

**10/00940/DIS:** Application to discharge conditions 7, 10, 12, 22 & 28 attached to planning approval 08/00910/OUTMAJ. Discharged December 2010.

**10/01061/DIS:** Application to discharge condition 47 attached to planning approval 8/00910/OUTMAJ. Discharged January 2011.

**10/01062/DIS:** Application to discharge condition 13 attached to planning approval 9/00095/FULMAJ. Discharged January 2011.

**11/00080/DIS:** Application to discharge conditions 5, 6, 8, 9, 11, 29, 30 and 46 attached to planning approval 08/00910/OUTMAJ. Discharged March 2011.

**11/00099/DIS:** Application to discharge condition 14 attached to planning approval 9/00095/FULMAJ. (phase 2 of the tree removal/tree retention and amendments to Phase 1 previously approved as part of 10/00309/DIS and 10/00693/DIS). Discharged February 2011.

**11/00361/NLA:** Neighbouring Local Authority consultation on a reserved matters application for the construction of an access road, foul water pumping station and layout of the NEAP/ open space (site 0.9ha) at Group 1, Buckshaw Village. No objection May 2011.

**11/00403/OUTMAJ:** Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ. Approved July 2011.

**11/00784/DIS:** Application to discharge condition 45 attached to planning approval 11/00403/OUTMAJ. Discharged October 2011.

**11/00897/DIS:** Application to discharge condition 24 attached to planning approval 11/00403/OUTMAJ. Discharged October 2011.

**12/00007/FUL:** Construction of an access roads to serve parcels H3 and H4 of Group 1 and the erection of a foul pumping station. Approved May 2012.

**12/00265/MNMA:** Application for minor non-material amendment to planning application 11/00403/OUTMAJ to amend to the remediation phasing. Approved April 2012.

**12/00266/MNMA:** Application for minor non-material amendment to planning application 09/00095/FULMAJ to amend to the remediation phasing. Approved April 2012.

**12/00448/DIS:** Application to discharge condition 17 attached to planning approval 09/00095/FULMAJ. Discharged May 2012.

**12/00475/FULMAJ:** Section 73 application to vary condition 18 (southern boundary treatment) attached to planning approval 09/00095/FULMAJ. Approved January 2013.

**12/00688/FUL:** Construction of an access road leading from Central Avenue together with earthworks and landscape treatment associated with the realignment of watercourses. Approved November 2012.

**12/00791/MNMA:** Application for minor non material amendment to outline planning application 08/00910/OUTMAJ comprising changes to the approved phasing of the development. Approved January 2013.

**12/00801/DIS:** Application to discharge conditions numbered 6 (exportation of material), 7 (cleaning of vehicle wheels), and 8 (routing of heavy goods vehicles) of planning approval 09/00095/FULMAJ. Discharged December 2012.

**12/00835/DIS:** Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H3 for which a reserved matters application is to be submitted) of permission 08/00910/OUTMAJ (outline permission for the development of Group 1). Discharged September 2012.

**12/00979/DIS:** Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ. Discharged October 2012.

**12/01205/DIS:** Application to discharge conditions numbered 3 (phasing) and 24 (verification reports) of planning approval 11/00403/OUTMAJ. Discharged December 2012.

**12/01237/DIS:** Application to discharge condition numbered 14 (tree survey) of planning approval 09/00095/FULMAJ. Discharged February 2013.

**13/00126/OUTMAJ:** Section 73 application to vary condition no. 17 (Code for Sustainable Homes) of planning permission no. 11/00403/OUTMAJ to remove the requirement for dwellings built post January 2016 to achieve Level 6. Approved July 2013.

**13/00310/FULMAJ:** Engineering works comprising the re-grading of land at the ordinary watercourse crossing the site on a north-south alignment (following the installation of a culvert) to create a level platform for the construction of a Neighbourhood Equipped Area for Play to serve the planned housing neighbourhood. Approved June 2013.

**13/00649/FUL:** Application under Section 106 BA of the Town and Country Planning Act 1990 (as amended) to modify a planning obligation dated 22 December 2009. Approved September 2013.

**13/00945/DIS:** Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1a(ii) for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1). Discharged October 2013.

**13/01014/DIS:** Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ. Discharged November 2013.

**13/01113/DIS:** Application to discharge of condition 22 (remediation strategy) and condition 24 (verification report) of planning permission of 13/00126/OUTMAJ. Discharged December 2013.

**13/01132/REMAJ:** Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for the erection of 93 no. 2, 3 and 4 bedroom, 2 storey residential dwellings, together with associated access roads, driveways, garages, private garden areas and means of enclosure. Includes for the provision of 14 no. affordable dwellings within the above. Approved March 2014.

**14/00056/DIS:** Application to discharge conditions numbered 11, 13, 14, 15, 16, 17, 18, 33, 36, and 37 attached to outline planning approval 13/00126/OUTMAJ in so far as they relate to development parcel H1a(ii). Discharged April 2014.

**14/00177/FULMAJ:** Application to vary condition 7 of planning permission ref: 12/00945/REMAJ (which was a Reserved Matters application for the erection of 32 no. dwellings) to allow the dwellings to be built to Code Level 3 (but Code 4 Energy) rather than Code Level 4 or 6. Withdrawn May 2014.

**14/00179/DIS:** Application to discharge conditions 6 (carbon emissions statement) and 8 (Design Stage Assessment) of planning approval ref: 12/00945/REMAJ (which was a Reserved Matters application for the erection of 32 no. residential dwellings). Pending.

**14/00265/REMAJ:** Proposed erection of 20 no. dwellings and associated landscaping and highway works (further re-plan of part of site previously approved by permission ref: 13/01144/REMAJ). Approved May 2014.

**14/00343/DIS:** Application to discharge condition numbered 25 (site compound) attached to outline planning approval 13/00126/OUTMAJ in so far as it relates to development parcel H1a(ii). Discharged May 2014.

**14/00549/DIS:** Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H2 for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1). Discharged July 2014.

**14/00635/REMAJ:** Reserved matters application for the erection of 64 no. residential dwellings and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ). Approved September 2014.

**14/00659/DIS:** Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1e for which a reserved matters application is to be submitted) of permission 13/00126/OUTMAJ (outline permission for the development of Group 1). Discharged April 2015.

**14/00927/OUTMAJ:** Section 73 application to vary condition no. 30 (Construction of main access road) of planning permission no. 13/00126/OUTMAJ to enable re-positioning of the main access road through the site. Approved March 2015.

**14/00933/REMAJ:** Reserved matters application for the erection of 51no. residential dwellings (including 9no. affordable) and associated landscape and highway works (pursuant to outline permission ref: 13/00126/OUTMAJ). Approved December 2014.

**14/00990/ADV:** Erection of 12 no. directional yellow signs (1m x 36cm) fixed to lampposts on routes leading from Euxton, the M61 and the M6 pointing the way to Redrow housing development at Buckshaw Village (Group 1 part of site). Withdrawn November 2014

**14/01014/ADV:** 1000 x 360 mm Lampost mounted signs. Withdrawn January 2015.

**14/01152/REM:** Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plot 5 approved under reserved matters approval 13/01132/REMAJ. Approved December 2014

**14/01151/MNMA:** Minor non-material amendment to plots 1 - 4 (approved under 13/01132/REMAJ) involving repositioning of previously approved house types. Approved December 2014.

**14/01231/REMAJ:** Reserved matters application pursuant to outline planning permission 13/00126/OUTMAJ for substitution of house type on Plots 64-68 and 70 approved under reserved matters approval 13/01132/REMAJ. Approved February 2015.

**14/01232/REMAJ:** Reserved matters application for 58no. dwellings and associated works (pursuant to outline permission ref: 13/00126/OUTMAJ). Variation of the plans approved by permission ref: 14/00635/REMAJ to amend the layout and house types on the parcel, including a reduction overall of 6no. dwellings. Approved January 2015.

**15/00207/DIS:** Application to discharge condition 4 (foul and surface water drainage) of application ref: 14/01232/REMAJ (which was for 58 dwellings and associated works). Pending.

**15/00225/DIS:** Application to discharge condition 4 (foul and surface water drainage) for planning permission ref: 14/01232/REMAJ (which was for 58 dwellings). Pending.

**15/00238/DIS:** Application to discharge condition 14 (materials) of outline planning permission ref: 13/00126/OUTMAJ. Discharged May 2015.

**15/00248/DIS:** Application to discharge condition 14 (materials) of outline planning permission ref: 14/00927/OUTMAJ (outline permission for the development of Group 1), in relation to Parcel H2. Discharged May 2015.

**15/00422/MNMA:** Minor non-material amendment to plots 31-35 \_ 53-61 (14 plots) (approved under 13/01132/REMAJ) involving a substitution of the approved roof tile specification. Approved May 2015.

**15/00505/PNOT:** Prior notification of the intention to install an electricity substation and pump station. Approved June 2015.

**15/00674/OUTMAJ:** Section 73 application to vary conditions nos. 16 (Code for Sustainable Homes); 17 (Code for Sustainable Homes) ; 28 (Junction configuration) and 30 (Construction of main access road) attached to outline planning permission no. 14/00927/OUTMAJ. Pending.

**15/00769/OUTMAJ:** Section 73 application to vary conditions nos. 16 (Code for Sustainable Homes) and 17 (Code for Sustainable Homes) in respect of plots 41 to 52 (12 plots) on



development parcel H1a(ii), attached to outline planning permission no. 14/00927/OUTMAJ. Withdrawn.

**15/00825/DIS:** Application to discharge condition 3 (requirement to agree the extent of the proposed sub-phase H1c for which a reserved matters application is to be submitted) of permission 14/00927/OUTMAJ (outline permission for the development of Group 1). Discharged October 2015.

**15/01030/DIS:** Application to discharge condition 3 of permission 14/00927/OUTMAJ (revision to agreed extent of the proposed sub-phase H2 to enable extension of shared driveway to provide improved turning head). Discharged November 2015.

**15/01037/REMAJ:** Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for the erection of 167 no. dwellings (including of 41 no. affordable dwellings). Approved 16 December 2015.

**15/01169/DIS:** Application to discharge condition 14 of permission 14/00927/OUTMAJ (insofar as it relates to sub-phase H2) to update approved materials schedule. Approved 14 December 2015.

**15/01196/S106A:** Application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation dated 16 December 2002. Approved 30 June 2016.

**15/01207/MNMA:** Minor non-material amendment to highway layout (approved under 14/01232/REMAJ) involving revision to private drives serving Plot 23, Plot 24, Plot 40 and Plot 41 to provide improved turning head. Approved 18 January 2016.

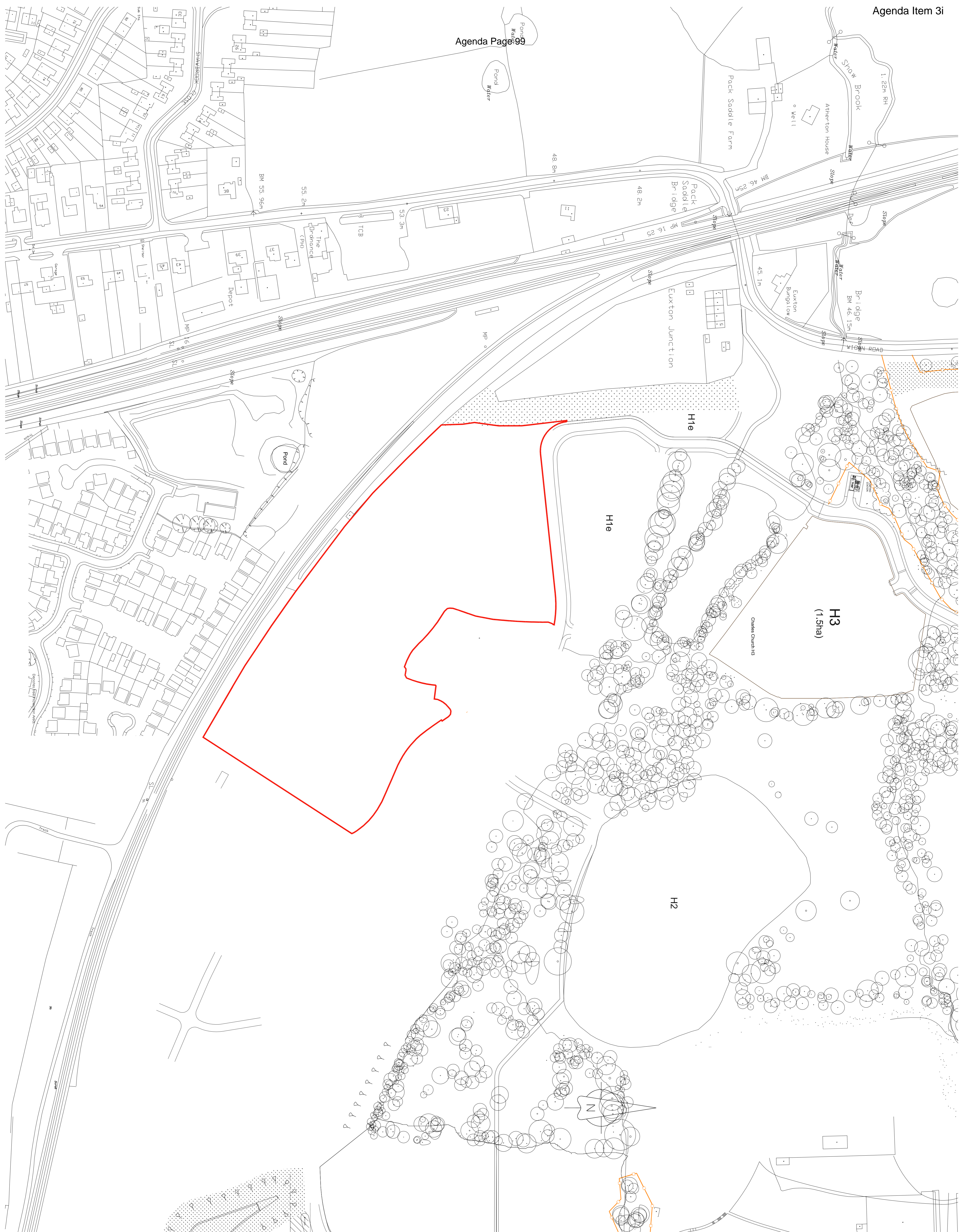
**15/01244/FUL:** Section 73 application to vary conditions nos. 16 (Code for Sustainable Homes) and 17 (Code for Sustainable Homes) in respect of development parcels H1c, H1d, H1bi, M1 and H1a only attached to outline planning permission no. 14/00927/OUTMAJ. Pending.

**16/00046/REM:** Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for substitution of house types on plots 23 and 41 on Parcel H2 approved under reserved matters approval 14/01232/REMAJ. Approved February 2016.

**16/00110/REM:** Reserved matters application pursuant to outline planning permission 14/00927/OUTMAJ for substitution of house types on plots 24 and 40 on Parcel H2 approved under reserved matters approval 14/01232/REMAJ. Approved 9 March 2016.

**16/00397/S106A:** Application under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Affordable Housing) dated 22 December 2009. Approved 16 August 2016.

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<p><b>Area H1c Group One</b></p>			
<p>Location: EUXTON</p>			
<p>Drawing Title: LOCATION PLAN</p>			
<p>Revision: LP/01/H1c</p>			
<p>Scale: B1/A1</p>		<p>Scale: 1:1250</p>	
<p>Drawn By: AP</p>		<p>Date: 04/08/2015</p>	
<p>Checked By: [Signature]</p>			

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**APPLICATION REPORT - 15/01230/FUL**

<b>Case Officer</b>	<b>Paul Whittingham</b>
<b>Ward</b>	<b>Euxton South</b>
<b>Proposal</b>	<b>Part retrospective application for the erection of 6 cottages part of the site has outline planning consent 10/00456/OUTMAJ and reserved matters approval 14/00913/REM for 6 cottages)</b>
<b>Location</b>	<b>Euxton Mill, Dawbers Lane, Euxton</b>
<b>Applicant</b>	<b>J&amp;S Homes (Chorley) Ltd</b>

**Recommendation**  
**Approve subject to S106 agreement**

**Representations**

**Euxton Parish Council** object to the proposed development and have made the following comments:

The Parish Council supported the original application (10/00456/OUTMAJ) for 55 apartments, community facilities and 6 two storey cottages (retirement living). Although this was for development in the greenbelt, which the Council generally opposes, it was felt that this proposal was preferable to the derelict mill that formerly occupied the site and there was no prospect of the land being reclaimed and restored to nature.

For the same reason (except that the mill was then demolished but the site was still derelict and unsightly) but with less conviction, the Council also supported a subsequent application (15/00162/OUTMAJ) for 11 self build detached houses. The Design and Access statement for this latter development explains that there was no interest in the retirement living proposal from specialist developers and that a small residential development was a preferred alternative. The Council admits that it had not realised that the self build houses were intended by the applicant to be constructed in parallel with and not instead of the six cottages (although these are admittedly shown on site plans for the self build proposal).

Subsequent relevant applications (15/00913/REM, 14/01127/OUTMAJ, 15/00971/DIS and 15/01046/DIS relating to the cottages present a rather confusing picture and Council did not appreciate that the applicant was seeking to construct these cottages independently of the rest of the site.

The current, part retrospective application is for the 6 two storey cottages that formed part of the original "retirement village" proposal. Like the rest of the retirement village these cottages were intended "to be designed and built purposely and solely for the use of people over the age of 55" (Green Belt Policy Statement with application 10/00456/OUTMAJ) and the then proposed development contained all the necessary infrastructure for a retirement community.

Clearly the cottages are no longer considered to be part of a retirement community with all the necessary infrastructure and the Council is surprised that later applications were approved as subsidiary matters relating to 10/00456/OUTMAJ when, as is now apparent, they clearly related to a quite different development concept. The current application (15/01230/FUL) now presents this new concept. It is to be regretted that the applicant has commenced construction on the basis of previous approvals relating to a different development

The site is in a very desirable location on a rural river frontage. The old mill has now been demolished but remains untidy and unattractive with building remains, spoil heaps, knotweed etc. It needs proposals that will see the whole site developed in a suitable way. Alternatively, if it is not to be

developed, the Council would be even more pleased to see proposals for its reclamation and restoration as part of the natural landscape. However, the cottages are presented in isolation, have no obvious merit that respects their location and the remainder of the site has no currently approved development proposal. It could therefore emerge that the 6 cottages could form a small, incongruous development surrounded by the remains of the demolished mill. Far from being a better alternative to the former derelict mill this would be "the worst of both worlds"

The Council would prefer to see a coherent proposal for the whole site, whether for reclamation or development, that does justice to this attractive and unusual location. The planning history of this site also prompts the Council to request that any approvals be conditioned to ensure that, as far as is possible, a developer is committed to comprehensive rather than piecemeal implementation.

If, however, the Borough Council is minded to accept this development then it should be conditioned to best respect the site and its surroundings. Further the development should include the improvement of the footpath alongside the river in front of the cottages. This is an important footpath for Euxton and for Chorley and is in a particularly poor condition in this location. The path should be improved to be suitable for disabled access.

**Consultees**

<b>Consultee</b>	<b>Summary of Comments received</b>
Lancashire County Council Highways	No objection subject to conditions
Environment Agency	No Objection subject to the imposition of conditions

**Assessment**

History of the site

1. Members may recall that outline planning permission was granted at the site in 2011 (10/00456/OUTMAJ) for the demolition of the redundant mill building and the construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living). Condition 23 of the outline planning approval stated that an application for approval of the reserved matters must be made to the Council before the expiration of three years from the 21<sup>st</sup> October 2011.
2. A reserved matters application for this part of the site for the six approved cottages (14/00913/REM) was received in August 2014 and approved in December 2014.
3. The reason for the submission of this application is due to the fact that the cottages which have full consent are subject to the following condition restrictions:
 

19. The permission hereby granted shall ensure for the benefit of persons over the age of 55 years and over only.  
*Reason: The permission was granted having regard to the special circumstances advanced in support of this application, in accordance with Policy*
4. The applicant originally applied to remove these conditions under Section 73 of the Town and Country planning Act as he wants to sell the cottages on the open market without any age restrictions and wanted to include rear dormer windows. However given the fact that the outline consent is no longer extant Section 73 is not the appropriate mechanism for this change and the applicant was advised that the only way to secure these changes was to apply for a new full planning application.
5. The applicant began building the cottages on the site although he was advised to stop as not all the conditions attached to the outline permission have been discharged. It was also later confirmed that the cottages which are being built are larger than those which originally obtained consent and as such do not have the benefit of planning permission. The overall width of the 6

cottages, from gable end to gable end, was 31.668 m. The new scheme now has an overall width of 32.294 m. The depth of cottages 1&6 of the previously approved application was 8.9 m and for cottages 1-5 it was 8.6 m, whereas now in the new scheme, all 6 cottages have a depth of 9.3 m. As such even if all of the conditions were discharged from the original outline consent the cottages which the applicant has begun to construct do not as a whole have the benefit of planning permission, this is sought to be regularised as part of this application.

6. The remainder of the land subject to the outline approval had an application submitted on it for 11 detached self-build properties and is the majority of the land upon which the demolished mill sat and remains an untidy visual mix of hardstanding's, boundary walls and vegetated waste heaps. The applicants have indicated that they remain committed to resolving the state of the site and wish to bring forward more detailed proposals for the wider site in the near future.

#### Principle of the Development

7. When the previous outline application was considered at this site Euxton Mill was still in situ, the Mill however has subsequently been demolished and as such this site represents a cleared piece of previously developed land within the Green Belt (notwithstanding the fact that construction of the cottages has commenced).

8. National guidance on Green Belt is contained in Chapter 9 of the Framework which states:

*79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*80. Green Belt serves five purposes:*

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*89. A local planning authority should regard the **construction of new buildings as inappropriate** in Green Belt. **Exceptions** to this are:*

...

*limited infilling or the **partial or complete redevelopment of previously developed sites (brownfield land)**, whether redundant or in continuing use (excluding temporary buildings), **which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.***

9. The application site constitutes previously developed land within the Green Belt which would engage within the exception contained within paragraph 89 of The Framework involving the complete redevelopment of a redundant previously developed site on the proviso that the development does not have a greater impact on the openness of the Green Belt and the purpose of including land within it.
10. Policy BNE5 of the Adopted Local Plan relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:  
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:  
In the case of re-use
- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
  - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.

In the case of redevelopment:

d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

11. The construction of the new buildings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
  - The partial or complete redevelopment of previously developed land;
  - Which would not have a greater impact on the “openness” of the Green Belt; and
  - Which would not have a greater impact on the purposes of including land in the Green Belt.
12. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
13. It is considered that in respect of the Framework that the previous mill building that occupied the site had an impact on the openness of the Green Belt as there is an impact to openness simply because the building/structures exist. The approval of the 6 cottages as part of the outline planning permission was considered on the basis of the removal of the Mill and the improvement to the junction with the access road and the position was accepted by the Council that the impact on openness as a result of redevelopment was acceptable and consent was granted. The mill building has now been demolished due to safety reasons and the public gaining access to the building but also as a result of planning permission being granted for its redevelopment and some weight is attached to the sequence of works undertaken on the wider site resulting in the demolition of the mill and the submission of this new application.
14. The proposed development does constitute inappropriate development and as such the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances need to be demonstrated which outweigh the harm the development will have to the Green Belt.
15. The agents for the application consider that the proposed development represents a new application for replacement cottages. However it is noted that the current application is not for replacement cottages as the cottages which have consent have not been constructed (and cannot until the outline conditions have been discharged) and as such there is nothing to replace.
16. The agents have also cited that the proposed difference in dimensions between the approved scheme and the proposed scheme is only minor and will not be noticeable, stating that the difference is a 1.9% increase in overall width and 4.3% increase in overall depth. However although the increase in size may only be small when compared to the approved scheme on this site the essential characteristics of Green Belts are their openness and their permanence. The Framework seeks to limit the impact of new development on the openness of the Green Belt and the development needs to be taken as a whole. It is also important to note that any development at this site would become the original dwellinghouse(s) on this site and any future extensions would be assessed against the original dwelling. However the Council can remove permitted development rights for extensions which in this case would be justified due to the harm to the flood zone which in this case includes the rear communal garden area.
17. The agents for the application have confirmed that the increase in size when compared to the approved cottages are principally due to construction purposes based on specific requirements by Building Regulations and to comply with the 19% above 2013 Building Regulations which is a planning requirement, in particular for the need for thicker party walls between each cottage and increased cavities. It is not clear however whether this change results in the cottages as approved being unable to be constructed or whether the cottages as approved could be constructed with thicker party walls whilst reducing the internal floor areas of the individual cottages. The internal walls are standard 300mm cavity walls and as such it appears that the cottages could have been constructed as approved just with thicker internal walls and an associated reduction in the internal floor space but in turn this would have resulted in comparatively smaller rooms.



18. There are improvements proposed as part of the development, the access to the site is on a bend with limited forward visibility and limited pedestrian access, improvements to the existing site access will deliver improvements to both these aspects. There are improvements to the footpath along the river to re-inforce the bank and ensure the footpath is accessible, including new steps down to the path as well as an agreement to secure a slope down to the river bank footpath in addition to the steps to provide for public access for less abled members of the public. There is also a proposed enhancement of the biological heritage site that is alongside the river and within the applicants ownership and this would be secured by condition.

#### Visual Impact

19. It has been established in case law that openness and visual impact are different concepts in terms of Green Belt Policy. However they can relate to each other and as such the visual impact is a material consideration. In *Heath & Hampsted Society v LB of Camden* [2007] EWHC 977, the difference between openness and visual impact was explained as follows:

*21. Paragraph 3.6 is concerned with the size of the replacement dwelling, not with its visual impact. There are good reasons why the relevant test for replacement dwellings in the Green Belt and Metropolitan Open Land is one of size rather than visual impact. The essential characteristic of Green Belts and Metropolitan Open Land is their openness ... The extent to which that openness is, or is not, visible from public vantage points and the extent to which a new building in the Green Belt would be visually intrusive are a separate issue...*

*The fact that a materially larger (in terms in footprint, floor space or building volume) replacement dwelling is more concealed from public view than a smaller but more prominent existing dwelling does not mean that the replacement dwelling is appropriate development in the Green Belt or Metropolitan Open Land.*

20. When interpreting paragraph 89 of the Framework the Judge in *Timmins v Gedling BC and Westerleigh Group Limited* [2014] analysed the relationship between openness and visual impact. He held inter alia:

*74. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities. A beautiful building is still an affront to openness, simply because it exists. The same applies to a building this is camouflaged or rendered unobtrusive by felicitous landscaping.*

21. In this case the Judge concluded that:

*78. In short it seems to me that there are three points which arise from the above analysis. First, there is a clear conceptual distinction between openness and visual impact. Secondly, it is wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact. Thirdly, when considering however whether a development in the Green Belt which adversely impacts upon openness can be justified by very special circumstances it is not wrong to take account of the visual impact of a development as one, inter alia, of the considerations that form part of the overall weighing exercise.*

22. As the development falls to be considered inappropriate development the landscape/ visual impact of the proposed development is a key material consideration in terms of the overall balance as to whether there is harm.
23. The development site generally benefits from a level of containment created by the local topography and existing trees and woodland areas around the boundaries of the site. A large part of the site is effectively 'screened' when viewed externally from Dawbers Lane with the main views of the site from the footpath which runs along the River Yarrow at a lower land level.
24. From a visual impact perspective this part of the former Euxton Mill site was historically an area of hardstanding used for parking and in relation to the operation of the mill and was considered previously to be suitable to in visual terms to have 6 cottages built on it albeit with very special circumstances in terms of the building of a retirement complex. The proposals will result in new

built development which will be seen from the river footpath and the footpath through the site. The dormers proposed have now been removed from the application as they would have resulted in a 3 storey rear elevation that would have been visually prominent when viewed from the river path and public footpath 9 adjacent to the site.

25. The agents consider that the redevelopment of this site would remove the 'eyesore' that is the remnants of the former mill which occupied this site. Although the area of land is occupied by an urban feature in respect of hardstanding it is not considered that from a visual perspective this part of the site has a significant adverse impact on the visual amenities of the area to a degree which would see a significant benefit by its replacement with the cottages as proposed. However this part of the site has full consent for the erection of 6 cottages and from a visual perspective the impact of the proposed development compared to the approved development will be marginal.

#### Loss of Employment Land

26. As this application proposes redevelopment of employment premises for redevelopment other than B use class employment uses it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises. However it is noted that this part of the former Mill site was granted reserved matters consent that has full consent for 6 cottages, as such it is considered that this part of the site for employment purposes has already been 'lost' in respect of the requirements of Policy 10 of the Core Strategy.

#### Sustainable Development

27. The golden thread running through the Framework is sustainable development. There is a bus stop close to the site which, based on the information on Lancashire County Council's web-site, is used by the following services:
- 347 which connects Southport to Chorley only on a very limited service Monday to Saturday
28. The application site is located 0.5 mile from the edge of the settlement. Whilst there is no footpath on that side of the road, there is one all the way on the other side of the road. The nearest bus stop is within 50 metres of the application site. The nearest train station is 0.9 mile away and the nearest shops in the district center are 1.0 mile away with the nearest school a further 200 meters onwards.
29. A recent travel assessment done for a site 2 miles to the west of the application site is actually relevant to this proposal, in that the data underpinning that report is applicable to the consideration of all sites. Essentially that data states that evidence from good travel planning practice suggests people are willing to walk up to 2 km to facilities. That takes the assessment to (and slightly beyond the school in Euxton).
30. The National Travel Survey suggests that cycling to work is undertaken for distances of up to 5km from home, and this takes in most of Chorley town itself as well as Euxton and Buckshaw.
31. In this regard the agents for the application have confirmed that their client would be happy to incorporate a safety crossing point to allow pedestrians and cyclists to cross Dawbers Lane safely. The applicant is also happy to provide the 'sustainable' measure of one bicycle per dwelling to encourage cyclists to cycle to the shops. These measures are considered favourably and could be secured via a legal agreement/ condition in the event of a positive resolution.

#### Design and Layout

32. The proposed cottages reflect the approved scheme for this part of the site in terms of design and layout. The differences proposed are that the cottages are wider, have a greater depth, include a rear dormer window and do not include the rear gable feature on the 2 end cottages (although it is noted that the approved elevations and floor plans are missing from the outline planning file). The proposed cottages also have a lower eaves height from 6.2m to 5m.
33. Given that the design and appearance of the cottages reflects the previously approved scheme on this part of the site this is considered to be an appropriate design solution for the site.

34. The proposed development includes a rear communal garden area next to the river boundary. This reflects the approved scheme for the site which was for over 55s retirement accommodation with communal areas designed to create a community feel however as the proposals are now for private family houses it is considered to be more appropriate to provide private garden space for each dwelling. This however can be addressed by condition.
35. There are no immediate neighbours to this part of the former mill site and as such it is not considered that the proposed development will adversely impact on the neighbours amenities.

#### Ecological Implications

36. There is a Biological Heritage Site (BHS) designation on the majority of the application site, which is in relation to the presence of both semi-natural woodland, which is ancient in character, and swamp and fen. However the BHS site comprises former car park, and therefore loss of this area will not result in the loss of biodiversity value from the BHS.
37. Members will note that there is an outline application on the remainder of the Mill site for 11 detached dwellings. The ecological information submitted in support of this application is identical to the information submitted as part of the other application. Although the Ecologist has not commented on this application they have commented on the outline application and their comments are considered to be applicable to this application also.
38. The supporting information does not provide any evidence to suggest that there is the presence of a major roost of bats in the area although there is some limited potential for bats to be present.
39. There are habitats within the application site that are suitable for nesting birds. It is therefore important to ensure that appropriate mitigation measures are put in place to avoid any adverse impacts on birds or their nests.
40. There is Japanese Knotweed and Himalayan Balsam on the site.
41. The use of lighting can have an adverse impact upon biodiversity and wildlife, and it can deter species of bats from foraging and flying within this area. The accompanying ecology report recommends that any lighting during construction and operation should be directional and screened where possible to avoid artificial illumination of wildlife habitats.
42. The Ecologist has commented that although the ecology surveys submitted as part of the application were carried out in 2010 and are in places out-of-date the overall conclusions of the report remain relevant. The application site itself is not of substantive nature conservation value and the Ecologist considers that there are no reasons to object to the development on nature conservation grounds providing that certain measures and precautions are adopted and implemented to protect local and site-based ecological assets.
43. The following measures are recommended all of which will be addressed by condition:
- That surveys for badgers and invasive plant species are updated prior to any major construction works commencing. These surveys should be required by condition.
  - That a method statement be prepared giving details of how the spread of invasive plants is to be controlled as part of the development. Once agreed this method statement must be implemented in full. The spread of certain invasive plants is controlled under the terms of the Wildlife and Countryside Act 1981 (as amended).
  - That a scheme for the protection and enhancement of the adjacent Yarrow Valley Biological Heritage Site (BHS) be prepared and, once approved, implemented in full. There should be a 'buffer zone' established between built development and the river course to prevent any possible harm to the BHS.
  - That Best Practice be followed throughout any construction period to avoid any possibility of pollution of the river. Pollution Prevention Guidelines prepared by the Environment Agency and CIRIA Best Practice Guidance are relevant.
  - That a lighting scheme sympathetic to nocturnal wildlife be designed and once approved implemented in full. In particular direct lighting of the nearby river corridor should be avoided.

- Although bat surveys of the buildings have proven negative bats are mobile and cryptic in their habits and can turn up in unexpected places. If bats are found at any time during approved works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed.
44. Following the Supreme Court ruling (*Morge vs Hampshire County Council* – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
    - Is the proposal likely to result in a breach of the Habitats Regulations?
    - If so, is Natural England likely to grant a licence?
  45. Natural England has not been consulted on the proposals as it is not considered that the proposals will result in a breach of the Habitats Regulations.
  46. Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council*, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
    - (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
    - (b) there must be no satisfactory alternative and
    - (c) favourable conservation status of the species must be maintained.
  47. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
  48. The Framework (para 118) confirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
  49. As such the Framework adopts a tiered/ cascade approach in that the first test is whether there is an alternative to developing the site. The development has possible beneficial consequences to the environment with the potential to deliver ecological improvements directly related to the erection of housing on this site. The use of the site has diminished over time particularly following the demolition of the mill building with limited benefits to biodiversity which could be enhanced as part of any development which is particularly relevant to the BHS on this site. As such it is considered that the first two derogation tests and the alternative site test within the Framework are met in that there is no satisfactory alternative.
  50. The next test is whether a favourable conservation status of protected species will be maintained and whether the biodiversity impacts are adequately mitigated. As set out above it is considered that a favourable status of protected species will be maintained. To compensate for the habitat losses and to ensure that the proposed scheme does not adversely impact on protected species or the BHS suitable conditions are proposed. As such it is considered that the Local Authority has engaged with the three tests of the Habitats Directive and the guidance contained within the Framework and from an ecological perspective the proposals are acceptable.

#### Open Space

51. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, the following requirements are based upon the standards within Local Plan Policies HS4A and HS4B and the approach in the SPD.

#### Amenity Greenspace

52. Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in the Euxton South ward in relation to this standard; a contribution towards

new provision in the ward would therefore be required from this development, however there are no identified schemes for new provision in the ward.

Provision for children/young people

53. Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in the Euxton South ward in relation to this standard; however the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would therefore be required from this development however there are no identified schemes for new provision in the ward.

Parks and Gardens

54. There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study; therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

55. There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study; therefore a contribution towards improving existing provision is not required.

Allotments

56. There is no requirement to provide allotment provision on site within this development.

Playing Pitches

57. A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

58. The total financial contribution required from this development is as follows:

Amenity greenspace	= £0
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £0
Playing Pitches	= £1,599
<b>Total</b>	<b>= £9,594</b>

Affordable Housing

59. Policy 7 of the Core Strategy relates to affordable housing and this site would require 35% on-site affordable housing as the site is not located within a defined settlement boundary and does not fall to be considered a rural exception site. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs.

60. It is noted that the previous outline consent at this site did not include an element of affordable housing as it was considered that the site was not in the most suitable location and the buildings did not lend themselves to provide affordable housing within the scheme itself. It was considered unlikely that a Registered Social Landlord (RSL) would engage on the scheme due to the restriction to 55 years and over. As such on-site affordable housing was not requested or an offsite commuted sum secured.

61. It is still not considered that the site location would be appropriate for affordable housing due to its distance from services. The SPD does confirm that the Council's preferred way forward is on-site

provision however it does allow for off-site provision or financial contributions where robustly justified. In this case an off-site contribution is considered to be more appropriate.

62. As such in this case a financial contribution, to be secured via a Section 106 Agreement, is considered to be the only appropriate way of securing affordable housing. The commuted sum in lieu of 35% affordable provision on site has been calculated using the calculation contained within the Affordable Housing SPD.
63. In accordance with the calculation contained within the SPD the commuted sum associated with this development is  $£375,000 \times 0.33\% = £123,750 \times 3.23 = \underline{\underline{£399,712.50}}$

#### Viability

64. The development and the resultant development plan requirements for POS and off site affordable housing contributions are considered to impact significantly on the viability of the development with a profit as % of sales at 12.86 and as % of costs of 14.75 even excluding the off site affordable housing commuted sum detailed above.
65. The development does not meet the development plan requirements for POS and off site affordable housing contribution however the agent for the application has agreed to the inclusion of an overage clause within the legal agreement that would require a further viability assessment upon completion of the development. This would enable the full detailed costs and values of the completed properties to be considered and should the anticipated sales figures or costs be different then there may be additional value from the scheme that could be clawed back to support the development plan requirements of such developments.

#### Transport and Highways

66. The proposed development involves an access off Dawbers Lane which was one of the historic access points to the mill. The Highway Engineer at LCC has reviewed the proposals and confirmed that the development is acceptable from a highways perspective subject to conditions in respect of visibility splays and wheel wash facilities.
67. The proposed development involves the erection of 6 three bedroom dwellings with provision included for 12 parking spaces in accordance with Policy ST4 of the Adopted Local Plan.
68. One of the benefits of the wider development of this former mill site put forward by the applicant is the removal of an accident black spot. The agent has confirmed that the 'blind' bend which wrapped round the former mill that no longer exists, in addition proposals to include the implementation of a new pavement are acknowledged as a benefit as part of the development of this site along with the sustainable transport suggestion set out above which are material considerations in respect of this proposal.

#### Sustainable Resources

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

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

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

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

#### Community Infrastructure Levy

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

#### Permitted Development Rights

72. The supporting statement submitted with the application queries the blanket removal of PD rights in respect of the approved cottages given that the reason for the removal was as follows:  
*“ To ensure control over any future development, and in particular between the rear of the development and the River Douglas. The River Yarrow is designated as a ‘Main River’ and is subject to Byelaw Control. In particular, no works may take place within 8 metres from the bank top of the watercourse without the prior written consent of the Environment Agency, and to comply with PPS25: Development and Flood Risk.”*
73. The Framework sets out 6 tests which are applicable to all planning conditions (necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects) and the supporting statement queries whether this condition actually meets these tests given the reason for the condition.
74. The condition was attached following advice received from the Environment Agency at the time of the outline application as the proposed cottages were just outside the Environment Agencies 8m easement from the top of the bank of the river. Any extensions or enclosures at the rear of the cottages would be within the Environment Agencies easement hence their request to remove PD rights in respect of classes A, D and E (although the decision notice removes PD for classes A-E). As this is a main river no works can take place within 8m from the bank top of the watercourse without prior written consent of the Environment Agency which could cause a conflict if a development is undertaken as permitted development.
75. The submitted plans detail that a distance of between 8 and 11m is maintained between the rear of the cottages and the edge of the site (which appears to be the edge of the footpath). Given the distance maintained potentially a rear extension to the dwellings or the erection of an outbuilding could be within the 8m easement with the river and as such removal of PD in respect of class A (extensions and alterations) and class E (outbuildings) would accord with the Framework tests in the event of a positive recommendation.
76. The removal of class A of Part 2 in relation to the ability to erect fences is also a matter that the Environment Agency consider should be removed as the only acceptable solution for fencing the individual gardens is a removable fence, that is required for both flooding and access purposes.

#### Drainage

77. The outline planning approval at this site included a condition in respect of drainage which the applicants have sought to discharge. United Utilities are satisfied with the drainage solutions proposed for the cottage part of the site with foul draining to the public sewer and surface water to the adjacent watercourse. However the plans do not detail how surface water runoff will be controlled into the watercourse. Lancashire County Council have been consulted (as part of the discharge application) as the Lead Local Flood Authority who have confirmed that Land Drainage Consent is required from LCC for the proposed drainage. The agent for the application has been advised of this requirement.

- 78. It is noted that the Environment Agency had objected to the proposals on the grounds that the cottages are proposed on the top of the bank. The Agency have commented that the previous application was made in 2010 and a plan was submitted showing that the buildings would be further than 8 metres from the top of the bank of the River Yarrow. However, the cross-section drawing (Ref: BR K465/07, dated 11 August 2015) submitted with this part-retrospective application show that the top of bank had been incorrectly identified.
- 79. The Environment Agencies comments are noted however it is important to note that from a planning perspective there is consent on this site for 6 cottages which potentially could be constructed if the current development partly constructed was removed from site. As such in this situation there is a potential 'fall-back' (notwithstanding how unlikely this fall back would be implemented).
- 80. The Environment Agency have visited the site and confirmed that they are satisfied, in this case, that the structures are not at flood risk and will not increase flood risk elsewhere. The Environment Agency have agreed works to the bank between the cottages and the river bank and that work has been undertaken with the agreement of the EA. Final revised comments from the EA will be reported on the addendum.
- 81. It appears that the applicants may have required an environmental permit (the Flood Defence Consent regime has moved into the Environmental Permitting Regulations as of 6 April 2016) for work affecting a main river and it is a criminal offence to carry out these activities without a permit if one was required. The grant of planning approval does not guarantee that any necessary permissions or consents that are required under separate legislation will be forthcoming and the applicants have been advised of this issue.

**Overall Conclusion**

- 82. The applicant has put forward the following summary of the benefits of the scheme.

<b>Social</b>	<b>Environmental</b>	<b>Economic</b>
Provision of new dwellings	Removal of part of a brownfield site	Local Employment during construction
Located close to existing services	Improved intervisibility and visibility for the access	Contribution to infrastructure projects
Support the use of cycleways and bus routes	Improved footpaths to dawbers Lane	New Homes Bonus
Improvements to footpath access from Dawbers Lane to riverside footpath	Improvements to riverside footpath and banks	Increased population to support local businesses
	Woodland management plan	
	Landscaping plan within the site	

- 83. The proposed development is on a previously developed site within the Green Belt where planning permission was granted on part of the site for a retirement village including the erection of 6 cottages. In implementing the reserved matters consent for the 6 cottages the cottages were built larger than the approval and the mill was demolished in order to progress the overall development of the site and to prevent access to the building on safety grounds. Some weight is given to the sequence of events that has resulted in the submission of this application and whilst a fresh assessment of harm in terms of openness from a car park to the 6 cottages would identify a greater level of harm it is not considered that such a strict assessment is appropriate having regard to the other material considerations and very special circumstances.
- 84. Whilst the proposed development does strictly represent inappropriate development in that it involves the development of previously development land which will have a greater impact on the



openness of the Green Belt than the existing site, the presence of the mill, demolished to enable the development of the 6 cottages is a material consideration. The proposed development does propose benefits which are material to the consideration of the proposals (including measures to enable the future occupants to have transport choices, improvement to the Dawbers Lane frontage to improve sightlines, improvement to public access to the riverside path and improvements to the BHS via a woodland management plan it is considered that these material considerations that are positive benefits to the wider community in the overall planning balance outweigh the harm the development will have on the Green Belt.

### Planning Policies

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

### Planning History

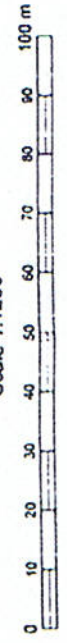
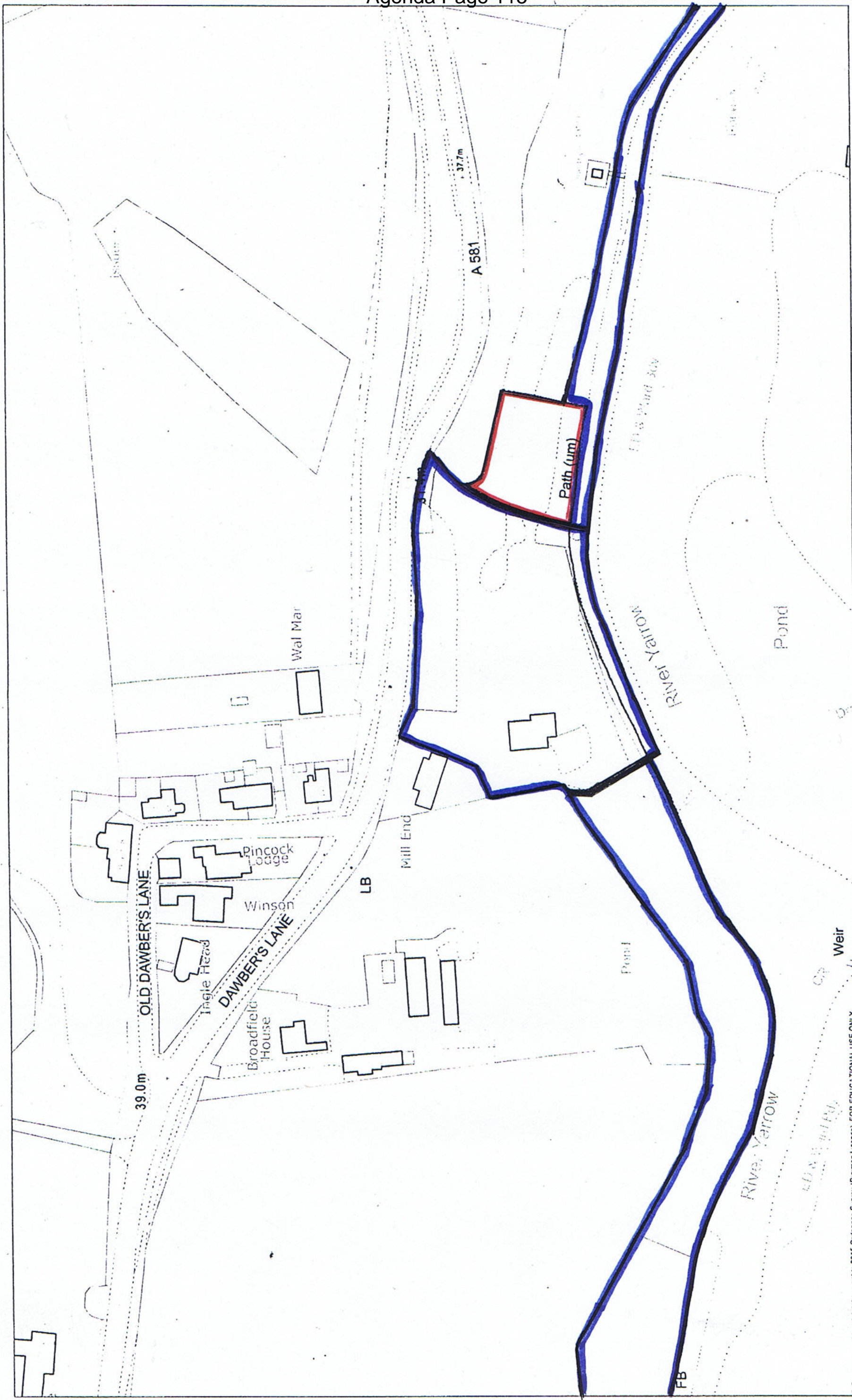
Reference	Description	Decision	Date
74/00241/FUL	Change of use to storage and distribution of ice cream and garaging of vehicles.	Approved	1975
75/00489/FUL	Replacement building for light industrial use.	Approved	1975
86/00401/FUL	Two storey extension of 1710 square metres to south side of mill and resiting of portacabins	Approved	1986
98/00239/FUL	Side extension and structural repairs	Approved	1998
10/00456/OUTMAJ	Demolition of the redundant mill building and construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living).	Approved	2011
12/00856/OUT	Proposed Construction of 11 Detached Dwellings	Withdrawn	
14/00913/REM	Reserved matters application to address the landscaping associated with the approved cottages (pursuant to outline permission ref: 10/00456/OUTMAJ).	Approved	December 2014
14/01088/OUTMAJ	Outline application for the erection of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living) all matters reserved apart from landscaping	Withdrawn	
14/01127/OUTMAJ	Outline application for the erection of 55 apartments and communal facilities and	Withdrawn	

	associated surface car parking (retirement living) all matters reserved save for appearance, layout and scale.		
15/00971/DIS	Application to discharge conditions 1 (external facing materials), 2 (hard ground-surfacing materials), 3 (levels), 5 (surface water drainage), 6 (foul water drainage/disposal), 7 (landscaping), 10 (invasive species), 11 (habitat enhancement and management plan), 14 (swallow nesting opportunities), 15 (lighting scheme), 16 (bin storage/recycling area), 17 (desktop study), 20 (Archaeology) and 21 (wheel washing facilities) attached to outline planning approval 10/00456/OUTMAJ	Pending consideration	
15/01046/DIS	Application to discharge condition 4 (tree survey) attached to reserved matters consent 14/00913/REM	Condition discharged	October 2015
15/00162/OUTMAJ	Outline application for a self-build residential development comprising 11 detached dwellings all matters reserved save for access and layout	Pending consideration	

**Conditions**

To Follow

Dawbers Lane, Euxton



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**APPLICATION REPORT – 16/01014/CB3**

**Validation Date: 7 November 2016**

**Ward: Chorley South East**

**Type of Application: Chorley Regulation 3**

**Proposal: change of use of the site to a staff car park**

**Location: Apex Business Centre 1 Arley Street Chorley**

**Case Officer: Andrew Williams**

**Applicant: Mr Keith Davy**

**Agent: N/A**

**Consultation expiry: 19 December 2016**

**Decision due by: 2 January 2017**

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**RECOMMENDATION**

**Permit Full Planning Permission**

**This application is required to be determined by committee as the Council are the applicant.**

**SITE DESCRIPTION**

1. The application site is now a vacant plot following the demolition of a previous commercial building with yard. The site is bound by Stump Lane to the north, Arley Street to the west, the Manchester-Preston railway line to the east and a car park to the south. It is located close to Chorley Town Centre and lies within the core settlement area.
2. The site is accessed from an existing access point on Arley Street. The character of the area is largely commercial and industrial however a row of traditional terraced dwellings lie adjacent to the site on the western boundary along Arley Street with on-road car parking for residents.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks the change of use of the vacant plot to provide a staff car park for Chorley Council employees. The main access will be as retained as existing with the provision of 39 car bays and 12 associated 6m high lighting columns.

**RELEVANT HISTORY OF THE SITE**

**Ref: 5/1/02330      Decision: PERFPP      Decision Date: 5 November 1964**

**Description:** Extension of garage and workshop

**Ref:** 15/00030/FUL **Decision:** PERFPP **Decision Date:** 18 March 2015

**Description:** Retrospective application for the erection of palisade fence

**Ref:** 91/00145/COU **Decision:** PERFPP **Decision Date:** 11 June 1991

**Description:** Change of use to training centre

**Ref:** 79/00684/FUL **Decision:** PERFPP **Decision Date:** 10 December 1979

**Description:** Storage and manufacture of small concrete products

## REPRESENTATIONS

4. One letter of representation has been received on behalf of a neighbouring property raising the following objections:
- There are restrictions on the times that Arley Street can be used for access to the former business centre;
  - Increased traffic on Arley Street would create a hazard for residents and pedestrians;
  - Any increase in traffic to and from Arley Street will cause major traffic problems and accident risk at the junction with Stump Lane;
  - Arley Street is too small for two way traffic;
  - The proposed lighting will adversely affect the visual amenity of the location for the residents;
  - The proposed application will result in noise disturbance in the form of traffic noise and could result in further loss of amenity with residents having to queue to enter or exit Arley Street;
  - The proposed development could adversely affect health in light of additional traffic fumes being emitted from vehicles;
  - The development does not further the Key Service Centre objectives of Chorley Borough Council as identified in the Chorley Local Plan (para. 2.8);
  - Car parks are not identified as being a priority in the Chorley Local Plan except at existing Railway Stations. Arley Street is not in the vicinity of the Railway Station; and
  - The proposed development does not further the Council's Social or Green Infrastructure proposals.

## CONSULTATIONS

**Network Rail** – No objection subject to conditions.

**Lancashire Highway Services** – No response received to date – will update on addendum

**Regulatory Services - Environmental Health** – No response received to date – will update on addendum.

## PLANNING CONSIDERATIONS

The main considerations in the determination of this application:

- Principle of the development;
- Impact upon the character and appearance of the area;
- Highway and Railway Implications; and
- Amenity to neighbouring occupiers.

### Principle of the development

5. The application site is not located within a district or local centre nor is the site specifically allocated for a particular use within the Chorley Local Plan (2012-2026). To this end within settlement areas the Local Plan advocates a presumption in favour of appropriate sustainable development of previously developed sites subject to material planning considerations and other policies within the Local Plan.
6. On this basis the land has remained vacant for over 5 years since the demolition of the commercial premises and as evidenced through the closure of the existing staff car park at

Hollingshead Street for the general public, the proposal will provide parking facilities for Council staff within a walkable distance of the Council buildings.

7. Paragraph 17 of the NPPF (2012) *'encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'*
8. The proposal seeks to utilise previously developmeed land which is encouraged by a core planning principle within the NPPF (2012) and as such the 'principle' of development is considered to be acceptable.

#### **Impact upon the character and appearance of the area**

9. Policy BNE1 of the Chorley Local Plan (2012-2026) states that planning permission will be granted for new development 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 ration, height, scale and massing, design, orientation and use of materials.
10. In this instance the proposal seeks the redevelopment of a dilapidated and overgrown site which has been vacant for over 5 years. Whilst it is appreciated that the presence of cars will alter the character and appearance of the site as viewed from certain vantage points along the footpath to Stumps Lane the entranceway to Arley Lane, the proposals true impact is largely obscured by the plots lower elevation to the public highway and established boundary treatments. Moreover, significant visual improvements will be made to the sites appearance which is of benefit to the aesthetics of immediate area.
11. To this end the proposed development is considered to be in compliance with policy BNE1 of the Local Plan.

#### **Highway and railway Implications**

12. Policy BNE1 of the Chorley Local Plan 2012-2026 reiterates that development will only be permitted where the *'residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces below the standards stated with the Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.'*
13. This application seeks the provision of 39 car park spaces accessed via Arley Street off Stump Lane. At the present time no response has been received from Highways as the appropriateness of the scheme, however it is not envisaged that the car park will generate excessive transport movements to the detriment of the local transport network, this point will however be updated on the addendum. Subject to highways comments raising no objection to the scheme, the application complies with policy BNE1 of the Local Plan.
14. Network Rail have no objections subject to the imposition of conditions.

#### **Amenity to neighbouring occupiers**

15. The proposal in itself is not considered to detrimentally impact upon the amenities of neighbouring properties along Arley Street.
16. In respect to the lighting scheme for the car park, it is not envisaged that the glare will cause any significant impact to the amenities of the residents. The submitted site plan provides LUX levels which are satisfactory and given the distance between the car park and the terraced properties will not cause any adverse impacts.
17. Notwithstanding the above, Environmental Health is yet to provide formal comments on the proposed application which will be attached to an addendum before the Planning Committee and therefore subject to no objection being received, the proposal is considered acceptable.

## CONCLUSION

The proposal seeks to utilise previously developed land within a sustainable urban environment. The use of the site as a car park will not significantly impact upon the character and appearance of the area and subject to no objection being received from Highways or Environmental Health, the proposal is considered acceptable.

**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		28 October 2016
Proposed Site Plan	A16-04/101	28 October 2016
Proposed Site and Lighting Plan	A16-04/101	28 October 2016

3. The parking layout 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 first use of the car park. The car park shall thereafter be permanently retained for that purpose.

*Reason: To ensure provision of adequate off-street parking facilities within the site.*

4. No soakaways shall be placed within 20m of the railway boundary or in a location that could affect the stability of Network Rails property. All surface water must be directed away from the direction of the railway boundary.

*Reason: To ensure there is no damage to the railway infrastructure.*

5. If not already in place, the developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. Any fencing must be constructed and maintained wholly within the applicant's land ownership footprint, including foundations which must not encroach onto or over-sail the railway boundary.

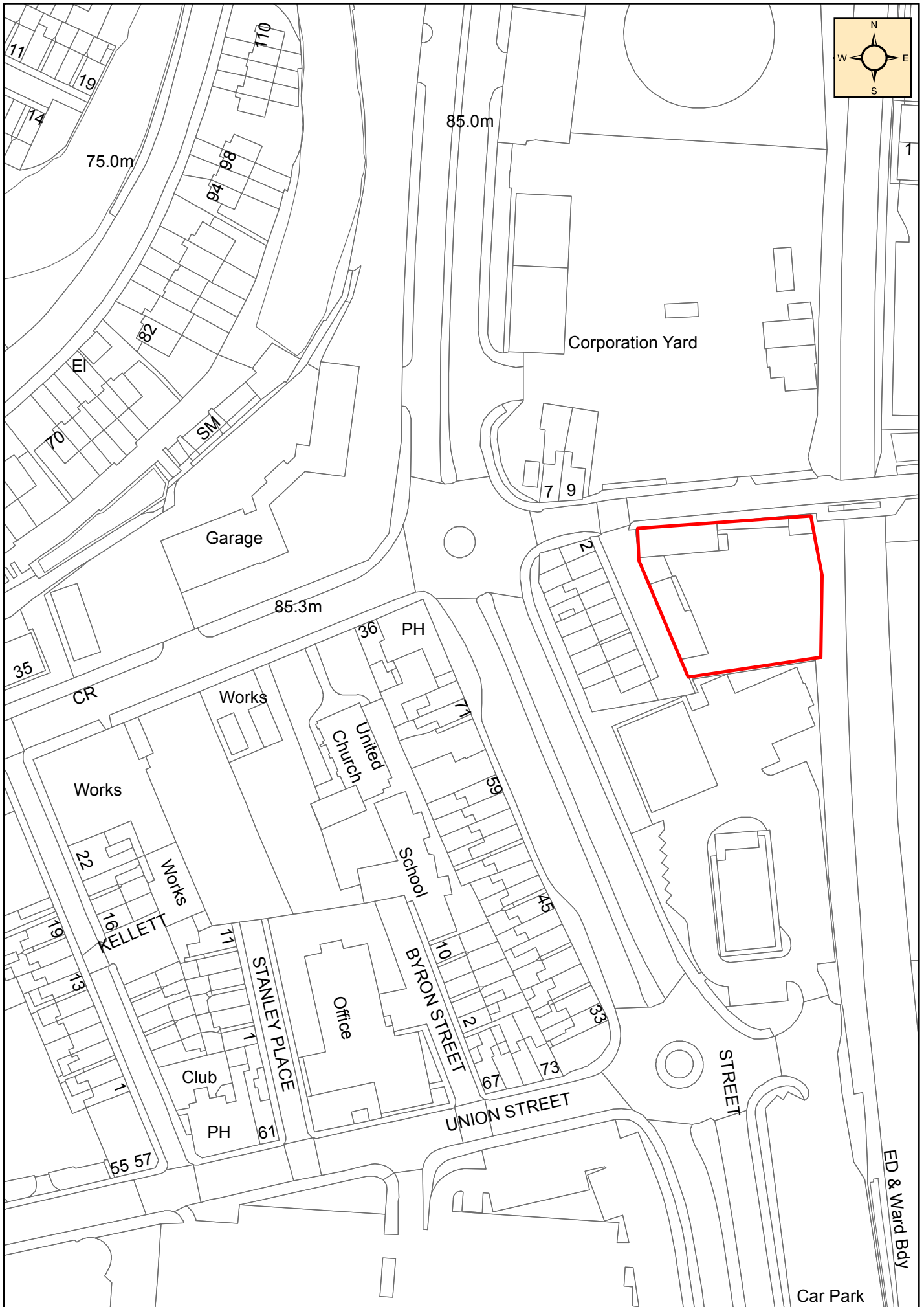
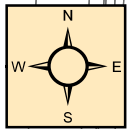
*Reason: To maintain security and reduce instances of trespassing onto the railway infrastructure in accordance with the NPPF (2012).*



**6. Prior to use of the car park details of crash barriers and high kerbs or similar shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to use of the car park.**

**Reason: Due to vehicle incursion on the railway being a foreseeable risk.**

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**APPLICATION REPORT – 16/01033/CB3MAJ**

**Validation Date: 7 November 2016**

**Ward: Chorley South East**

**Type of Application: Major Chorley Regulation 3**

**Proposal: Section 73 application to vary conditions numbered: 2, 3, 5, 9, 12, 13, 15, 20, 23, 39 and 40 of planning approval 15/00375/FULMAJ (which was i) a full planning application for the demolition of the Civic Offices, shopmobility units, public toilet 'kiosk' and electricity sub-station and the erection of a two storey retail (with a maximum convenience floor space of 1,394m<sup>2</sup>), restaurant and leisure unit on the Flat Iron car park along with the erection of a two storey restaurant/ retail (comparison goods only)/ office unit with replacement sub-station on the southern portion of the site. The creation of a temporary car park on the Civic Offices site alongside various public realm improvement works, relocation of the existing statue and associated servicing, access, soft landscaping and enhanced pedestrian linkages and ii) an outline application for the erection of a retail unit (Use Class A3-A5) on the existing Civic Offices site all matters reserved save for access) to allow amendments to the scheme (please refer to application for full details of changes).**

**Location: Market Walk Extension Union Street Chorley**

**Case Officer: Adele Hayes**

**Applicant: Chorley Borough Council**

**Agent: Mr Richard Furdd**

**Consultation expiry: 9 December 2016**

**Decision due by: 6 February 2017**

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**RECOMMENDATION**

1. It is recommended that the application is approved.

**SITE DESCRIPTION**

1. The main area of the site is located on the Flat Iron car park in Chorley Town Centre. To the west of the site is Booths supermarket, Weatherspoons public house and additional smaller retailers. Further afield are the town hall, police station, and St Lawrence Church. The Market Walk shopping complex to the south is typically 1990s in its architectural style and contains over 30 small retail units. This also provides a link through to the covered market and other shopping areas of the town centre.
2. To the east of the site are the existing shop-mobility unit and public toilets. The A6 (Clifford St) bounds the east of the site, separating it from the surface car parks (Portland and Friday St.) and the railway station, beyond which some industrial and residential developments can be found. The Flat Iron car park contains the Chorley Pals war memorial along this perimeter.
3. The northern part of the site is currently occupied by the civic offices with public car parking located to the rear. Residential terraces are located on the adjoining Stanley Street and Byron Street. To the north is Hollinshead Street where garages and parts

dealerships are located. Further west Chorley Library and additional residential terraces are located.

#### **DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application has been submitted under the provisions of Section 73 of the Town & Country Planning Act 1990 (as amended) to secure consent for various minor changes to the approved plans to extend the Market Walk Shopping Centre (original permission ref: 15/00375/FULMAJ).
5. Since the original grant of planning permission in September 2015, the development team have been working to secure tenants and have reviewed the proposal with a view to realising the business, development and growth benefits of the scheme. The proposed amendments are aimed at facilitating delivery of the development.
6. The proposed changes are focussed on the exclusion of the office unit and one retail unit from the southern portion of the site, the internal reconfiguration of floorspace within the cinema and retail units on the Flat Iron Car Park, and the 'relocation' (retaining of its current position) of the Chorley PALs Memorial.
7. In light of the proposed scheme changes, this submission seeks approval to implement the development without compliance with Conditions 2, 3, 5, 9, 12, 13, 15, 20, 23, 39 and 40. It is instead proposed to impose replacement conditions with amended wording and alternative drawing references, as set out in the drawing schedule below.

#### **Background**

8. Full planning permission was granted on 30 September 2015 for the development of a two storey retail, restaurant and leisure scheme on the Flat Iron car park to the north of the existing Market Walk Shopping Centre in Chorley (permission ref: 15/00375/FULMAJ). The consent also permitted the development of a two storey restaurant/retail/office unit (with replacement sub-station) on the southern portion of the site. Outline planning permission was also granted for the erection of a retail unit (Use Class A3-A5) on the existing Civic Offices site with all matters other than access reserved for subsequent approval.
9. In response to specific requirements of the emerging tenant line-up, and current market conditions in the office/retail market, the design and layout has been refined.
10. The changes are proposed to facilitate early delivery of this significant investment committed to the town centre by the Council.

#### **Proposed Changes**

11. The extent of the changes proposed can be summarised as follows:

##### Southern Portion of Site

- Omission of Unit 8 (leisure/restaurant) and Unit 10 (leisure/office);
- Addition of full mezzanine floor within Unit 7 (restaurant) and reconfiguration of building exterior;
- Retention of existing sub-station and reconfiguration of proposed new sub-station;
- New boundary wall to the south of Unit 7, enclosing the service yard. The wall will comprise a mixture of 'greenwall', architectural mesh and cladding panels; and
- New boundary wall to west of Unit 7 to close the gap between units.

Flat Iron Car Park

- Internal reconfiguration of Unit 1 at ground and first floor level (involving the loss of 347sq.m. floorspace);
  - Internal reconfiguration of Unit 2 at ground floor level (involving the loss of 140sq.m. floorspace);
  - Internal reconfiguration of Unit 3 at ground and first floor level (involving the addition of 242sq.m. floorspace);
  - Internal reconfiguration of Unit 4 and 5 at ground floor level (involving the addition of 95sq.m. between the two units - see schedule below);
  - Extension of double glazed curtain wall to the south elevation first floor level, associated with reconfiguration of the cinema lobby;
  - Corresponding reconfiguration of fire escapes;
  - Minor revisions to parking spaces to the front of Unit 1 and 2, involving an additional trolley bay to the car park resulting in the loss of 1no. car parking space, compensated by the addition of one space to the front of Unit 2;
  - Provision of 6no. electric vehicle charging spaces to the north east of the car park;
  - Retention of Chorley PALs Memorial in its present location (i.e. the memorial will no longer be relocated to the north of Union Street), with associated landscape setting improvements;
  - Loss of 4no. car parking spaces in comparison to the approved plans associated with the retention of the Chorley PALs Memorial on the Flat Iron car park;
  - Addition of 3no. car parking spaces to the north of Union Street associated with the retention of the Chorley PALs Memorial on the Flat Iron car park;
  - Reconfiguration of landscaping associated with the Chorley PALs Memorial; and
  - Amendments to roof pitches associated with the internal reconfiguration of units.
12. A comparison of floorspace between the approved scheme and that proposed by this application is provided below. This demonstrates that the changes result in a minor decrease to the overall quantum of floorspace proposed, with some minor variations between uses.

Unit	Proposed Use	Approved Area (m <sup>2</sup> )	Proposed Area (m <sup>2</sup> )
1	Retail retail	1858	1509 (-349)
2	Non-food retail	987	796 (-191)
3	Non-food retail	1655	1885 (+230)
4	Leisure- restaurant	205	337 (+132)
5	Leisure- restaurant	204	170 (-34)
6	Cinema	1534	1950 (+416)
7	Leisure-restaurant	323	587 (+264)
8	Leisure-restaurant	82	0 (-82)
9	Leisure-retail	299	299 (no change)
10	Office	588	0 (-588)
	<b>Total</b>	<b>7735</b>	<b>7533 (-202)</b>

13. Car parking levels across the scheme remain largely unaltered, with the loss of just one space. The proposal to retain the Chorley PALs Memorial in its current location results in the loss of 4no. spaces, partially offset by the creation of 3 no. spaces to the north of Union Street. Reconfiguration of the car park to the front of Unit 2 leads to the addition of 1no. space, but this is countered by the loss of a further single space adjoining Unit 1 (in lieu of a trolley bay).

### **REPRESENTATIONS**

14. The proposal has been publicised on site and in the press and letters have been sent to neighbouring occupiers notifying them of the application. No representations have been received as a result of this publicity although several members of the public have taken the opportunity to view the plans.

### **CONSULTATIONS**

15. Lancashire Highway Services – Comment that there are no highway issues with the proposed variations to the original permission and that there is no objection to the proposed variation of conditions to reflect the removal of the retail and office units. LCC have responded to the Council's consultation on the 'Chorley Town Centre Public Realm Proposals and Masterplan' and they advise that the comments on this document regarding Union Street reflect their response to the consultation on the original Market Walks application, where LCC identified improvements to the proposed public realm scheme and it is LCC's belief that this suggestion, while not a full "shared space" links better with the Market Street improvement scheme and increases the possibility of improved materials and hence higher quality environment (including a wider footway along Union Street). They have requested that the Council give further consideration to LCC proposed changes to the proposed public realm scheme for Market Walks and the development team have been advised accordingly.
16. Lead Local Flood Authority – no comments received. Raised no objection to original scheme subject to suitable conditions.
17. Waste & Contaminated Land – Have confirmed that they have no comments to make regarding the proposed changes to the approved scheme.
18. Lancashire Constabulary Architectural Liaison – Made some security recommendations to original scheme and have confirmed that the conditions affected by the proposed changes do not relate to security and are not crime reduction related conditions.
19. Environment Agency – Have confirmed that they have no comment to make on the application. Raised no objection to original scheme subject to suitable conditions.
20. United Utilities – no comments received. Raised no objection to original scheme subject to suitable conditions.

### **PLANNING CONSIDERATIONS**

21. This application proposes minor material amendments to a previously approved planning application and has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990. A judgement on "materiality" in any particular case is one of fact and degree, along with taking into account the likely impact of the amendment on the local environment. Materiality is considered against the development as a whole, not just part of it. The basis for forming a judgement on materiality is always the original planning permission. The cumulative effects of any previous amendments need also to be assessed against any original permission.
22. There cannot be a set of prescriptive rules to what is or is not a minor material change, as each case is different and considered on its individual merit. This is a matter for the local planning authority to decide. Section 96A of the Town and Country Planning Act



1990 states that “in deciding whether a change is material, a Local Planning Authority must have regard to the effect of the change, together with previous changes made under this section, on the planning permission as originally granted.”

23. The National Planning Practice Guidance (NPPG) accepts that new issues may arise after planning permission has been granted which require modification of the approved developments. The Guidance confirms that ... *“there is no statutory definition of a ‘minor material amendment’ but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved”*.
24. It is clear that the proposed changes fall within the definition set by the NPPG.
25. The overall scale and nature of the development remains largely unaltered, changes to car parking numbers are negligible, and the overall appearance of the development remains the same. The footprint of the scheme is reduced rather than increased (in the southern part of the site), meaning that there are no additional, or more onerous potential effects arising from the scheme that need to be addressed.
26. The proposed changes have been developed in response to particular operator requirements. The omission of Units 8 and 10 from the scheme are as a result of current market demand, and the relative costs of delivering this space. The loss of the offices and 1no. retail unit will have no material bearing on the overall scheme or its corresponding benefits to the town centre.
27. The amendments have limited implications for other submission documents (other than the approved drawings). For clarification, the only material points to note with regard to the original planning documents are as follows:
  - Floor areas and the description of development (i.e. the provision of offices/retail unit on the southern portion of the site) quoted within the Planning Statement (e.g. Section 1), Design and Access Statement, Transport Statement and Travel Plan (e.g. Section 1), Arboricultural Impact Assessment, Flood Risk Assessment (e.g. Section 1), and the Statement of Community Involvement;
  - Drawing references and plans contained throughout the Design and Access Statement;
  - The relocation of the Chorley PALs Memorial quoted within the Design and Access Statement (e.g. Public Realm Strategy), Transport Statement and Travel Plan, Landscape Report and Planning Statement (e.g. Para 5.11);
  - Car parking numbers quoted in the Design and Access Statement, Transport Statement and Travel Plan, and Planning Statement. The amendments to parking numbers will not affect the conclusions reached within the parking assessment of the Transport Assessment (e.g. Section 6) nor any other submission documents as they relate to the overall traffic generation of the development, which is anticipated to be broadly the same, if not reduced linked to loss of the office floorspace;
  - References to landscaping and the tree planting strategy quoted in the Design and Access Statement and Landscape Report. Whilst amendments have been made to the planting strategy to accommodate the retention of the Chorley PALs Memorial and the location of underground services,
  - The overall strategy remains the same with no loss or reduction in numbers, and an additional green wall boundary feature to the south of the Site (as opposed to Units 8/10);

- As there is an overall reduction in the scale of the development (due to the omission of Units 8/10) the conclusions of the Civil and Structural Engineering Design Philosophy Report so far as loadings are concerned remain robust (i.e. the proposed development will have no greater impact than that approved);
- Reduction in built form and increase in hard standing in the southern part of the Site and references to drainage modelling in the Flood Risk Assessment (FRA) (e.g. Section 3). The proposed development will not have any material effect on the drainage assumptions or conclusions of the FRA, which remain the same and are based largely on the development on the Flat Iron car park (the scale of which remains the same). There is no reduction in permeable surface area across the site;
- Job creation quoted in the Planning Statement (e.g. Section 6). The proposed development involves a reduction in retail and office floorspace, which is likely to result in a modest reduction in direct job creation, relative to approved, but these will still be in the order of 200 full time equivalent posts. The indirect benefits will remain significant in driving new footfall and investment through the centre supporting the retention of existing, and support for new posts across the area; and
- Turnover and vehicle trip rates quoted in the Planning Statement (e.g. Section 6). The conclusions of this assessment are considered to remain valid given the overall loss of floorspace is negligible and the split between food and non-food retail floorspace remains largely the same.

## CONCLUSION

28. This application seeks amendments to the wording of a number of conditions attached to the original planning permission (ref: 15/00375/FULMAJ). Given the removal of the retail and office unit on the southern portion of the site, it is necessary to remove all reference to this part of the development from the conditions. Conditions which reference this part of the development include Conditions 2, 3, 9, 12, 13, 15 and 39. As such it is proposed that the re-worded conditions imposed on the new consent remove all reference to the 'office unit' and 'Units 8 and 10'.
29. It is also necessary to amend a number of conditions in order to reflect the above changes to drawing references. Conditions referencing superseded drawing numbers include Conditions 3, 5, 23 and 40.
30. The retention of the Chorley PALs Memorial in its present location will also necessitate revisions to Condition 20, requiring details of the revised Memoria Garden, rather than relocation.
31. The originally proposed development involves extensions to the existing retail centre within Chorley Town Centre and represents sustainable development which will result in job creation, lead to linked trips and increased footfall in the town centre and enhance the retail and leisure offer of the town centre, to benefit of its overall vitality and viability. The proposed minor material amendments are essential to facilitate in the delivery of the extension to the Market Walk Shopping Centre.
32. Implementation of the development will provide significant enhancements to the leisure and retail offer of the shopping centre. The proposed changes are minor in nature and the scheme does not materially deviate from the approved planning permission. The changes do not raise any issues not previously considered and addressed.

**RELEVANT HISTORY OF THE SITE**

**Ref: 15/00375/FULMAJ Decision: PERFPF Decision Date: 30 September 2015**  
**Description: Full application for the demolition of the Civic Offices, shopmobility units, public toilet 'kiosk' and electricity sub-station and the erection of a two storey retail (with a maximum convenience floor space of 1,394m<sup>2</sup>), restaurant and leisure unit on the Flat Iron car park along with the erection of a two storey restaurant/ retail (comparison goods only)/ office unit with replacement sub-station on the southern portion of the site. The creation of a temporary car park on the Civic Offices site alongside various public realm improvement works, relocation of the existing statue and associated servicing, access, soft landscaping and enhanced pedestrian linkages. Outline application for the erection of a retail unit (Use Class A3-A5) on the existing Civic Offices site all matters reserved save for access**

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

**Suggested Conditions**

No.	Condition																														
1.	<p>The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.</p> <p>Reason: To define the permission and in the interests of the proper development of the site.</p>																														
2.	<p>The development of the retail, restaurant and leisure unit on the Flat Iron car park and/or the restaurant unit on the southern portion of the site must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>																														
3.	<p>The retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) and restaurant unit on the southern portion of the site (units 7) hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="300 1417 1329 2002"> <thead> <tr> <th data-bbox="300 1417 627 1447">Title</th> <th data-bbox="635 1417 946 1447">Drawing Reference</th> <th data-bbox="954 1417 1329 1447">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="300 1451 627 1514">Location Plan</td> <td data-bbox="635 1451 946 1514">B8245_AEW_XX-XX-DR_A-0500 Rev P2</td> <td data-bbox="954 1451 1329 1514">4 November 2016</td> </tr> <tr> <td data-bbox="300 1518 627 1581">Proposed Ground Floor Plan</td> <td data-bbox="635 1518 946 1581">B8245- AEW-XX-XX-DR-A-0504 Rev P5</td> <td data-bbox="954 1518 1329 1581">4 November 2016</td> </tr> <tr> <td data-bbox="300 1585 627 1648">Proposed First Floor Plan</td> <td data-bbox="635 1585 946 1648">B8245-AEW-XX-XX-DR-A-0505 Rev P4</td> <td data-bbox="954 1585 1329 1648">4 November 2016</td> </tr> <tr> <td data-bbox="300 1653 627 1715">Proposed Roof Plan</td> <td data-bbox="635 1653 946 1715">B8245_AEW_XX-XX-DR_A-0506 Rev P3</td> <td data-bbox="954 1653 1329 1715">4 November 2016</td> </tr> <tr> <td data-bbox="300 1720 627 1783">Proposed Site Plan</td> <td data-bbox="635 1720 946 1783">B8245_AEW_ZZ-XX-DR_A-0503 Rev P7</td> <td data-bbox="954 1720 1329 1783">4 November 2016</td> </tr> <tr> <td data-bbox="300 1787 627 1850">Proposed Site Sections</td> <td data-bbox="635 1787 946 1850">B8245-AEW-XX-XX-DR-A-0509 Rev P5</td> <td data-bbox="954 1787 1329 1850">4 November 2016</td> </tr> <tr> <td data-bbox="300 1854 627 1917">Proposed Elevations – Building 1</td> <td data-bbox="635 1854 946 1917">B8245- AEW-XX-XX-DR-A-0507 Rev P3</td> <td data-bbox="954 1854 1329 1917">4 November 2016</td> </tr> <tr> <td data-bbox="300 1921 627 1984">Proposed Elevations – Building 2</td> <td data-bbox="635 1921 946 1984">B8245- AEW-XX-XX-DR-A-0508 Rev P5</td> <td data-bbox="954 1921 1329 1984">4 November 2016</td> </tr> <tr> <td data-bbox="300 1989 627 2051">Feasibility Site Plan</td> <td data-bbox="635 1989 946 2051">B8245_AEW_ZZ-XX-DR_A-0018 Rev P6</td> <td data-bbox="954 1989 1329 2051">4 November 2016</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	B8245_AEW_XX-XX-DR_A-0500 Rev P2	4 November 2016	Proposed Ground Floor Plan	B8245- AEW-XX-XX-DR-A-0504 Rev P5	4 November 2016	Proposed First Floor Plan	B8245-AEW-XX-XX-DR-A-0505 Rev P4	4 November 2016	Proposed Roof Plan	B8245_AEW_XX-XX-DR_A-0506 Rev P3	4 November 2016	Proposed Site Plan	B8245_AEW_ZZ-XX-DR_A-0503 Rev P7	4 November 2016	Proposed Site Sections	B8245-AEW-XX-XX-DR-A-0509 Rev P5	4 November 2016	Proposed Elevations – Building 1	B8245- AEW-XX-XX-DR-A-0507 Rev P3	4 November 2016	Proposed Elevations – Building 2	B8245- AEW-XX-XX-DR-A-0508 Rev P5	4 November 2016	Feasibility Site Plan	B8245_AEW_ZZ-XX-DR_A-0018 Rev P6	4 November 2016
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Proposed Roof Plan	B8245_AEW_XX-XX-DR_A-0506 Rev P3	4 November 2016																													
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Feasibility Site Plan	B8245_AEW_ZZ-XX-DR_A-0018 Rev P6	4 November 2016																													

	Temporary Car Parking Layout	B8245_AEW_XX-XX-DR_A-0511 Rev P3	4 November 2016									
	Landscape Masterplan	1409-01H	4 November 2016									
	Union Street Highway Improvements	TPMA5048_104	4 November 2016									
	Phase 1 Desk Study	5894	22 <sup>nd</sup> April 2015									
	Phase 2 Site Investigation	5894A	22 <sup>nd</sup> April 2015									
	Tree Constraints Plan	D5073.001	22 <sup>nd</sup> April 2015									
	Reason: For the avoidance of doubt and in the interests of proper planning.											
4.	<p>An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of Unit 9) must be made to the Council before the expiration of three years from the date of this permission and the development of Unit 9 hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>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.</p>											
5.	<p>The approved means of access to Unit 9 hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>B8245_AEW_XX-XX-DR_A-0500 Rev P2</td> <td>4 November 2016</td> </tr> <tr> <td>Union Street Highway Improvements</td> <td>TPMA5048_104</td> <td>22nd April 2015</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>			Title	Drawing Reference	Received date	Location Plan	B8245_AEW_XX-XX-DR_A-0500 Rev P2	4 November 2016	Union Street Highway Improvements	TPMA5048_104	22nd April 2015
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6.	<p>Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been first submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined public sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow that mimics the existing site run off plus 30% betterment to combat the effects of climate change. The development shall be completed, maintained and managed in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</p>											
7.	<p>Prior to the first occupation of any of the units hereby permitted an appropriate management and maintenance plan for the sustainable drainage system shall be first submitted to and approved in writing by the Local planning Authority. The plan shall include:</p> <ul style="list-style-type: none"> <li>the arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company</li> </ul> <p>Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.</p> <p>Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.</p>											

<p>8.</p>	<p>Prior to the commencement of each phase of development, including any works of demolition, a Construction Method Statement shall be first submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• hours of operation (including deliveries) during construction</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>• wheel washing facilities</li> <li>• measures to control the emission of dust and dirt during construction</li> <li>• a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>• demolition methodology</li> </ul> <p>Reason: In the interests of highway safety, to protect the amenities of the nearby residents and to ensure the continued operation of the surrounding businesses.</p>
<p>9.</p>	<p>The retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) and the restaurant unit on the southern portion of the site (unit 7), hereby approved shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
<p>10</p>	<p>Prior to the commencement of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) (excluding ground preparation works, demolition and public realm works), a 'Design Stage' assessment and related certification which confirms that the building will achieve BREEAM Very Good shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.</p> <p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required early on in the process to ensure the required standard is met.</p>
<p>11</p>	<p>Prior to the occupation of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
<p>12</p>	<p>Prior to the commencement of the restaurant unit on the southern portion of the site (unit 7) (excluding ground preparation works, demolition and public realm works) a 'Design Stage' assessment and related certification which confirms that the building will achieve BREEAM Very Good shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification.</p>

	<p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development. The Design Stage Assessment is required early on in the process to ensure the required standard is met.</p>
13	<p>Prior to the occupation of the restaurant unit on the southern portion of the site (unit 7) hereby permitted a letter of assurance; detailing how the building has achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
14	<p>Prior to the commencement of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development further to this Policy 27 of the Adopted Central Lancashire Core Strategy requires new buildings to contribute to carbon reduction. This information is needed early on in the process as the measures proposed can incorporate the build elements of the proposals.</p>
15	<p>Prior to the commencement of the restaurant unit on the southern portion of the site (unit 7) a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant BREEAM rating.</p> <p>Reason: The building will be constructed to BREEAM 'Very Good' standards in the interests of minimising the environmental impact of the development further to this Policy 27 of the Adopted Central Lancashire Core Strategy requires new buildings to contribute to carbon reduction. This information is needed early on in the process as the measures proposed can incorporate the build elements of the proposals.</p>
16	<p>Prior to the commencement of any phase of built development (excluding ground preparation works, demolition and public realm works) samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be first submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: Full details of the proposed external facing materials was not provided as part of the application and in order to ensure that the materials used are visually appropriate to the locality samples are required.</p>
17	<p>Before any phase of built development (excluding ground preparation works, demolition and public realm works) hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been first submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>Reason: The submitted information did not include details of the levels and protect the appearance of the locality and in the interests of the amenities of local residents.</p>

18	<p>Full details of proposed external lighting shall be first submitted to and approved in writing by the local planning authority prior to implementation of the lighting. The lighting shall be implemented in accordance with the approved details prior to the first occupation of the development.</p> <p>Reason: External lighting is required to pedestrian routes and car parking areas to maintain illuminance to all areas for security reasons. Full details do not form part of the submission information and full details are required early on in the development process to ensure a suitable scheme is implemented.</p>
19	<p>Full details of supplementary CCTV cameras and details of any relocation of the existing CCTV cameras shall be submitted to and approved in writing by the local planning authority prior to implementation of the CCTV. The CCTV shall be implemented in accordance with the approved details prior to occupation of the development.</p> <p>Reason: Supplementary CCTV cameras are required to ensure continued and full coverage of the area. Full details do not form part of the submission information and full details are required early on in the development process to ensure a suitable scheme is implemented.</p>
20	<p>Prior to the first occupation of any phase of the built development hereby approved full details of the revised Memoria Garden shall be submitted to and approved in writing by the Local Planning Authority. The garden thereafter shall be revised in accordance with the approved details and time period.</p> <p>Reason: in the interests of proper planning and to ensure the final details of the Memorial and contemplative garden are acceptable.</p>
21	<p>Prior to the first occupation of any phase of the built development hereby approved provision for quality cycle parking facilities (in accordance with Sustrans recommendations), in accordance with details first agreed in writing with the Local Planning Authority, shall have been provided in all respects and made available for use, and shall thereafter be retained.</p> <p>Reason: To ensure adequate on site provision for cycle parking and to enable choice for visitors to the site in respect of transport modes.</p>
22	<p>Prior to the first occupation of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6) full details of the management of the servicing zone (a Servicing Management Plan) shall be first submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> <li>• The number and timing of deliveries;</li> <li>• The co-ordination of deliveries between occupiers;</li> <li>• The type of delivery vehicle;</li> <li>• The transfer of goods into the buildings;</li> <li>• The removal of waste and recycling;</li> <li>• Pedestrian safety measures.</li> </ul> <p>The approved Servicing Management Plan shall thereafter be implemented in full and the servicing zone shall thereafter be managed in accordance with the approved Plan.</p> <p>Reason: In the interests of highway safety and to ensure that use of the area for servicing does not result in queuing onto the surrounding road network and provides safe access for pedestrians.</p>
23	<p>Prior to the commencement of the development which has the effect of reducing the number of available car parking spaces on the Flat Iron Car Park a parking strategy shall first be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of alternative parking provision within 400m of the application site either by:</p>

	<p>i. making the existing Hollinshead Road car park permanently available as a public pay and display car park along with the creation of 49 temporary parking spaces on the site of the Civic Offices (in accordance with plan reference B8245_AEW_XX-XX-DR_A-0511 Rev P3) or</p> <p>ii. Alternative car parking provision is made which matches or exceeds the number generated under option (i).</p> <p>The alternative parking provision shall be made available prior to the commencement of the construction of the retail, restaurant and leisure unit on the Flat Iron car park (units 1-6).</p> <p>Reason: The proposed development reduces parking provision at the site, to mitigate for this impact alternative provision is required within a 400m walking distance of the site.</p>
24	<p>Within 6 months of the commencement of the development full details of the works to the highways within the vicinity of the application site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the Section 278 works and shall include:</p> <ul style="list-style-type: none"> <li>• Details of the Toucan crossing on Clifford Street</li> <li>• Details of the location of the advance variable message signs (VMS) to indicate available parking space numbers on the Flat Iron along with appropriate traffic monitoring of the car park entrances to inform the signs.</li> <li>• Details of the highway works and pedestrian crossing(s) on Union Street including any works to improve linkages to the western end of Union Street</li> <li>• Any identified improvements to Brunswick Street to improve linkages to Friday Street car park including a clear route for pedestrians from the application site to Friday Street car park</li> </ul> <p>The works to the highway shall thereafter be completed in accordance with the approved details prior to the use of any of the units hereby approved.</p> <p>Reason: In the interests of highway safety and to ensure there is appropriate access to the site for all modes of transport including pedestrians in the interests of sustainability.</p>
25	<p>Prior to the use of any of the restaurant units hereby approved (units 4, 5, 7 and 9) full details of any external seating area shall be submitted to and approved in writing by the Local Planning Authority. The external seating areas shall thereafter be laid out in accordance with the approved details.</p> <p>Reason: In the interests of proper planning and to define any external seating areas to ensure that the character of the scheme is maintained and there is no conflict with pedestrians.</p>
26	<p>A scheme of landscaping for each Phase shall be first submitted and agreed in writing by the Local Planning Authority prior to the commencement of that Phase or Sub-Phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and detail any changes of ground level. Landscaping and restoration schemes should also 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.</p> <p>Reason: In the interests of the amenity of the area the landscaping of the scheme is considered to be a significant element of the proposals particularly as trees are proposed to be removed. Full details are required to ensure a suitable scheme is proposed and to 'tie' the development into the wider town centre improvement works which have occurred/ are proposed.</p>
27	<p>All planting, seeding or turfing comprised in the approved details of landscaping pursuant to the previous condition above shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development</p>

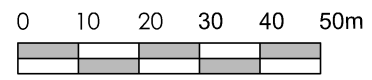
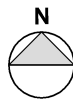


	<p>within the relevant Phase, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality.</p>
<p>28</p>	<p>The recommendations contained within the Phase 2 site investigation report (ref: 5894A) shall be undertaken prior to the commencement of the built development hereby approved in respect of the parts of the sites covered by the Phase 2 site investigation report.</p> <p>Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures identified.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.</p>
<p>29</p>	<p>Due to past processes and activities upon/adjacent to the above site, there is a potential for ground contamination. Given the proposed sensitive end-use, no development (in respect of the parts of the site not covered by the submitted Phase 2 site investigation report (ref: 5894A)) shall take place until:</p> <p>a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;</p> <p>b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;</p> <p>c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority for approval.</p> <p>Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.</p>
<p>30</p>	<p>Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have first been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use. In accordance with Paragraph 121 of the National Planning Policy Framework (DCLG,</p>

	2012).
31	<p>No demolition works/ tree removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has first been undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.</p> <p>Reason: To ensure the protection of any birds which may be nesting within trees/ the building which will be felled/ demolished as part of the proposals</p>
32	<p>The felling of tree T13 (as identified on the Tree Constraints Plan ref: D5073.001), which has been identified as having bat roost potential, shall be undertaken through soft felling under the supervision of a licensed bat ecologist. The works shall be undertaken during September/October or April unless a survey, which has been first submitted to and approved in writing by the Local Planning Authority, confirms the absence of roosting bats.</p> <p>Reason: in the interests of ensuring that bat roosts are not adversely affected by the proposed development.</p>
33	<p>The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted unless otherwise agreed in writing by the Local Planning Authority. The hard landscaping works shall be completed prior to the occupation of any phase of the development hereby approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
34	<p>The use of Unit 9 hereby permitted shall be restricted to between the following opening hours:</p> <ul style="list-style-type: none"> <li>• 08:30 and 01:00 Thursday to Saturday and</li> <li>• 08:30 and 24:00 Sunday to Wednesday</li> </ul> <p>Reason: To define the permission and to safeguard the amenities of the adjacent residential occupants.</p>
35	<p>The demolition and construction works associated with the demolition of the Civic Offices and the erection of Unit 9 hereby permitted shall not take place except between the hours of:</p> <ul style="list-style-type: none"> <li>• 0800 to 1800 Monday to Friday</li> <li>• 0800 to 1300 on Saturdays.</li> </ul> <p>No demolition or construction activities shall take place on Sundays or Public and Bank Holidays.</p> <p>Reason: To safeguard the amenities of local residents and to protect nearby noise sensitive buildings.</p>
36	<p>Deliveries, servicing and collections to and from Unit 9, including waste collections, shall be from the parking spaces created on Union Street (detailed on the Union Street Highway Improvements Plan ref: TPMA5048_104) and shall not take place outside the following hours:</p> <ul style="list-style-type: none"> <li>• 07:00 to 10.00 – Monday to Sunday</li> </ul> <p>Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will be first sought from Chorley Council.</p> <p>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation</p>

37	<p>No more than 1,394m<sup>2</sup> (gross) of the Class A1 retail floorspace hereby permitted shall be used for the sale of convenience goods. (Convenience goods are defined as food, non-alcoholic drinks, tobacco, alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods are defined as all other retail goods).</p> <p>Reason: In the interests of highway safety and the parking impacts of the scheme as food retail floorspace tends to be more intensive in terms of traffic generation and movements.</p>
38	<p>Prior to the occupation of any of the units hereby approved a Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be generally in accordance with document submitted with the application entitled Interim Travel Plan (ref: TPMA5048). The development thereafter shall be carried out in accordance with the approved details.</p> <p>Reason: To reduce the number of car borne trips and to encourage the use of public transport.</p>
39	<p>The approved phases of the development hereby approved are as follows:</p> <ul style="list-style-type: none"> <li>• The retail, restaurant and leisure unit (units 1-6) on the Flat Iron car park</li> <li>• The restaurant unit on the southern portion of the site (units 7)</li> <li>• The erection of a building on the Civic Offices site (unit 9)</li> </ul> <p>Reason: To the define the permission.</p>
40	<p>Prior to the first use of the access from Stanley Place to Hollinshead Street car par (detailed on plan reference B8245_AEW_ZZ-XX-DR_A-0503 Rev P7) by vehicular traffic full details of the measures/ mechanisms to stop vehicles exiting the car parks onto Union Street via Stanley Place shall be submitted to and approved in writing by the Local Planning Authority. The measures/ mechanisms shall thereafter be implemented in accordance with the approved details, implemented prior to the first use of the access from Stanley Place to Hollinshead Street car park by vehicular traffic and retained in perpetuity thereafter.</p> <p>Reason: there is existing residents parking along Stanley Place which restricts the width of the highway limiting the potential for 2 way vehicle movements. Limiting the access from Stanley Place to access only reduces vehicle movements along Stanley Place although appropriate mechanisms are required to ensure vehicles using the Hollinshead Street car park exit via Hollinshead Street.</p>
41	<p>Prior to the demolition of the Civic Offices full details of the relocation of the Council staff and services and future location of third party organisations currently provided within the offices shall be submitted to and agreed in writing by the Local Planning Authority. The relocation shall be provided within a central location within Chorley Town and all the staff and services shall be relocated prior to the demolition of the Civic Offices.</p> <p>Reason: the proposed development includes the demolition of offices which currently provide a valuable service to the residents of Chorley. Prior to the demolition full details of the relocation need to be secured to ensure that the services are continually available to the residents of the Borough.</p>
42	<p>Prior to the removal of the existing public toilets full details of alternative toilet facilities within Chorley Town Centre shall first be submitted to and approved in writing by the Local Planning Authority. The alternative facilities shall be provided in accordance with the approved details prior to the removal of the existing toilets.</p> <p>Reason: To ensure that alternative facilities are provided for visitors to the town centre prior to the removal of the existing facilities.</p>

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Scale 1:1250 @ A3

NOTES

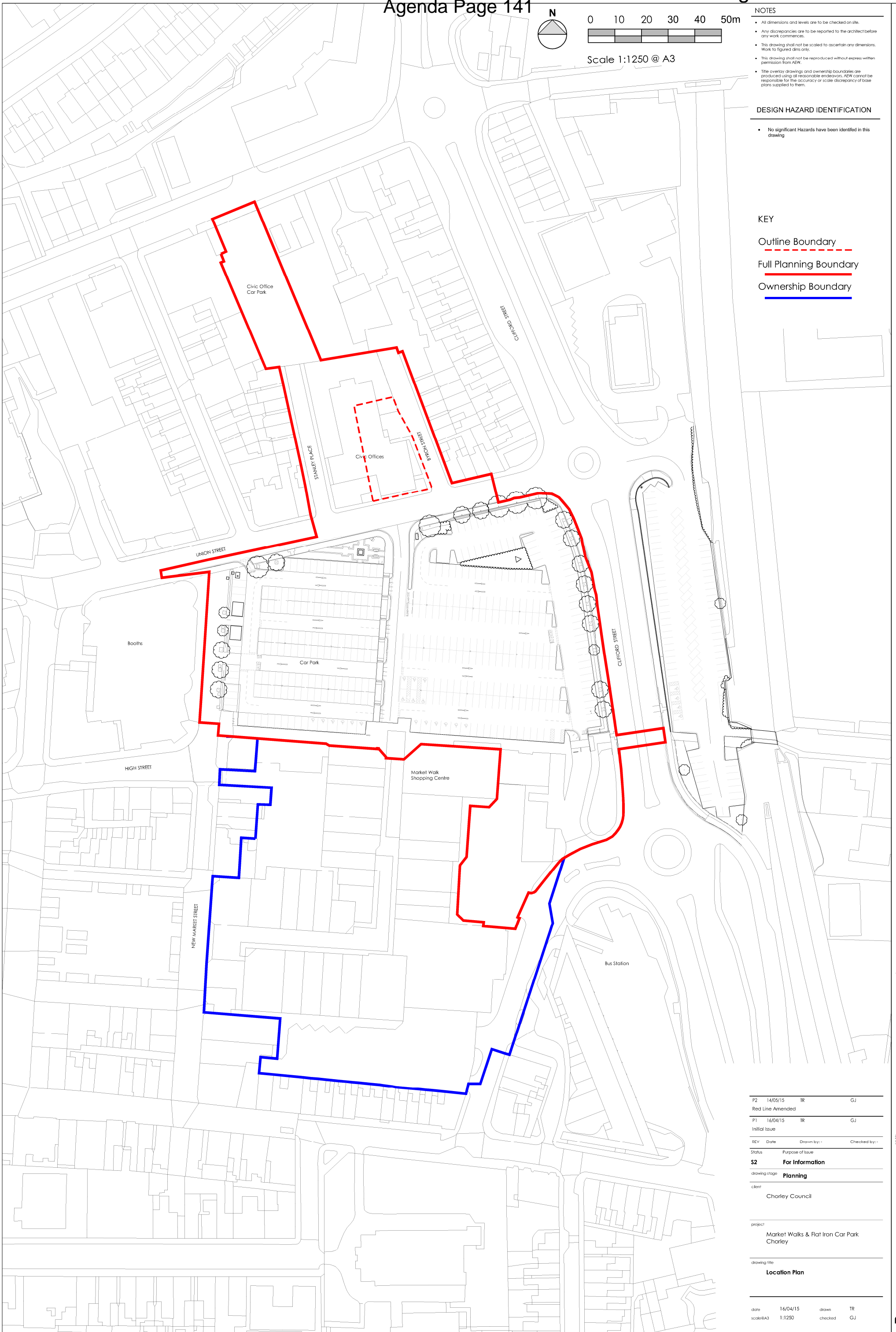
- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dims only.
- This drawing shall not be reproduced without express written permission from AEW.
- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.

DESIGN HAZARD IDENTIFICATION

- No significant Hazards have been identified in this drawing

KEY

- Outline Boundary (dashed red line)
- Full Planning Boundary (solid red line)
- Ownership Boundary (solid blue line)



P2	14/05/15	IR	GJ
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Red Line Amended

P1	16/04/15	IR	GJ
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Initial Issue

REV	Date	Drawn by:-	Checked by:-
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Status Purpose of Issue

S2 For Information

drawing stage Planning

client Chorley Council

project Market Walks & Flat Iron Car Park Chorley

drawing title Location Plan

date 16/04/15 drawn TR

scale@A3 1:1250 checked GJ



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16/00942/FULHH

**Case Officer** Thomas O’Kane

**Ward** Chorley South East

**Proposal** Erection of two storey side and part two storey part single storey rear extension

**Location** 16 St Hildas Close Chorley PR7 3NU

**Applicant** Mrs L Saunt

**Authorising Officer:** CT

**Consultation expiry:** 13th December 2016

**Decision due by:** 13<sup>th</sup> January 2016

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

**Executive Summary -**

The main issues to consider are whether the use of render on the side elevation is considered to have an unacceptable impact upon the streetscene and on the setting of St Gregory’s Church to the rear, which is Grade II Listed.

**Representations**

<b>Objection</b>
Total No. received: 5 (from 4 separate households)
<ul style="list-style-type: none"> <li>The concerns solely related to the rendering of the extension as opposed to the use of brick and the impact that would have on the streetscene and the impact of this render on the setting of a Grade II Listed Building.</li> </ul>

**Consultees**

**None**

**The Site**

1. The application property is located on a residential development in the settlement area of Chorley.
2. The property is semi-detached and faced with red brick, white UPVC windows and grey slate roof tiles.
3. The rear of the application site adjoins with the cemetery located in the grounds of the Grade II listed building St Gregory’s Roman Catholic Church. The rear boundary formed by an approximately 1.8m high fence and 2m hedge prevents views to and from the adjoining cemetery and Church. The boundary with the neighbouring property to the north is formed by an approximately 1.6m timber fence and the boundary to the neighbouring property to the south is formed by an approximately 1.8m high fence.

**The Proposal**

4. Planning permission is sought for the erection of a two storey side extension and part two part single storey rear extension. The two storey side extension would have a depth of approximately 7.8m and a ridge and eaves height of approximately 6.3m and 5.1m respectively. There would be a width of approximately 2.9m and it would project beyond the rear elevation of the original dwelling by approximately 2.57m. The rear extension would have a flat roof and would project by approximately 5.5m from the rear elevation of the original dwelling and would have an eaves height of approximately 3m. The extension would have a built with brick.
5. The application is a resubmission of a previous application which was permitted on 12<sup>th</sup> September 2016 (application ref: 16/00610/FULHH). There are two differences between the previous application and this one. The study is now a garage and the external walls to the front, side and rear (except for the south elevation facing No. 14) being entirely rendered in white.
6. Local residents have raised concerns regarding the impact of the render on the streetscene. It should be noted that the applicant has amended the scheme which now shows the street facing (front) elevation altered so that the external facing materials would be brick with the side and rear elevations remaining rendered.

## 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

Issue 4 – Other Matters

### 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 National Planning Policy Framework (The Framework) states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.*
10. The proposed extension would be a sympathetic and subservient addition to the original dwelling. The side extension would be setback from the principal elevation of the original dwelling by approximately 3m and the ridge height would be set down from the main ridge height. The amended facing materials on the front elevation (brick) would match those of the original dwelling and it is considered that this would complement the original dwelling.
11. The relationship between the application and No. 18 is considered acceptable as the potential for any terracing effect is mitigated by the proposed setback of approximately 3m from the principal elevation of the original dwelling and 1 metre setback from the common boundary.



12. The single storey element of the extension would be contained to the rear of the property and would have no unacceptable adverse impact on the streetscene.
13. The Grade II Listed Building (St Gregory's Church), would be located approximately 85m to the north-east of the proposed extension. Given the distance between the listed building and the proposal it is considered it will not have any impact on the setting of the Listed Building.
14. The front (street-facing) elevation has been amended to be faced in brick and it is considered this is acceptable in the street scene. Although the side and rear elevations remain rendered it is not considered, given the limited views of them in the street that the Council could sustain a refusal of the application on these grounds. The use of render on the side and rear elevations would not be highly visible when viewed in the context of the setting of the Grade II Church or the wider streetscene.
15. Therefore in regards to impact on character and appearance of the streetscene and setting of the Grade II Listed Building, the amendments to the scheme are considered acceptable.

#### Impact on neighbours

16. *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.*
17. *The Householder Design Guidance SPD 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. The guidance also states that windows to habitable rooms at first floor level, which overlook a neighbouring garden, should be a minimum of 10m from the boundary they face. There should be a distance of at least 12 metres between the windows of habitable rooms in neighbouring houses and any two storey blank gable to maintain amenity. There should also be a distance of 21 metres between any facing first floor windows.*
18. *The Householder Design Guidance SPD asserts that extensions should not result in unacceptable harm to the amenity of neighbouring occupiers. In addition it states that rear extensions should not project more than 3m beyond a 45 degree line drawn from the near edge of any ground floor rear facing window to a habitable room in a neighbouring house.*
19. *In addition it states that two storey rear extensions do not project more than a 45 degree line drawn from the near edge of any ground floor rear facing window to a habitable room in a neighbouring house. 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.*
20. There would be no unacceptable adverse effect on the amenity of the neighbouring occupiers to the north at 18 St Hilda's Close. The side extension would have 2 ground floor windows; however, these would serve non-habitable rooms in the form of a utility and shower room.
21. The rear extension would project by approximately 5.5m from the rear elevation of the original dwelling and would be approximately 17m from the rear boundary of the application property. To the south the neighbouring property 14 St Hilda's Close contains an existing rear extension and therefore the proposed extension would only project by approximately 3m from the rear elevation of this neighbouring property.
22. The single storey rear extension would not project more than 3m beyond a 45 degree line drawn from the near edge of any ground floor rear facing windows of neighbouring properties. In addition, the two storey rear extension would not project beyond a 45

degree line drawn from the near edge of any ground floor rear facing window of neighbouring properties. As such the relationship between the application property and neighbouring properties would be considered acceptable.

23. Therefore in regards to amenity, the proposals are acceptable.

Impact on parking Provision highway safety

24. *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.*

25. The proposed garage is not large enough to accommodate a car space. The resultant dwelling would not result in an increase in the number of bedrooms; however the applicant has agreed to increase the parking at the front of the property to accommodate two off-street spaces.

**Overall Conclusion**

26. 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**

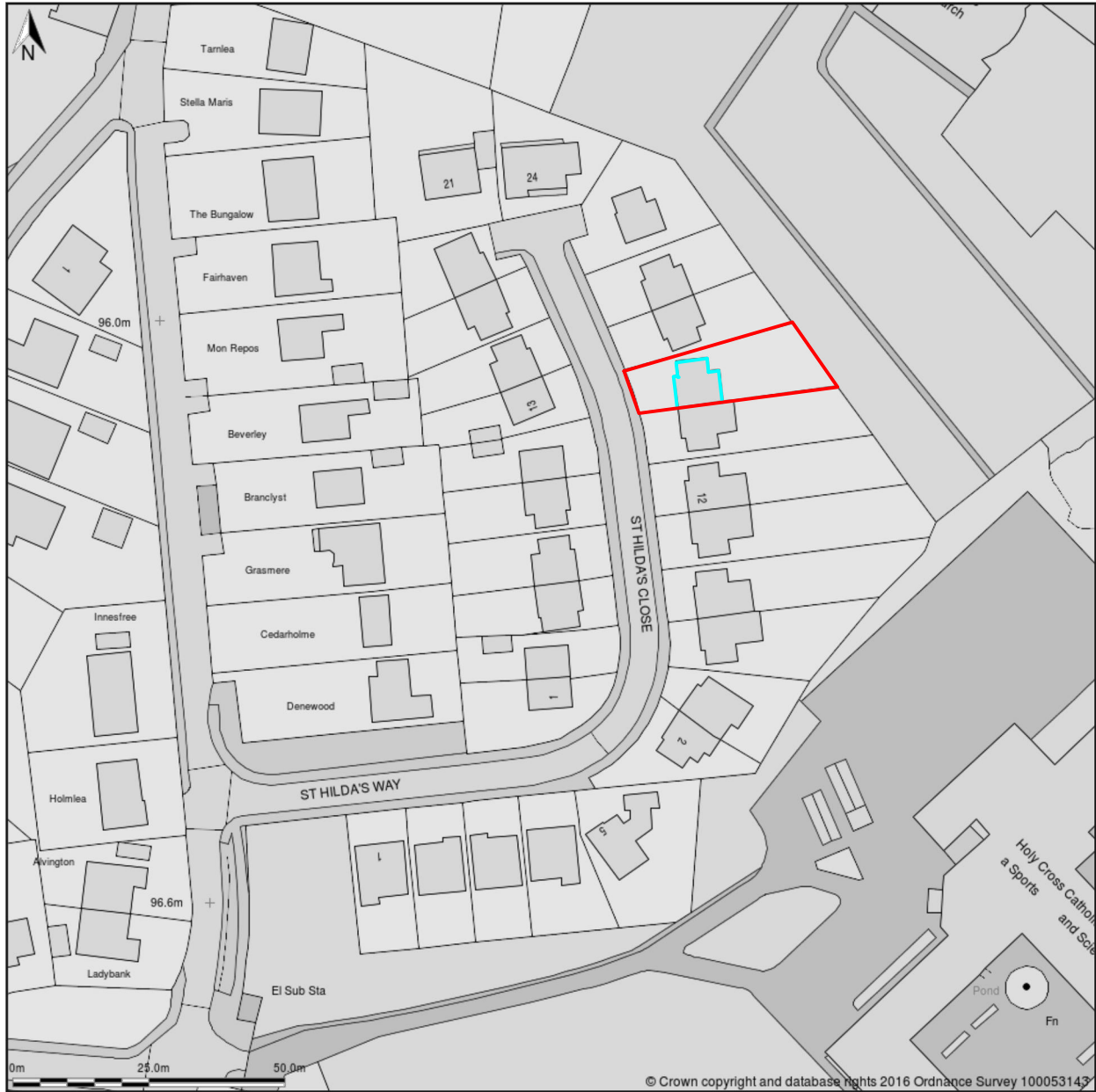
Reference	Description	Decision	Date
16/00610/FULHH	Erection of a two-storey side extension and rear single storey extension	PERFPP	12 <sup>th</sup> September 2016
16/00317/FULHH	Erection of two storey side extension and single storey rear extension	PERFPP	24 <sup>th</sup> June 2016

**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>External facing materials not detailed and referred to on the approved plans shall match in colour, form and texture to those on the approved plans.</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>3. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="316 689 1311 902"> <thead> <tr> <th data-bbox="316 689 687 721">Title</th> <th data-bbox="687 689 1050 721">Drawing Reference</th> <th data-bbox="1050 689 1311 721">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="316 752 687 784">Location Plan</td> <td data-bbox="687 752 1050 784">N/A</td> <td data-bbox="1050 752 1311 784">10/10/2016</td> </tr> <tr> <td data-bbox="316 790 687 857">Proposed Elevations and Floorplans</td> <td data-bbox="687 790 1050 822">SL/16/04E</td> <td data-bbox="1050 790 1311 822">23/12/2016</td> </tr> <tr> <td data-bbox="316 864 687 896">Proposed Drive plan</td> <td data-bbox="687 864 1050 896">N/A</td> <td data-bbox="1050 864 1311 896">10/10/2016</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Location Plan	N/A	10/10/2016	Proposed Elevations and Floorplans	SL/16/04E	23/12/2016	Proposed Drive plan	N/A	10/10/2016
Title	Drawing Reference	Received date											
Location Plan	N/A	10/10/2016											
Proposed Elevations and Floorplans	SL/16/04E	23/12/2016											
Proposed Drive plan	N/A	10/10/2016											
4.	<p>Prior to first occupation of the proposed extension, the proposed parking arrangements should be implemented in accordance with the approved 'Proposed drive plan' (received 10<sup>th</sup> October 2016). These parking arrangements shall be retained at all times thereafter.</p> <p><i>Reason: In interests of highway safety and reducing on street parking</i></p>												

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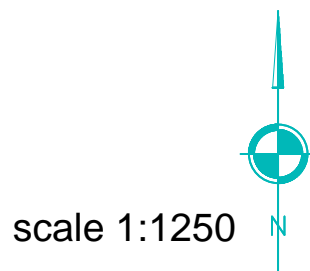
16 St Hildas Close, St. Hildas Close, Chorley, PR7 3NU



Site Plan shows area bounded by: 358214.05, 415784.31 358414.05, 415984.31 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	17 January 2016

#### EXECUTIVE SUMMARY OF REPORT

### **WEST PENNINE MOORS SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI), LANCASHIRE; GREATER MANCHESTER: NOTIFICATION UNDER SECTION 28C (ENLARGEMENT) OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 - IMPLICATIONS OF SSSI STATUS FOR CHORLEY.**

#### PURPOSE OF REPORT

1. To outline the implications of the SSSI status for the West Pennine Moors and Specifically Chorley.

#### RECOMMENDATION(S)

2. To endorse the SSSI status; and instruct officers to convey the Council's support to Natural England.

#### BACKGROUND

3. Natural England has reviewed the notification of White Coppice Flush SSSI and has enlarged the SSSI boundary to include more land of special interest, including all of the land previously notified as Oak Field SSSI and Longworth Clough SSSI. These changes were notified to owners, occupiers, the Local Planning Authority and the Secretary of State for Environment, Food and Rural Affairs today on 17 November 2016. The enlarged site is now known as the West Pennine Moors SSSI. The enlarged notification under Section 28C takes effect immediately.

Natural England notifies land as a SSSI when they consider its wildlife or geology to be of special interest. SSSIs include England's most valuable nature conservation sites and, as such, receive legal protection under the Wildlife and Countryside Act 1981. This protection is tailored to individual sites. Natural England has identified the West Pennine Moors SSSI as particularly important for its mosaic of upland and moorland fringe habitats and the range of wildlife they support.

#### 4. **The legal background**

The following legal papers are required by section 28C the Wildlife and Countryside Act 1981:

- a citation detailing the reasons for notification under section 28C (*Annex 1*);
- a statement of Natural England's views on the management of the SSSI (*Annex 2*);
- a list of operations requiring Natural England's consent (*Annex 3*); and
- maps identifying the land subject to this notification under section 28C (*Annex 4*). *A paper copy of the maps are available in the members room.*

Full details are available from the links below:-

The SSSI notification document containing the legal papers (a Citation, a Views about Management Statement, a list of operations requiring Natural England consent and a boundary map), is available from Natural England’s website at <http://www.sssi.naturalengland.org.uk/Special/sssi/notification.asp> or alternatively visit the following website and search for ‘West Pennine Moors’: [https://consult.defra.gov.uk/consultation\\_finder/](https://consult.defra.gov.uk/consultation_finder/).

This notification has several effects. The key ones can be summarised as follows:

- owners and occupiers must give Natural England notice before carrying out, causing or permitting to be carried out any of the activities in the list of operations at Annex 3;
- owners of land included in the SSSI have a legal obligation to notify Natural England within 28 days if the ownership or occupancy of the land changes;
- it is an offence for any person intentionally or recklessly to destroy or damage the special features of the SSSI or to disturb any of the fauna; and
- other public bodies must consult Natural England before carrying out or authorising any works that may damage the SSSI.

**5. Making representations**

You have a legal right to make objections and representations about this notification. Any representations, including those supporting the notification, or objections should be made in writing to Natural England’s Cheshire, Greater Manchester, Merseyside & Lancashire Area Team by **17 March 2017**.

West Pennine Moors SSSI Team  
 Natural England  
 Second floor, Arndale House  
 The Arndale Centre  
 Manchester  
 M4 3AQ  
 Telephone: 0300 060 0050  
 Email: westpenninemoors@naturalengland.org.uk

Natural England’s Cheshire, Greater Manchester, Merseyside & Lancashire Area Team will consider your objections or representations and will try to resolve them. If there are no unresolved objections, approval to confirm the notification will be considered by an appropriate Natural England Director within nine months of this notification.

Any unresolved objections or representations will be considered by the Board of Natural England within nine months of this notification. If there are unresolved objections, confirmation of this notification is likely to be considered at the Board meeting provisionally scheduled for July 2017. Please note the desirability of the notification (for instance, for socio-economic reasons) will not form part of the Board’s decision. Following consideration of objections and representations, the Board of Natural England may confirm or withdraw all or part of this notification. In reaching its decision the Board will consider whether, in light of the objections and representations received, Natural England remains of the opinion that the site is of special scientific interest. If you wish to emphasise any of your objections or representations to the Board in person, you should tell us when you write to us. You will then be advised of the date and location of the Board meeting.

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

6. This report relates to the following Strategic Objectives:

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



## BACKGROUND

7. In Chorley the only land covered by the SSSI in the ownership of the Council is Rivington Pike. This is open access land which is largely unmanaged and the SSSI status is unlikely to make any change on a day to day basis. We do occasionally get asked permission for access over/use of CBC land and have granted licences where appropriate – Chorley Council will now have to seek Natural England's consent in accordance with the guidance provided. This may lead to a slight delay in the process and we will have to oblige the Licensees to have regard for the SSSI.

### 8. Planning Policy

Within the Local Plan part of the West Pennine Moor is known as an Area of Open Countryside, this area tends to be the most rural, while other parts of the West Pennine Moors are contained within the Green Belt. It is important all these areas are protected from unacceptable development which would harm its open and rural character.

The Local Plan has Policy BNE 2 – Development in the Area of Other Open Countryside –

**In the Area of Open Countryside, as shown on the Policies Map, development will be permitted provided the applicant can demonstrate that:**

- a) **It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area;**
- b) **It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside.**

The National Planning Policy Framework covers Green Belt policy.

All sites with international, national and local environmental designations are recognised by the Central Lancashire Core Strategy (adopted 2012) and are afforded a level of protection from any adverse impacts of development through Core Strategy Policy 22: Biodiversity and Geodiversity.

Chorley has an extensive network of sites important for biodiversity. These include Sites of Special Scientific Interest (SSSI) which are statutory sites of national conservation value. The Local Plan records there are presently two SSSIs in Chorley Borough, at White Coppice and Charnock Richard. The locations of these sites are shown on the Local Plan Policies Map: Chorley Borough Map 1 and any associated Inset Map. The introduction of an enlargement of the boundary of White Coppice Flush SSSI will require an amendment to the Local plan Policies Map 1 and any associated Inset Map when it is reviewed.

The amended boundary of the SSSI will need to be put on our GIS mapping system – My Map for internal and external use. Therefore we will require a GIS shape file of the SSSI designation.

The Council also protects SSSI sites through Local plan Policy BNE9 Biodiversity and Nature Conservation:

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological

- heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
  - iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;
  - iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;
- d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

- Loss of the undeveloped open character of a part, parts or all of the ecological network;
- Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
- Restricting the potential for lateral movement of wildlife;
- Causing the degradation of the ecological functions of the ecological network or any part of it;
- Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
- Impeding links to ecological networks recognised by neighbouring planning authorities.
- Significant adverse effect on the interest features of a designated nature conservation site.

The Central Lancashire authorities have also prepared the Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document (2015) which provides additional guidance to the above policy.

This explains the Council's approach towards conserving, protecting and enhancing biodiversity. It provides guidance for applicants in terms of understanding the relevant policies and what is required as part of the planning application process in order to protect, conserve and enhance biodiversity. It also provides information on how to consider planning applications having an impact on ecological networks, which are links between sites of biodiversity importance. In Lancashire they have been mapped by Lancashire County Council and the Wildlife Trust for Lancashire, Manchester and North Merseyside (LWT) on behalf of the Lancashire Local Nature Partnership who has produced associated Grassland and Woodland Ecological Network Maps, and the Lancashire Ecological Network Approach and Analysis.

9. The West Penning Moors Area Management Committee welcome and support the SSSI status. The committee have long been working together to protect and enhance the West Pennine Moors and this extra protection and status of the land will hopefully open up funding opportunities to help to deliver projects in the West Pennine Moors Management Plan.

**IMPLICATIONS OF REPORT**

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

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

**COMMENTS OF THE STATUTORY FINANCE OFFICER**

11. This report has no financial implications

**COMMENTS OF THE MONITORING OFFICER**

12. The right to make positive or negative representations concerning the notification from Natural England is addressed in the body of the report.

ASIM KHAN  
DIRECTOR OF CUSTOMER AND DIGITAL

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
<a href="http://www.sssi.naturalengland.org.uk/Special/sssi/notification.asp">http://www.sssi.naturalengland.org.uk/Special/sssi/notification.asp</a> <a href="https://consult.defra.gov.uk/consultation_finder/">https://consult.defra.gov.uk/consultation_finder/</a>	20/12/2016	***	web

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Lindsey Blackstock	5218	20/12/2016	***

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Report of	Meeting	Date
Director (Customer & Digital)	Development Control Committee	17 January 2017

## **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 25 NOVEMBER 2016 AND 6 JANUARY 2017**

### **PLANNING APPEALS LODGED**

None

### **APPEAL DECISIONS**

None

### **PLANNING APPEALS WITHDRAWN**

None

### **ENFORCEMENT APPEALS LODGED**

None

### **ENFORCEMENT APPEAL DECISIONS**

None

### **ENFORCEMENT APPEALS WITHDRAWN**

None

ASIM KHAN  
DIRECTOR (CUSTOMER & DIGITAL)

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	9 January 2017	***

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