

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 7TH FEBRUARY 2017, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

**1 MINUTES OF MEETING TUESDAY, 17 JANUARY 2017 OF
DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 6)

2 DECLARATIONS OF ANY INTERESTS

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

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

3 PLANNING APPLICATIONS TO BE DETERMINED

The Director (Customer and Digital) has submitted twelve 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 16/01062/FUL - 120 CHAPEL LANE, COPPULL, CHORLEY,
PR7 4PN**

(Pages 7 - 14)

**B 16/00953/OUT - THE MOOR INN, 26 MOOR ROAD, CHORLEY,
PR7 2LN**

(Pages 15 -
24)

C 16/01136/FUL - LAND AT THE ELMS, CLAYTON-LE-WOODS

(Pages 25 -
32)

**D 16/01097/FUL - SPRING COTTAGE, RIVINGTON LANE,
RIVINGTON, BOLTON, BL6 7SB**

(Pages 33 -
42)

E 16/01126/REM - BOLTON ROAD, ADLINGTON

(Pages 43 -
52)

- | | |
|---|--|
| F | 16/00926/FULMAJ - BRINSCALL MILL ROAD, WHEELTON
(TO FOLLOW) |
| G | 16/00884/FUL - LAND NORTH OF 73 DAISY MEADOW,
BAMBER BRIDGE (TO FOLLOW) |
| H | 16/00885/FUL - LAND OF NORTH WEST OF 65 HOMESTEAD,
BAMBER BRIDGE (TO FOLLOW) |
| I | 16/00886/FUL - LAND SOUTH WEST OF 7 THREE NOOKS,
BAMBER BRIDGE (TO FOLLOW) |
| J | 16/01118/S106A - LAND 80M NORTH OF SWANSEY LANE
AND BOUNDED BY THE ELMS, SWANSEY LANE, WHITTLE-
LE-WOODS |
| K | 16/00697/FULMAJ - WITHNELL HALL, FORMERLY LAKE
VIEW NURSING HOME, CHORLEY ROAD, WITHNELL,
CHORLEY, PR6 8BG (TO FOLLOW) |
| L | 16/00633/OUTMAJ - GLEADHILL HOUSE STUD, GLEADHILL
HOUSE, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EA
(TO FOLLOW) |

(Pages 53 -
56)

4 **APPEALS AND OTHER DECISIONS**

Report of Director (Customer and Digital) to follow.

5 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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

To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE **Tuesday, 17 January 2017**

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

RESERVES: Councillor Jean Cronshaw

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

APOLOGIES: Councillor Charlie Bromilow

17.DC.237 Minutes of meeting Tuesday, 6 December 2016 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 6 December 2016 be approved as a correct record for signature by the Chair.

17.DC.238 Declarations of Any Interests

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

17.DC.239 Planning applications to be determined

The Director of Customer and Digital submitted thirteen 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 16/00714/OUT - Land to the Rear of 56 School Lane, Withnell Fold Old Road, Brinscall

Cllr Caunce arrived after the Planning Services Manager presented his report.

Registered speakers: Councillor Margaret France (ward councillor) and Chris Betteridge (agent)

RESOLVED (10:4:0) – That outline planning permission be approved, subject to conditions in the report.

Members authorised officers to contact Lancashire County Council to request that they consider ways of making the junction safer.

Councillor Toon proposed that the application be refused on highway safety grounds. The motion was seconded by Councillor Whittaker. A vote was taken and the motion was lost (4:10:0)

b 16/00890/FUL - Pipers Private Nursery, 11 Southport Road, Chorley, PR7 1LB

Registered speaker: Lorraine Stones (applicant)

RESOLVED (11:3:0) – That full retrospective planning permission be approved, subject to conditions in the report.

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

Registered speaker: Lorraine Stones (applicant)

RESOLVED (9:5:0) – That full planning permission be approved, subject to conditions in the report and a further construction hours plan condition; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

Councillor Beaver proposed that the application be refused. The motion was seconded by Councillor Whittaker. A vote was taken and the motion was lost (6:8:0).

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

Registered speaker: Lorraine Stones (applicant)

RESOLVED (unanimously) – That full planning permission be refused, for the reasons in the report and addendum as set out below with the second reason for refusal expanded to include the impact on the amenity of neighbouring properties; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

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 as 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.

It is considered that the proposed increase in pupil numbers from 55 to 70 would result in an increase in demand for parking on Shaftesbury Place thereby exacerbating existing poor traffic conditions. It is considered that in highway safety terms, the cumulative impacts of development would be severe; contrary to the National Planning Policy Framework that safe and suitable access to the site should be achieved for all people.

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

Councillor Paul Walmsley left and had no further involvement in the meeting.

Registered speaker: Kevin Lynch (applicant)

RESOLVED (12:0:1) – That the Change of Use planning application be approved, subject to conditions in the report in addition to an amendment to the wording of the condition to provide a limit on the number of trailers and diggers; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

16/01001/FUL - Land 60m North to the Rear of 34 - 42 and Including 42 Chorley Lane, Charnock Richard

RESOLVED (12:1:0) – That full planning permission be approved, subject to conditions in the report and a supplemental Section 106 agreement.

16/01127/REM - Bolton Road, Adlington

RESOLVED (11:0:2) – That the reserved matters application be approved, subject to conditions in the addendum.

16/01140/P3PAJ - Sumner House, 29 - 33 St Thomas's Road, Chorley, PR7 1HP

Registered speaker: Andrew Titterton (agent)

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

16/00999/REMAJ - Group 1, Euxton Lane, Euxton

RESOLVED (12:1:0) – That the reserved matters application be approved, subject to conditions in the report as amended in the addendum.

j 15/01230/FUL - Euxton Mill, Dawbers Lane, Euxton, Chorley

Registered speaker: Chris Weetman

RESOLVED (12:0:1) – That planning permission be approved, subject to conditions in the addendum and a Section 106 agreement.

k 16/01014/CB3 - Apex Business Centre, 1 Arley Street, Chorley

RESOVLED (unanimously) – That planning permission be approved, subject to conditions in the report and an additional timing of lighting condition to be agreed with the applicant; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

l 16/01033/CB3MAJ - Market Walk Extension, Union Street, Chorley

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

m 16/00942/FULHH - 16 St Hilda's Close, Chorley, PR7 3NU

RESOLVED (11:2:0) – That full planning permission be approved, subject to conditions.

17.DC.240 West Pennine Moors Site of Special Scientific Interest (SSSI), Lancashire; Greater Manchester: Notification Under Section 28c (Enlargement) of the Wildlife and Countryside Act 1981 -

RESOLVED (unanimously) – That the SSSI Status be endorsed and the Committee's support be conveyed to Natural England.

17.DC.241 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 25 November 2016 and 6 January 2017.

No appeals or decisions had been received during this time.

The report was noted.

Chair

Date

APPLICATION REPORT – 16/01062/FUL

Validation Date: 14 November 2016

Ward: Coppull

Type of Application: Full Planning

Proposal: Change of use from residential dwellinghouse to supported housing scheme

Location: 120 Chapel Lane Coppull Chorley PR7 4PN

Case Officer: Mr Iain Crossland

Applicant: Mr Mike Scott

Agent: Ms Rosie Dinnen

Consultation expiry: 26 December 2016

Decision due by: 10 February 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is an existing dwellinghouse located on the corner of Chapel Lane and Lancaster Street in the core settlement area of Coppull. The property itself is a detached red brick building of traditional design style. There are gardens and driveway parking within the curtilage of the building and a double garage to the rear.
3. The character of the area is predominantly residential. There is a primary school to the north west of the site, although the application site does not bound the school grounds.
4. The application site was previously made up of two separate units, one of which incorporated a Post Office. The units were combined and use changed to a dwellinghouse with offices through application 08/01178/COU. The building has since become a dwellinghouse in its entirety.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The proposed development is for the change of use from a dwellinghouse (Class C3) to a supported housing scheme (Class C2). There would be no external alterations to the building.

APPLICANT'S CASE

6. The Planning Statement submitted in support of the application confirms that the Richmond Fellowship is a specialist provider of mental health services that are directed towards reducing hospital admissions for people with mental health needs. Richmond Fellowship has a number of supported housing schemes around England. They are actively working with Lancashire County Council and Lancashire Care Foundation Trust.
7. It is proposed that the use would be for accommodation to be provided for up to six service users with mental health needs that require short term respite accommodation, and who would be referred by the Crisis Resolution Home Treatment Service. The Statement outlines that the model for the proposals would be based upon the desire to create community spirit and encourage independent living and social skills in a safe environment. Those in need of support would therefore have their own private room with en-suite facility but access to a shared kitchen and other living spaces. The applicants are clear that individuals with acute mental health issues will not be accommodated at the site.
8. It is suggested that the typical length of stay for a service user would be seven days but this occasionally extends to ten days depending on the requirements of each person referred to the Fellowship. Staff would be present 24-hours-a-day (accommodated in an office or separate bedroom) and service users would arrive and depart between the hours of 8am and 10pm via assistance from close relatives or members of staff, as such it is suggested that there would be neither be late admittance nor significant vehicular movements associated with the use. The Care Quality Commission monitors, inspects and regulate these services to make sure they meet fundamental standards of quality and safety and publishes the findings of these inspections.

REPRESENTATIONS

9. 34 representations from 30 addresses have been received objecting to the proposed development. These relate to the following issues, which have been summarised:
 - Impact on community safety through crime and anti-social behaviour;
 - Impact on safety of school children through crime and anti-social behaviour;
 - Highway safety and car parking;
 - Impact on amenity of neighbouring occupiers through noise and disturbance;
 - Loss of privacy for neighbouring occupiers;
 - Impact on property values;
 - Lack of consultation / notification;
 - Misleading description;
 - The Council has received financial incentives to permit the development.

10.3 representations have been received in support of the proposed development.

CONSULTATIONS

11.Regulatory Services - Environmental Health – No comments received

12.Waste & Contaminated Land – No comments to make

13.Lancashire Highway Services – No comments received

14.Coppull Parish Council – further information circulated to Parish Councillors / local residents and placed in the notice boards – no objections previously sent, subject to consideration being given to the concerns of residents in regard to the change of use as a mental health unit, parking, etc.

PLANNING CONSIDERATIONS

Principle of the Development

15. The National Planning Policy Framework (The Framework) sets out the three dimensions of sustainable development having an economic, social and environmental role. Paragraph 14 further identifies the presumption in favour of sustainable development. For plan making, that means that the needs of the population are taken into account and for decision taking, where the Local Plan is absent or out of date that any adverse impacts should significantly outweigh the benefits for permission to be refused.
16. Paragraph 17 of the Framework sets out 12 'Core Planning Principles' that should underpin plan-making and decision-taking. One of these principles establishes that planning should: *"take account of and support local strategic to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs."*
17. Policy 23 of the Central Lancashire Core Strategy is supportive of schemes that help to reduce health inequalities, and in particular health care infrastructure to improve mental health care access and facilities.
18. Policy 10 of the Central Lancashire Core Strategy seeks to protect existing employment premises and sites. The property is currently being used as a residential dwelling. However, it is noted that in 2009 planning permission was granted to change the use of the ground floor of the former post office to office use. The office was used by the owner of the remainder of the property who operated an engineering company from the premises. The business ceased trading from the property five years ago when the owner retired. As more than four years have passed since the office was operational and the room has been used for domestic purposes since, its lawful use is now residential.
19. Nevertheless, in this instance the loss of the employment use at the site is of very limited impact as the office space only comprises 59 square metres. The loss of this employment land is especially minor in light of the Council's existing and proposed employment land allocations. In Coppull, the designated employment sites include Coppull Enterprise Centre, Chapel Lane Industrial Estate and Blainscough works which provide purpose built employment accommodation. There are also other sites and opportunities that could support the type of small scale use provided at this site.
20. There is an identified need for the proposed use that is supported by the Core Strategy itself, and the character of the area is largely residential therefore the proposed use would be no less suitable than an employment use at the site. The impact on amenity would be similar. The proposal would not therefore be contrary to Policy 10 in any case.
21. The application site is located in the core settlement area of Chorley. The Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
22. Policy BNE1 of the Chorley Local Plan 2012 – 2026 established the design criteria for new development. In relation to this particular proposal, the scheme must demonstrate how the proposed change of use of the building would not prejudice highway safety, and the highways impacts of the proposal would not be severe. New development must also comply with policy ST4 in relation to the Councils adopted Parking Standards policy. New development must not cause an unacceptable degree of noise disturbance to surrounding land uses.

Fear of crime

23. The proposed change of use has aroused a significant level of local opposition, relative to the scale of development under consideration. Many objectors have expressed their fear that crime and anti-social behaviour in the area would increase, with a particular concern in relation to the proximity of the local school, and the vulnerability of local children. It has been

established in the court of appeal (West Midlands Probation Committee v SoSE and Walsall MBC [1998]) that fear of crime is a material planning consideration. However, a more recent case (Smith v FSS and Mid Bedfordshire DC [2005]) has made it clear that, if fear of crime is to be a material consideration, there will need to be some reasonable evidential basis for that fear.

24. It is clear that the fears of those who have objected to the proposal are very real, however, they are nevertheless unsupported by evidence. The letters of objection and correspondence that has been received present found no specific or directly comparable evidence to weigh against the need for the facility. Any incidents that have been referred to do not relate to short term respite accommodation for people with non-acute mental health issues, and are not relevant in this instance. Therefore although fear of crime can be a material consideration, in this case it is not considered that there is sufficient evidence for that fear and therefore would not be a legitimate basis on which to withhold planning permission.
25. It must also be considered that the planning system, while seeking to deliver a safe and accessible environment for people to live, should also address the needs of all those living in society, including those unfortunate enough to experience mental illness. Overall, it is considered that the effect on the perception of fear and disorder and antisocial behaviour on the living conditions of residents does not outweigh the need for the facility.

Impact on neighbour amenity

26. The application building itself is located approximately 8m from a dwelling at 116 Chapel Lane to the north east, 20m from a dwelling at 122 Chapel Lane to the south west, 26m from 75 Lancaster Street to the north west and 26m from 115 Chapel Lane to the south east.
27. The application building is detached and is currently in use as a dwellinghouse. As such any impact on privacy as a result of the proposed use would be no greater than the impact already presented by the existing use of the building as no new habitable room windows would be created.
28. A number of concerns have been raised in relation to the impact on neighbouring residential amenity through noise and disturbance. Care and nursing homes, which are in the same use class as the proposed scheme, are consistently viewed as an acceptable part of predominantly residential areas. The service users themselves would be seeking convalescence in peaceful and orderly environment, which would be in harmony with the residential setting.
29. Further to this, the applicant's Planning Statement also outlines the nature of the proposals, which are to accommodate up to six individuals for short term respite care, typically for 7 to 10 days. The building would also accommodate a staff office and bedroom at ground floor and the premises would be staffed 24 hours a day.
30. The service model of the Richmond Fellowship means that residents can only be accommodated at the premises if they are referred by the Crisis Resolution Home Treatment Service, and if they meet the entry requirements. This means that the premises could not be accessed directly by the general public and that all residents will have effectively been through a screening process before they are able to access the premises. In addition service users would only be admitted to the premises between 8am and 10pm.
31. As such it is considered that the use of the facility will be closely managed and that the level of disturbance to nearby residents through arrivals and departures from the site will be limited, and would not take place during the more sensitive times of the day. It is therefore considered that the levels of noise and disturbance generated by the use of the building itself and as a result of arrivals and departures would be relatively low level and would not be harmful to the amenity of neighbouring occupiers.

Impact on character and appearance of the locality

32. The proposed development would not include any external physical alterations to the building and the use itself would be compatible with residential dwellinghouses as the nature of the proposed use is such that it would operate in a discreet and inconspicuous manner. It would not therefore have any discernible impact on the character of the area.

Impact on highways/access

33. The proposed use of the building for supported housing would result in a requirement for two car parking spaces on the site in line with the adopted parking standards set out in Appendix A of the Local Plan 2012 – 2026. The site plan demonstrates that there is currently space for at least five cars on the drive and paved area to the rear. There is also a double garage. This would meet with the parking requirements set out in the Local Plan.
34. Moreover, the model operated by the Richmond Fellowship is such that it is unlikely service users would use their own vehicles or parking within the site / immediate area, as they would only arrive by virtue of agreed referrals and are normally dropped off by friends/family or arranged transport. The level of traffic generated by the proposal would be fairly modest and it is not considered that there would be an impact on highway safety severe enough, in terms of that required by Paragraph 32 of the Framework, to warrant the refusal of the application.

Other matters

35. The following responses are made to issues raised during the planning process:
36. Impact on community safety through crime and anti-social behaviour: Each patient would have an assessment to identify their personal needs, determine treatability and assess risk. There is no evidence to suggest that the service users present any greater risk to community safety through crime and anti-social behaviour than any other member of the community. Indeed the individuals that will receive support at the facility are already members of the community.
37. Impact on safety of school children through crime and anti-social behaviour: It is considered unlikely that any of the service users would gain access to the school. Children within a school are intensively and constantly supervised by trained adults and any strangers within the grounds would be quickly noticed and the police would be called.
38. Impact on property values: There is no evidence to suggest that the proposed use would impact on the value of property in the area. This is not a material planning consideration in any event.
39. Lack of consultation / notification: Officers are satisfied that consultation was carried out in line with the national requirements regarding planning applications. Moreover, the residents situated adjacent to the site and on the opposite side of the road were notified as part of the application and these are the closest neighbours. A letter was also sent to Coppull Parish Church School. A site notice was posted on a lamp post opposite the site on Chapel Lane.
40. Misleading description: The description reflects that which was provided by the applicant on the application form, and is understood by the Council to represent a use falling within the C2 use class, which includes residential care homes, nursing homes, and boarding schools. Further information has been provided by the applicant in the form of a planning statement, which provides further detail on the proposal and is freely available to view on the planning file of the Council's website.
41. The Council has received financial incentives to permit the development: The Council has not received any financial incentives that would influence or compromise its objectivity or independent position in the decision making process.

CONCLUSION

42. The proposed development would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would have no impact on the appearance of the site and character of the area. In addition there is adequate parking given the sustainability of the location. On the basis of the above assessment it is considered that the proposal complies with the development plan as a whole and therefore 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: 01/00510/FUL Decision: PERFPP Decision Date: 30 July 2001
Description: Erection of conservatory to rear.

Ref: 08/01178/COU Decision: PERFPP Decision Date: 11 February 2009
Description: Application for change of use of building from post office with office above, to office at ground floor & part domestic use at first floor (domestic use to be incorporated into no. 120). Erection of external covered staircase to link offices, removal of shopfront, external alterations enclosure of forecourt & landscaping.

Ref: 89/00754/COU Decision: REFFPP Decision Date: 17 October 1989
Description: Change of use of dwelling to offices

Ref: 87/00489/FUL Decision: PERFPP Decision Date: 4 August 1987
Description: Change of use of part of first floor from dwelling to office including new external staircase

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 following approved plans:

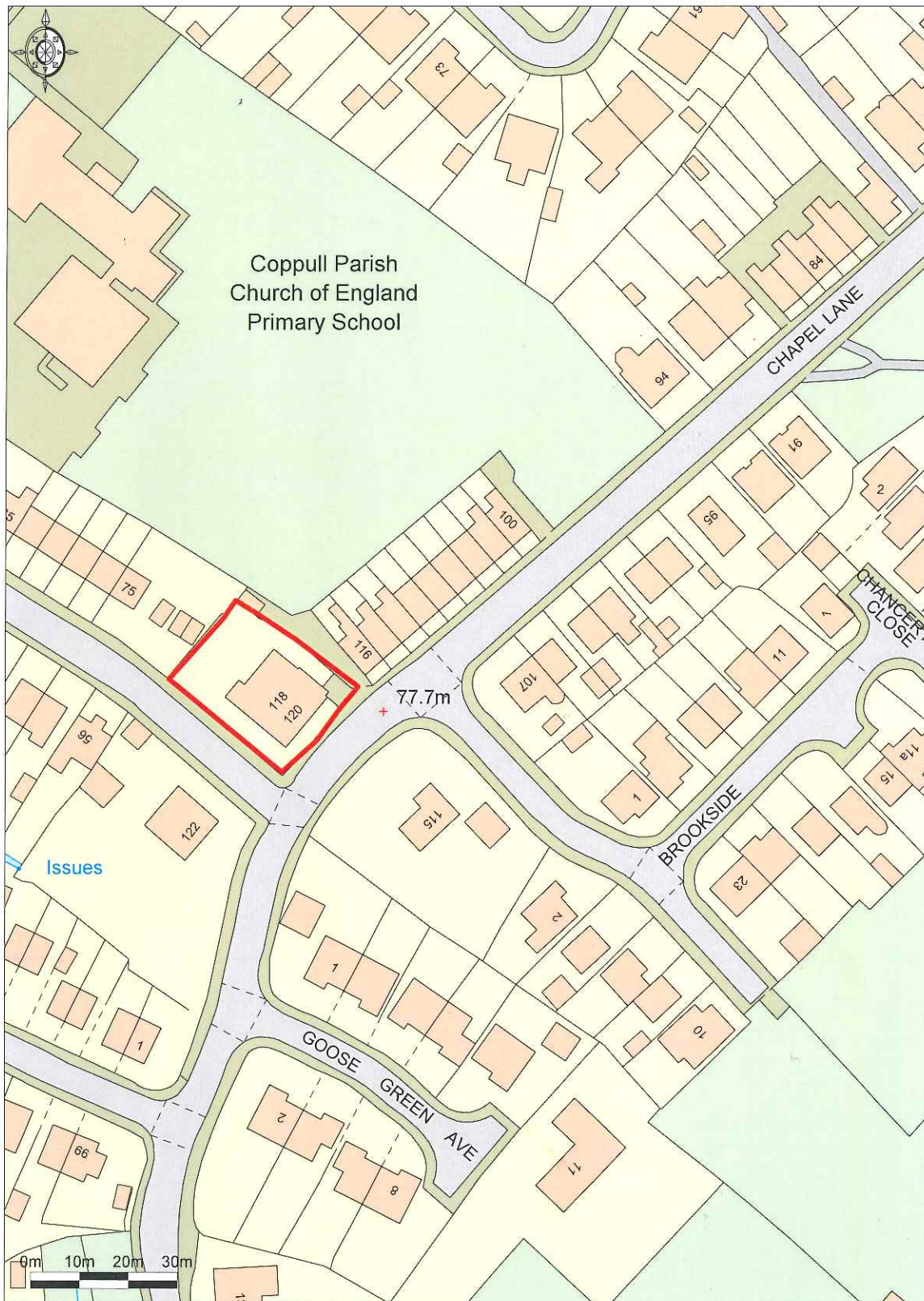
Title	Drawing Reference	Received date
Location plan		14 November 2016
Proposed site plan	3529-05	22 December 2016
Proposed floor plans	3529-SK02	14 November 2016

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

3. The number of individuals receiving care at the premises in connection with the use hereby permitted shall be limited to a maximum of 6 no. people at any one time.

Reason: In the interests of protecting the amenity of nearby residential occupiers through noise and disturbance.

120 Chapel Lane, Coppull



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APPLICATION REPORT – 16/00953/OUT

Validation Date: 7 November 2016

Ward: Chorley South West

Type of Application: Outline Planning

Proposal: Outline application for the demolition of The Moor Inn and erection of 2 no. buildings comprising 8 no. apartments (all matters reserved)

Location: The Moor Inn 26 Moor Road Chorley PR7 2LN

Case Officer: Mr Iain Crossland

Applicant: Mr Nick Burton

Agent: N/A

Consultation expiry: 2 December 2016

Decision due by: 10 February 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a disused public house located on Moor Road in the core settlement area of Chorley. The building itself is a detached building of traditional character that currently appears somewhat dilapidated. The building is faced in painted render, natural stone, with red brick to the rear and the roof is laid in slate. There is a vehicular access to the site from Moor Road, previously used for deliveries, and a yard area to the rear previously used as a beer garden and smoking area. The site is bound by residential property to the north side, commercial property to the south side and a garage colony to the rear. The site is roughly triangular in shape and extends to approximately 0.03 hectares. The topography of the site is flat. The site is in an area of mixed character with residential and commercial uses in the locality of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Outline planning permission is sought for erection of 2no. buildings comprising 8no. apartments with all matters reserved following the demolition of the existing building.

REPRESENTATIONS

4. No representations have been received.

CONSULTATIONS

5. **Waste & Contaminated Land:** No comments to make.

6. **Lancashire Highway Services:** No highway objections to the proposal in principle, however, comment that in its current form, the proposal would be unacceptable without adequate off-street parking provision being made, therefore based on inadequate parking provision, it is recommended that approval of the application be resisted.
7. **United Utilities:** No objection subject to appropriate conditions being attached

PLANNING CONSIDERATIONS

Principle of development

8. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
9. The application site is located in the core settlement area of Chorley. The Core Strategy Policy 1 is concerned with locating growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
10. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
11. The application site is a disused public house. The Framework, section 28, provides support for pubs that are important for tourism or necessary as village facilities. This facility is not within a village but a neighbourhood of Chorley. The Moor Inn is not within the boundary of the nearby Local Centre protected by Local Plan Policy EP7.
12. The Framework, section 70, stipulates that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
Guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs;
Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
13. Core Strategy Policy 25 (Community Facilities) seeks to ensure that local communities have sufficient community facilities provision by (c) resisting the loss of existing facilities by requiring evidence that they are no longer viable or relevant to local needs.
14. Policy HW6 of the Chorley Local Plan 2012 - 2026 reflects this and specifically seeks to protect public houses from redevelopment. This policy states that the loss of a public house will be permitted where it can be demonstrated that:
 - a) The facility no longer serves the local needs of the community in which it is located;
 - b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
 - c) The use is no longer financially viable; and
 - d) The facility is in an isolated location remote from public transport routes; or
 - e) There is an amenity or environmental reason why the facility is no longer acceptable.
15. The loss of the pub is assessed below.
16. *a) The facility no longer serves the local needs of the community in which it is located;*
No comments have been received in relation to the planning application and the Council has not been made aware of any attempts to register The Moor Inn as a community asset.
17. *b) Adequate alternative provision has been made, or is already available, in the settlement or local area*

There are public houses located on Pall Mall and Moor Road and further away in Chorley town centre. These would realistically cater for any latent demand as a result of the loss of The Moor Inn facility.

18. *c) The use is no longer financially viable*

The Moor Inn has been closed for some time, was available to let, but was eventually sold at auction. Given the number of public houses in close proximity and wider trends in relation to public houses it is considered likely that the operation of a public house on the site is no longer financially viable.

19. *d) The facility is in an isolated location remote from public transport routes*

The facility is not in an isolated location and is easily accessible.

20. *e) There is an amenity or environmental reason why the facility is no longer acceptable.*

The site is no longer maintained and is clearly suffering a sense of abandonment, which detracts from the amenity of the local area. Based on the re-establishment of a public house facility on site appearing unlikely and the declining visual amenity of the site it is considered that there are amenity reasons for the existing facility no longer being acceptable.

21. On the basis of the factors assessed above it is considered that the loss of the public house as a community facility should be accepted in this instance.

Impact on character and appearance of the locality

22. The proposed development involves the provision of eight apartments contained within two separate buildings on land following the demolition of The Moor Inn public house. The indicative layout plan suggests that the apartment blocks would be arranged and positioned with the main block in the position of the existing public house building facing Moor Road. Such an arrangement in which the proposed dwellings face onto Moor Road would have a positive impact in terms of creating an active street frontage and contributing to the character of the area. The block of apartments to the rear would be largely screened from view and would have little impact on the appearance of the site or character of the locality.

23. The properties to the south side of the site include a newsagent, betting shop and public house contained within a red brick terrace of traditional design style. The building has a number of characterful features, which offer design cues for any eventual scheme that is designed upon the application site, including window openings, materials and feature brickwork. The dwellings to the north side are lower in height than the buildings to the south and are of a more simple modern appearance, faced in red brick. It is noted that these are set back from the highway, with shallow gardens to the front.

24. In terms of the eventual design and appearance of the proposed scheme the surrounding dwellings provide some cues as to an appropriate scale, and it is anticipated that the buildings would be two storeys in height with dual pitched roofs, although a three storey building on the frontage may be possible depending on the eventual design and scale.

25. The indicative site plan suggests that very little outside amenity space would be possible with limited space for parking. This would result in a high density scheme, which is consistent with other such developments in the area. 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.

26. It is anticipated that two appropriately designed apartment blocks containing no more than eight dwellings could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

27. The application seeks outline planning permission at this stage, however, an indicative site plan has been submitted that details the possible layout of the eventual scheme. The indicative site plan suggests that the main apartment block proposed would occupy a similar position to the existing public house. Even at increased height a building in this position

would have no greater impact on the amenity of neighbouring occupiers than the current situation.

28. The apartment building located to the rear of the site would be more visible from nearby dwellings. The indicative positioning suggests that it would be located approximately 8.5m at its closest point from the nearest dwellings at 4 and 4A Moor Road. The proposed building would not create any parallel facing windows, and is likely to have a lesser impact on light and outlook than the present situation. As such it is considered that it is possible to design the scheme in such a way that any impact on the amenity of occupiers at 4 and 4a Moor Road would not be unacceptable.
29. The indicative plans show that the proposed building to the rear would be located approximately 10m from the dwellings at 6 and 6A Yates Street. The proposed building would not create any parallel facing windows, and would have no impact on light and outlook by virtue of the relative positioning. As such it is considered that it is possible to design the scheme in such a way that any impact on the amenity of occupiers at 6 and 6A Yates Street would not be unacceptable.

Highway impact and access

30. The proposal is for 8no. single bedroomed apartments and requires a car parking space and storage for one cycle to be provided in respect of each apartment. From the indicative plan submitted provision would be made for only 4no. car parking spaces for the entire development. This is likely to result in residents of the development seeking parking spaces on-street. It is, however, unlikely that four additional cars seeking on street parking would lead to an unacceptable impact upon parking conditions in the area. There are on street parking opportunities on Moor Road and Yates Street near to the site.
31. The applicant proposes use of the existing access. The access is 3.2m wide, which although narrow is only 10.5m long, within a safe reversing distance and with enough space at both ends to allow vehicles to wait to give way to each other. The access is, therefore, considered to be acceptable for the proposed development. The proposed entrance treatment falls within the adopted highway, and as such the treatment works and materials would need to be specified by LCC highways. The applicant would, therefore, be expected to contact LCC highways at the reserved matters stage prior to any works commencing on site.
32. It is noted that there are no highway objections to the proposal in principle. It is recognised that the proposal does not comply with the Council's adopted parking standards in its current form, which LCC highways consider to be unacceptable. However, the site is located close to local amenities within the local centre 350m away, and Chorley Town centre within 875m. The site is also located on an established bus route with nearby stops. As such the site is in a highly sustainable location and it is not considered that there would be an impact on highway safety severe enough, in terms of that required by Paragraph 32 of the Framework, to warrant the refusal of the application.

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, therefore, a contribution is not required from this development.

CIL

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

CONCLUSION

35. It is considered that the principle of 2no. buildings comprising 8no. apartments on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that two buildings could be designed and positioned without causing undue harm to the appearance and character of the area or to neighbour amenity.
36. In addition it is considered that despite lower levels of parking provision 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.

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 8 new apartments and shall be carried out in accordance with the following plans:

Title	Drawing Reference	Received date
Location Plan	N/A	25 October 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:

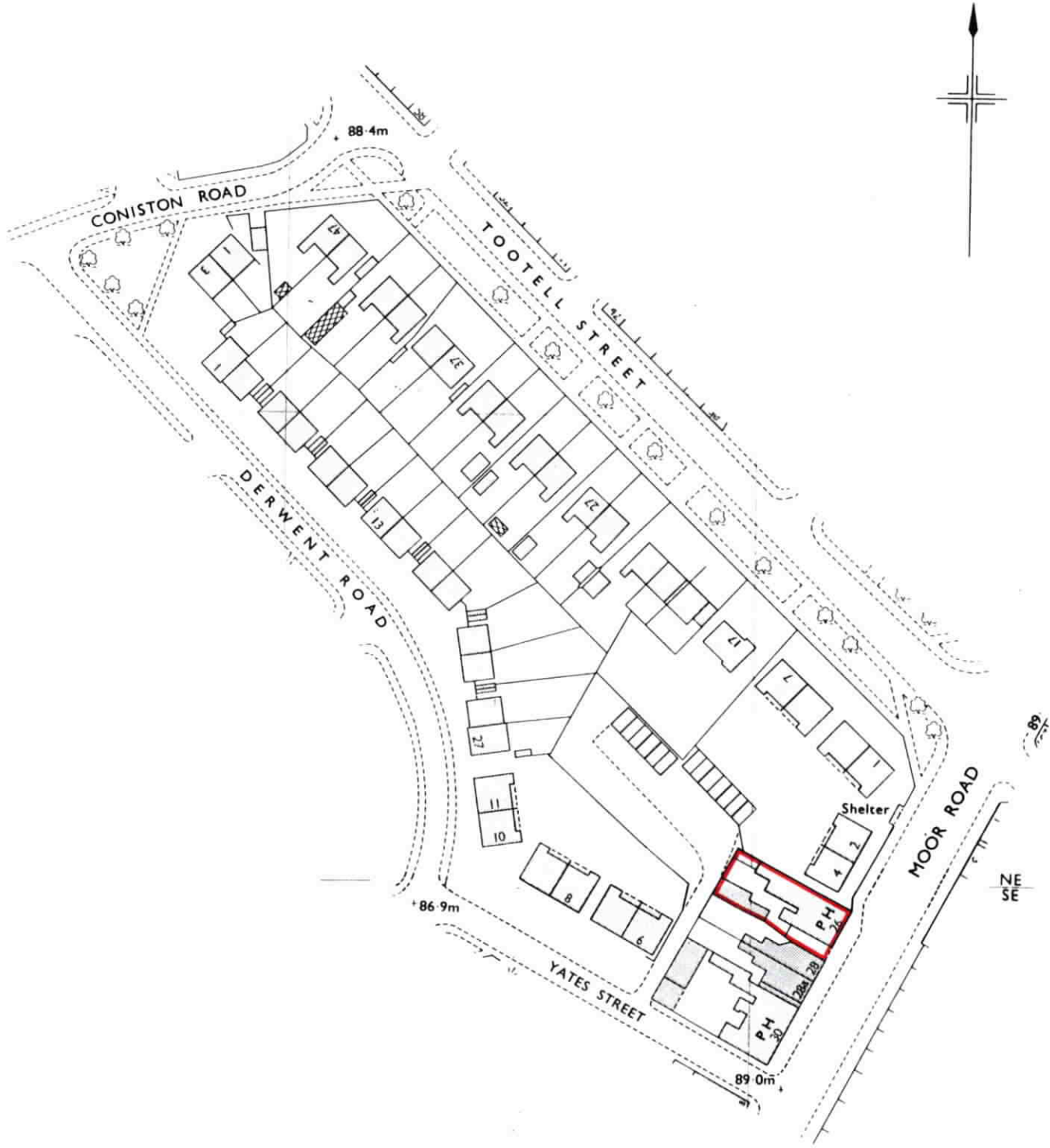
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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H.M. LAND REGISTRY		TITLE NUMBER	
		LA 643132	
ORDNANCE SURVEY PLAN REFERENCE	SD 5716	SECTION F	Scale 1/1250
COUNTY LANCASHIRE	DISTRICT CHORLEY	© Crown copyright 1978	



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 22 May 2015 at 15:42:24. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by Land Registry, Fylde Office.

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APPLICATION REPORT – 16/01136/FUL

Validation Date: 8 December 2016

Ward: Clayton-le-Woods And Whittle-le-Woods

Type of Application: Full Planning

Proposal: Erection of 4no detached house with garages and associated infrastructure

Location: Land At The Elms Clayton-Le-Woods

Case Officer: Mr Iain Crossland

Applicant: Mr David Fellows

Agent: Mr Bob Margerison

Consultation expiry: 30 December 2016

Decision due by: 2 February 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a vehicle turning area that is part of the highway and open areas of grass verge / amenity space. The site is located within the settlement area of Clayton le Woods. The site forms part of a housing allocation under policy HS1.30 of the Chorley Local Plan 2012 – 2026. It is noted that the majority of allocation has been granted planning permission previously for 32 dwellings (application ref.14/00199/FULMAJ), which was granted on 19th December 2014, and for 33 dwellings (application ref.16/00374/FULMAJ), which was granted on the 4th November 2016.
3. The site itself slopes from east to west down towards the previously approved site. The prevailing character of the locality is residential. There are traditional terraced houses to the south of the site at Swansey Lane and a more recent housing estate of detached and semi-detached dwellings at The Elms to the north side. There are a variety of house types and design styles along Chorley Old Road to the east of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The proposed development is for the erection of 4 no. detached dwellinghouses with associated garden curtilage and detached garages. The proposed dwellings would have a traditional design with dual pitched roofs and gable features. There would be three different house types across the site, enclosed gardens to the rear of the properties and open plan frontages with driveway parking to the sides and front, with garage provision.

REPRESENTATIONS

5. 5 letters of objection have been received. These related to the following issues:
 - Adverse impact on highway safety

- Loss of on street parking for existing residents and visitors
- Access for emergency and services vehicles will be impeded
- Negative impact on the character of the area
- Loss of light
- Loss of privacy
- Loss of green space
- The original application stated that this open space would be retained.
- Overdevelopment of the site
- Parking disputes and neighbour disharmony

CONSULTATIONS

6. **Whittle Le Woods Parish Council** – None received
7. **Greater Manchester Ecology Unit** – No objection to the application subject to an appropriate condition being attached
8. **Waste & Contaminated Land** – No comments to make
9. **Lancashire Highway Services** – No comments received
10. **Lead Local Flood Authority** – No comments to make
11. **United Utilities** – No objections. Advice with regards to the existence of a water main is provided and would be attached to any grant of planning permission as an informative.

PLANNING CONSIDERATIONS

Principle of the 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. Policy 1(d) of the Central Lancashire Core Strategy encourages some growth and investment to meet housing needs in Urban Local Service Centres such as Clayton-le-Woods and Whittle-le-Woods.
14. The application site is located in the core settlement area of Clayton-le-Woods, on part of an allocated housing site covered by Policy HS1.30 of the Chorley Local Plan 2012 – 2026, the rest of the allocation already benefitting from planning permission. The development of housing on this site is therefore considered to be acceptable in principle.
15. The application site represents only a small proportion of the total allocation, and it is noted that planning permission has been granted previously on the main part of the allocation on two occasions for 32 no. and 33 no. dwellings. The application site was not included within the red edge on either of the two previous planning applications and it always been physically delineated from the main part of the site by boundary fencing. It is understood that the application site was subject to separate ownership and legal issues, and was not previously available for development. The site has only recently passed into the ownership of the applicant following the resolution of these issues resulting in the separate timing of this application.

Design and impact on the character of the area

16. The proposed layout would result in dwellings fronting onto The Elms. This would help to reinforce the pattern and character of the existing estate, contributing to an active street frontage, which integrates the wider development into the existing surrounding development. This also has the benefit of improving natural surveillance and security. The arrangement of the dwellings on entering The Elms would be such that the frontages of dwellings would

occupy prominent positions, and the dwelling types at plots 1 and 4 would have a dual aspect, which is particularly appropriate for these corner plots. It is noted that plot 1 would be particularly prominent on entering The Elms and would be most visible when approaching The Elms from the north, along Chorley Old Road. The positioning and appearance of the proposed dwelling on this plot is such that it would signal arrival into a residential housing estate, contributing to the sense of place.

17. It is noted that the entry to the estate is currently rather open with a sense of spaciousness. Although this openness would be lost, it is not considered that the proposed development would impact negatively on the character of the area because it would contribute to the sense of place and would be consistent with the street scene that would be expected of a housing estate in a residential area. The proposed dwellings would be set back approximately 5m from the highway and would not appear cramped. The siting of the proposed dwellings would also reflect the siting of existing dwellings on The Elms.
18. The design of the properties would be in the form of three different house types, all of which are two-storey detached houses. The dwellings would have a traditional appearance and would be faced in red/orange facing brickwork with grey roof tiles to reflect the existing local vernacular and character. Features such as art stone heads and sills and projecting brick dentil courses would be applied to the elevational treatments to introduce stone and detail elements also seen throughout the locality. The properties would all have garden areas providing sufficient storage for bins. There is a wide range of properties in the immediate area which are predominantly two-storey and the design and layout is considered acceptable in accordance with Policy 17 of the Core Strategy.
19. In terms of the site density the development, at around 31 dwellings per hectare, would reflect that of the previously approved scheme on the adjacent site. The proposal is therefore considered in keeping with the surrounding development and in accordance with Policy 5 of the Core Strategy.

Impact on neighbour amenity

20. The application site would be located between existing dwellings and a development site with previously approved residential dwellings.
21. The front elevations of 1 to 3 The Elms are situated at a higher level relative to the site. Numbers 1 and 2 The Elms would be located approximately 20m from the proposed dwelling at plot 3. Although this is less than the Council's interface standard of 21m this is not an unusual relationship between front elevations to dwellings, where the relationship is less private than rear windows and has an intervening road. In addition to this no.s 1 and 2 The Elms are positioned at a higher level relative to plot 3 and therefore the impact on the existing residents would be less than that of the future occupiers of the proposed dwellings, who would be fully aware of the siting when purchasing the property. The relationship between the proposed development and other properties on The Elms meets with the Council's interface standards.
22. Number 221 Chorley Old Road is a dormer bungalow that is adjacent to the south side of the application site. There would be a detached dwelling at plot 1 approximately 6m to the north of the side elevation at 221 Chorley Old Road. The proposed dwelling would be located at an obscure position in relation to the windows in the front elevation of this existing dwelling and would not be directly visible as a result. There would be no impact on light or privacy, by virtue of the positioning and it is therefore considered to be an acceptable relationship.
23. Plot 2 would be positioned at an angle to 221 Chorley Old Road. The corner of this plot would be located approximately 7m from the garden boundary of 221 Chorley Old Road, however, there would be no windows directly facing the boundary due to the positioning of the proposed dwelling. It is therefore considered to be an acceptable relationship.
24. In terms of the interface distances between the proposed properties, and those of the previously approved development, these are considered to be acceptable taking into account the level changes across the site.

25. The proposal is considered acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties.

Impact on highways/access

26. The proposal would result in the closure of the existing turning area/layby creating four dwellings, each with direct access onto The Elms. The layby was created when it was envisaged a primary school would be built on the site, which is no longer the case. No comments have been received from Lancashire County Council Highways, although it is noted that no objection was raised to the previous planning permission on adjacent land that would be accessed via The Elms.
27. The plans demonstrate that an appropriate level of off street parking provision would be made in line with policy ST4 of the Chorley Local Plan 2012 – 2026. The application is considered acceptable in relation to parking, subject to a condition requiring the integral garages being maintained for parking.
28. The previous planning permissions (14/00199/FULMAJ and 16/00374/FULMAJ for 32 and 33 dwellings respectively) were approved on the basis that the development would be connected to the existing estate road of The Elms. The proposed dwellings would have direct individual driveway access onto The Elms, which reflects the arrangement of the existing dwellings on The Elms. It is considered unlikely that an additional four dwellings, albeit in a different position, would add such a significant burden to the highway over and above that which has already been approved in this location. It is not therefore considered that there would be an impact on highway safety severe enough, in terms of that required by Paragraph 32 of the Framework, to warrant the refusal of the application.

Public Open Space (POS)

29. 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 therefore a contribution is not required from this development.

Sustainability

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

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

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

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

Community Infrastructure Levy

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

CONCLUSION

33. The application is recommended for approval subject to conditions.

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 PLANNING HISTORY

Ref: 14/00199/FULMAJ **Decision:** PERFPP **Decision Date:** 19 December 2014

Description: Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).

Ref: 16/00374/FULMAJ **Decision:** PERFPP **Decision Date:** 4 November 2016

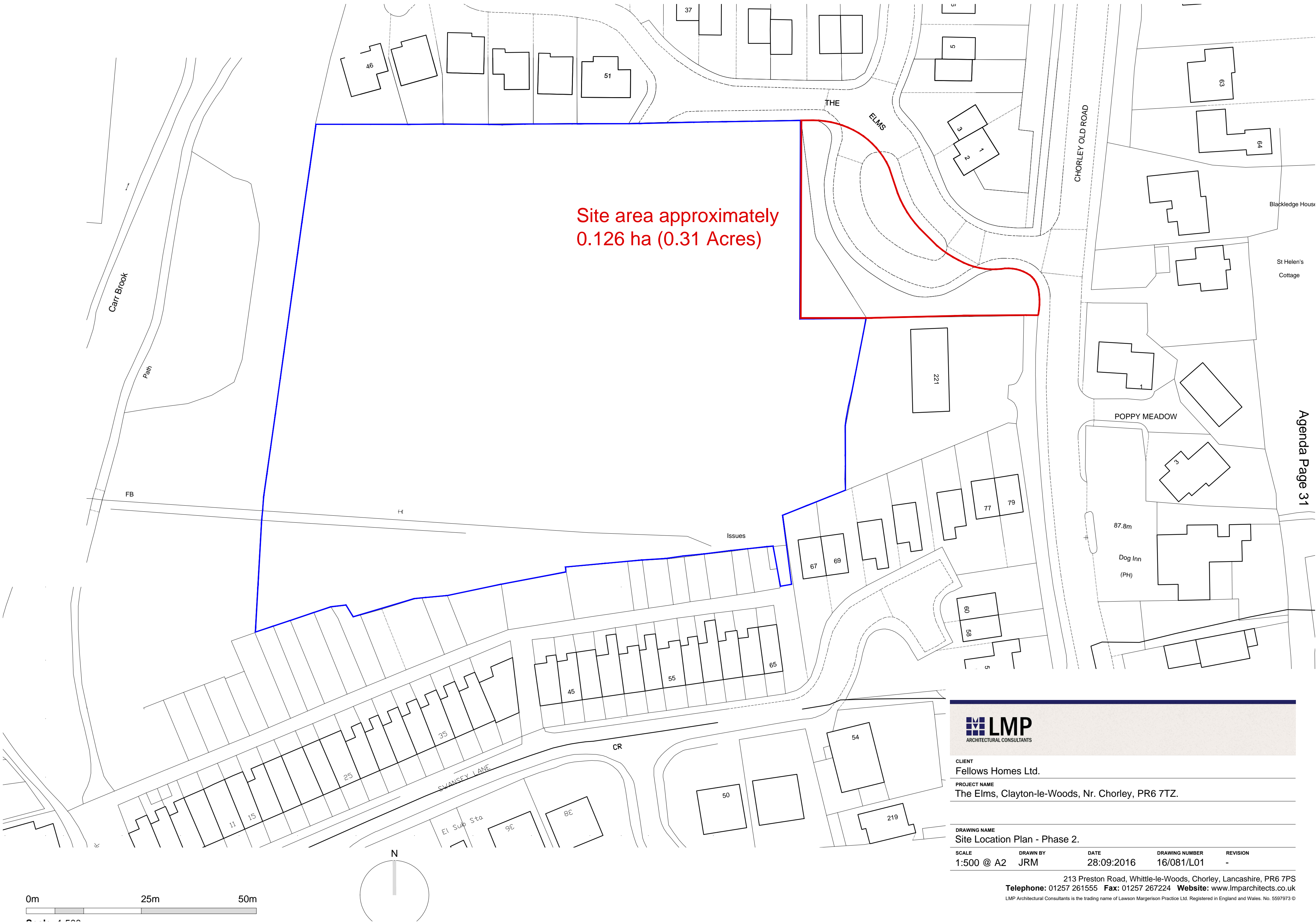
Description: Erection of 33 dwellings including associated garages and infrastructure

Ref: 16/01118/S106A **Decision:** PCO **Decision Date:**
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 planning obligation (Affordable Housing) dated 2 November 2016.


Suggested Conditions

To follow

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Site area approximately
0.126 ha (0.31 Acres)



LMP
ARCHITECTURAL CONSULTANTS

CLIENT
Fellows Homes Ltd.

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

DRAWING NAME
Site Location Plan - Phase 2.

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:500 @ A2	JRM	28:09:2016	16/081/L01	-

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
Telephone: 01257 261555 **Fax:** 01257 267224 **Website:** www.lmparchitects.co.uk
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APPLICATION REPORT – 16/01097/FUL

Validation Date: 1 June 2016

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Application for erection of a marquee from May to September inclusive each year on the former playground area at the site, to be used for wedding receptions on Fridays and Saturdays only (with a maximum capacity of 80 guests), as well as for the continued use of the cafe/gallery already permitted on other days of the week.

Location: Spring Cottage Rivington Lane Rivington Bolton BL6 7SB

Case Officer: Caron Taylor

Applicant: Mr David Jones

Agent: N/A

Consultation expiry: 10th January 2017

Decision due by: 5th February 2017

RECOMMENDATION

1. That the application is refused.

SITE DESCRIPTION

2. The application site is a two-storey building and its grounds situated approximately 200m outside the village of Rivington within the Green Belt and within the boundaries of Lever Park. It is accessed via a private track off Rivington Lane. There is limited visibility of the building from the road as it is surrounded by trees with a small car park to the front.

DESCRIPTION OF PROPOSED DEVELOPMENT

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

RELEVANT HISTORY OF THE SITE

4. In 2010 (re: 10/00487/FUL) planning permission was granted to use the building as part living accommodation and part café/gallery. Prior to this the building was used as a nursery school since 1990, with various planning applications relating to this use. Before this it was a dwelling.
5. Members will recall a similar application was reported to committee in September 2016. At that time the marquee had been erected and was being used to hold a limited number of wedding receptions.
6. The application was recommended for refusal on three grounds:

Green Belt

Although some weight was given in favour of the application in relation to the economic benefits of the proposal, it was not considered that there were very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee. The proposal was therefore considered contrary to the National Planning Policy Framework.

Noise

The Council were not satisfied, without an appropriate noise assessment being undertaken that sound from the venue will not have an unacceptable impact on residential properties or the character of the area. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.

Parking

The Council were not satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site for the number of guests proposed and this may lead to parking on surrounding roads where parking is already at a premium, especially at weekends, or on surrounding tracks not within the control of the applicant. The proposal is therefore considered contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.

7. However, Members of the committee will recall that no decision was made on the previous application as they voted equally to approve and refuse the application. The application was subsequently withdrawn.
8. No wedding receptions have been held since September 2016 and the marquee has been taken down.
9. The current application is for the same proposal and includes a noise assessment.

REPRESENTATIONS

Ten letters of support have been received on the following grounds:

- It is an excellent venue, having an affordable venue will bring visitors to the area;
- The marquee does not affect the land at all as it is on tarmac;
- Parking has never been an issue as there is a lot of space to park so it doesn't affect local residents;
- Noise could not be heard from 300yds away;
- The property has been renovated after having been derelict;
- The family that run it are local people and they would not do anything to be disrespectful to the area of their neighbours;
- Over the summer the noise was extremely low consider how near they were to it with the windows open and there were not extra cars on the road;
- It would be a great and unique addition to Rivington;
- The marquee is sympathetic to its surrounding;
- The Council should support a thriving business;
- Any noise is no more significant than from the Barns of the Bowling Green;
- It is a unique venue to allow people visiting to experience and embrace the beauty of the area;
- It provides employment.

Two letters of objection have been received on the following grounds:

- The traffic in Rivington is very busy, especially at weekends and public holidays;
- Parking is at a minimum and is getting to be a nightmare;
- There are enough venues for cafes and weddings already. Rivington is a beautiful area but it is in danger of being over commercialised;
- Another night time events business disrupts the quality of life for Rivington residents and changes the character of the area;

- Noise is the main concern – from May to September 2016 they could not sit outside in their garden or keep their windows open on Friday or Saturday nights when Spring Cottage had an event on without the booming sound of party music. They can already hear Rivington Hall Barn and Rivington Bowling Green conducting night time functions and whilst they can hear them (the latter having fewer) this is tolerable, partly because the music is indoors instead of in a tent but also because the Barn is further away from the road and the Bowling Green is at the bottom of the hill, with both having natural obstructions blocking out some of the noise. With Spring Cottage, which is nearer, it is not only the extremely loud DJ and music that causes disturbance but the shrieking, singing and merriment of their guests;
- This is a residential area without street lighting, traffic disturbance and parking is a major issue. Transport and guests arriving to and from the venue causes disturbance late into the night;
- Unlike the Barn and Bowling Green, Spring Cottage has no facility for parking and therefore their guest's park along Rivington Lane and in front of the Chapel. Once the event has finished there are car doors banging, and the noise of drunken people having had a good time waiting for taxis/minibuses;
- Since their last event metal barriers have been placed across some of the paths (presumably by United Utilities) next to Spring Cottage where many of their guests parked, so this will mean even more traffic parked in the dark along Rivington Lane. In such a small village, a further 80 guests every Friday and Saturday night in a tent with no sound proofing is inappropriate and unacceptable.

CONSULTATIONS

10. Environmental Health

See body of report.

11. Lancashire Highway Services

See body of report.

12. The Gardens Trust

The application affects Lever Park, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. They have considered the information provided in support of the above application and on the basis of this do not wish to comment on the proposals at this stage. They would however emphasise that this does not in any way signify either their approval or disapproval of the proposal.

PLANNING CONSIDERATIONS

Principle of the Development

13. The site is in the Green Belt outside Rivington village.
14. The proposal would involve the erection of a marquee on an area of hard standing to the rear of the building with a bar available within the building itself (the marquee would not be attached to the building).
15. The change of use of a building of permanent and substantial construction in the Green Belt is not inappropriate providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The use of the existing building associated with weddings is, therefore, considered acceptable in principle.
16. The marquee would be erected on an area of hardstanding elevated approximately 2m above the level of the building on a former playground (the building in the past has been used as a nursery). The application is to erect the marquee from May to September inclusive.
17. Marquees can be considered a building operation in planning terms. Each case needs to be considered on its own merits considering its size, permanence and physical attachment as to whether a building operation has occurred or it is merely the placing of a 'chattel' on land.

18. The marquee measures 12m by 8m and 4.4m high so is of substantial size. Cases of marquees that have been found to be development demonstrate that a marquee does not have to be on site all year round when considering its permanence. It is proposed to site the marquee for five months each year. The marquee is fixed to the ground via a metal pad that is screwed into the ground that holds the uprights for the marquee. Internally a wooden interlocking floor would lay over the existing tarmac. Considering these factors together, it is considered the marquee does not have a fleeting character but falls to be considered as a building.
19. In accordance with the National Planning Policy Framework (the Framework) new buildings are inappropriate in the Green Belt unless they fall within one of the exceptions listed, which this would not. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
20. The applicant has put forward a case in support of the application.

Applicant's case in support of the application in the Green Belt:

21. *They argue it is a temporary structure, it will create summer jobs for local people of the Chorley area (they hope to recruit 13 staff during the summer). They also hope to support other aspects of Rivington Village such as making couples aware of the local church and chapel in the village. They will also be recommending local taxi services and local places for guests to use including hotels and bed and breakfast accommodation.*
22. *Prior to them taking on Spring Cottage, the building and surrounding land had been stood dormant and was near derelict. The house was dangerous in some areas and falling down. Over the years they have renovated Spring Cottage and put in a lot of work to restore and bring to life the wonderful building that is Spring Cottage. This not only includes the building itself, but also the woodland surrounding it. As a family, they have grown up in Rivington, and are very respectful of the setting surrounding us. They understand why the land is Green Belt and support this. Ways in which they do wish to support this is through educating children and young people about nature and teaching them ways to respect and take care of the wildlife. They have been in discussion with a qualified forestry teacher from the local area who attended Rivington Primary School and have also had discussions with United Utilities regarding this. They hope that they can work with local schools and host small children's parties, for example a birthday party, to teach children how they can look after their surroundings - the marquee will act as classroom for these children. After spending a morning out in the woods, they can come back, enjoy refreshments and discuss all they have learnt that day. They have also discussed the possibility of using the marquee as a craft room for local children in the summer holidays, where they can explore and learn in a wonderful natural setting. The education of woodland and wildlife is vital for children in ensuring that they grow up to respect the natural setting around them. One of the staff members, Judith Gilgun has a history in education and therefore would love to take lead on this service.*
23. *In addition to weddings and the education of children, they would also hope that local business may wish to use the marquee as a 'hub', and a meeting point. They will certainly encourage this for business men and women who are looking for a relaxed area for an informal business meeting. In addition, they also have links to community groups, such as the Women's Institute who would also be welcome to use the marquee for discussions. They are currently hosting meetings for Rivington Heritage Trust for discussion on restoration of the Japanese Gardens.*

24. *No land will be damaged as the marquee will be situated on a former children's play area which has foundations and a tarmac base and this area has already had 3 metre high chain link fence surrounding it. The marquee would be made of white canvas material and the structure is made up of a steel frame. Internally, the marquee would be decorated with ivory lining to the ceiling and walls. The floor will be made up of wooden slats which will interlink. On the top of this, the flooring will then be topped with a carpet. Lighting will be fairy lights, fed through the ceiling and plugged into the electrical point in the marquee. There will be no 'rigs' in place within the marquee. The marquee is a professional structure and therefore it would take a team of people a day to erect and 3 hours to dismantle.*
25. *In addition, the marquee will not touch any part of Spring Cottage's building as the plot in which permission is sought sits around 2 metres higher than ground level and, therefore, is not visibly dominant. It is set back from the main road and furthermore, it is also set back from the main entrance gates of Spring Cottage. The marquee plot is surrounded by woodland and this should, therefore, offer some cover to the eye also.*
26. *They believe that with the agreement to erect the marquee from May to September, they will offer a fantastic unique service that they don't believe is offered anywhere else locally. They love Rivington, and its beauty and wish to share this with others. With the marquee being set back from the road and out of eye sight, on an area already based with tarmac and currently having no use, they hope that agreement will be given to Spring Cottage.*
27. It is accepted that the proposal is a new business and the Council always try to support new businesses where possible, both in planning terms and through its economic development team. The proposal would bring some economic benefits to the area. Approximately thirteen members of staff would be employed over the summer on top of family members as well as supporting other local businesses who will be suppliers. This is given weight in the planning balance as are the other matters put forward above, but unfortunately these are not considered, either individually or when considered together, to amount to very special circumstances that would outweigh the harm to the Green Belt.

Design and Layout

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

Layout and Neighbour Amenity

29. Noise is the main issue in this respect. The site is set within woodland approximately 200m outside the village of Rivington, which is considered likely to have low background noise levels particularly in the evening when weddings receptions are taking place.
30. Following the previous application a noise assessment has now been submitted as the Council were concerned that noise levels would disturb nearby residents and if so if mitigation could be put in place to prevent this. The assessment shows that at the closest residential properties music would be at a clearly audible level with the lower frequency bass beat being most clearly audible. It recommended mitigation is needed to reduce the risk of disturbance.
31. The noise assessment has been reviewed by the Council's Environmental Health Officer who advises that the report suggests that noise mitigation measures are required to prevent a disturbance to nearby noise sensitive properties and has highlighted options to be considered.

32. One of the options is management control of sound levels, however they do not recommend this as a suitable mitigation measure as the operators would require a certain level of training, understanding of acoustic controls and have the time to carry out the monitoring throughout any event they have. This would be an ad hoc control measure which has the potential for disturbance being caused at nearby properties due to the likely varied type of music throughout the events.
33. The other option put forward is electronic sound limiters. The Environmental Health Officer advises these systems are very effective if installed by a competent engineer who has considered all of the factors in relation to the marquee, the location (of venue and proximity to nearby noise sensitive properties) and the type of events that will be held. They advise the applicant installs a fixed speaker/amplified system with a sound limiter attached in the marquee. All of the performing acts should plug ALL of their instruments into it throughout the event. They warn that any acoustic instruments, such as a traditional drum kit, would bypass the power supply/limiter and add to the noise level without control. They advise noise levels for the limiting device should be agreed and fixed by officers from Environmental Health prior to the first event.
34. The applicant advises that any entertainment would be required to plug into Spring Cottage's sound system and this will have a sound limiting device to ensure entertainers cannot increase their music levels. Neighbours would have a number to contact should they feel music is too loud and they state they will ensure to work in partnership with all neighbours and entertainers. Neighbours have shown their support for the proposed development. They also state they are aware that noise is not only measured by music and that they also need to make sure their guests are respectful to their neighbours when exiting each event. Music will be toned down from 11pm onwards to encourage guests to start getting ready to leave. As advised above, guests will be recommended to use taxis to leave Spring Cottage. Guests will be asked to leave quietly and will be reminded to be respectful to neighbours in the village should they pass through.
35. They state the site has a premises licence which is inclusive of recorded and live music.
36. As a noise assessment has now been done which shows that mitigation is needed and this this can be controlled through a sound limiting device it is considered that noise disturbance from music/entertainment can be satisfactorily controlled to prevent unacceptable disturbance to nearby properties. The applicant is aware that ALL music and entertainment will need to be controlled in this way so any live band will have to have electronic instruments as otherwise live entertainment would by-pass the sound limiting system. They have advised this is acceptable to them and workable for the business. It is, therefore, considered to meet the tests for conditions set out in the Framework and a condition could control this. Subject to this, the proposal is considered acceptable in relation to Policies EP3 and BNE1 of the Chorley Local Plan 2012-2026 which seeks, amongst other things, to ensure that proposals do not cause an unacceptable degree of noise disturbance to surrounding land uses.

Highways

37. The access and parking arrangements remain unchanged from the previous application on which Lancashire County Council Highways advised that the existing site access is a Bridleway (BW7), which seems narrow but with good visibility and given its short distance from Rivington Lane, they advise that additional traffic due the proposal is of no major highway concern. They also advise taking the current level of traffic flows on Rivington Lane and the surrounding highway network into account, it is not considered the proposal would negatively impact the highway network in terms of capacity and traffic generation.
38. The site has a small car park in front of the existing building. Policy ST4 of the Local Plan sets out the Council's parking standards, however the proposed use does not fall within any of the categories set out in the policy.

39. The application proposed the use of the venue for up to 80 guests. The site allows parking for approximately 20 cars.
40. The applicant states that with weddings being a planned function they have the ability to control any vehicles being brought onto the property prior to each event. At present they can accommodate up to twenty cars in their car park, as detailed on the plan. They state no additional car parking will be required. They will be advising all couples to ensure they relay to their guests to car share in taxis or a minibus and arrange pickup. If required, parking attendants can be on hand to guide people to safely park their vehicles and reduce public nuisance. They state they can evidence that there is no issue with parking as they hosted 13 weddings throughout 2016. There has not been parking issues at any of these functions and no cars have needed to park on Rivington Lane.

Although it is noted that the applicant advises that they use measures to encourage car sharing and the use of minibuses, and it is accepted that some guests will use taxis to and from the venue as they will be drinking, the Council cannot control or enforce this through conditions and it is likely that many guests will use private vehicles to attend the venue.

The applicant cannot prevent people attending the venue arriving in their own vehicle. Parking in the immediate area of the venue is at a premium as the area is very popular with walkers and other visitors, throughout the week, but particularly at weekends. It is considered that the amount of parking available to the venue in relation to the capacity applied for will lead to a risk of visitors parking on surrounding roads and tracks outside the application site where parking is already at a premium. In addition many of the tracks around the site are owned by United Utilities (as is the application site), rather than being adopted highway (though Rivington Lane is an adopted C-road), so the use of the surrounding tracks for parking could be prevented by the landowner. It should be noted that a metal gate/barrier has been erected close to the access point of the track adjacent to the site which would allow United Utilities to close the track off and prevent parking here.

41. The applicant states that parking is not a problem as thirteen weddings have already taken place with no issues. They state they recently had a meeting with United Utilities and put forward the idea of a parking overflow onto the gated track in the very unlikely event that it would be needed. If the planning application succeeds then they consider United Utilities would agree to this.
42. The comments regarding parking at weddings that have taken place already are noted, however, whatever the good intentions of the applicant, they cannot insist that their customers use taxis/minibuses as the main form of transport to and from the venue and this cannot be controlled by a planning condition. Therefore, although it is noted that LCC Highways do not object to the proposal, parking around the site is already problematic and at an absolute premium, particularly on Saturdays during the summer months and the Council would not want to introduce a new use that would exacerbate this in any way when it is considered that the application is to allow the weddings for up to eighty people.
43. It is, therefore, considered that there is not sufficient off-road parking for the venue within the boundaries of the application site given the capacity of the venue. The proposal is, therefore, contrary to Policy EP3 and BNE1 of the Local Plan 2012-2026.

CONCLUSION

44. The Council are now satisfied, following the submission of a noise assessment that noise can be controlled so as to not cause an unacceptable disturbance to the surrounding properties or change the character of the area to an unacceptable degree.
45. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that the case put forward amounts to very

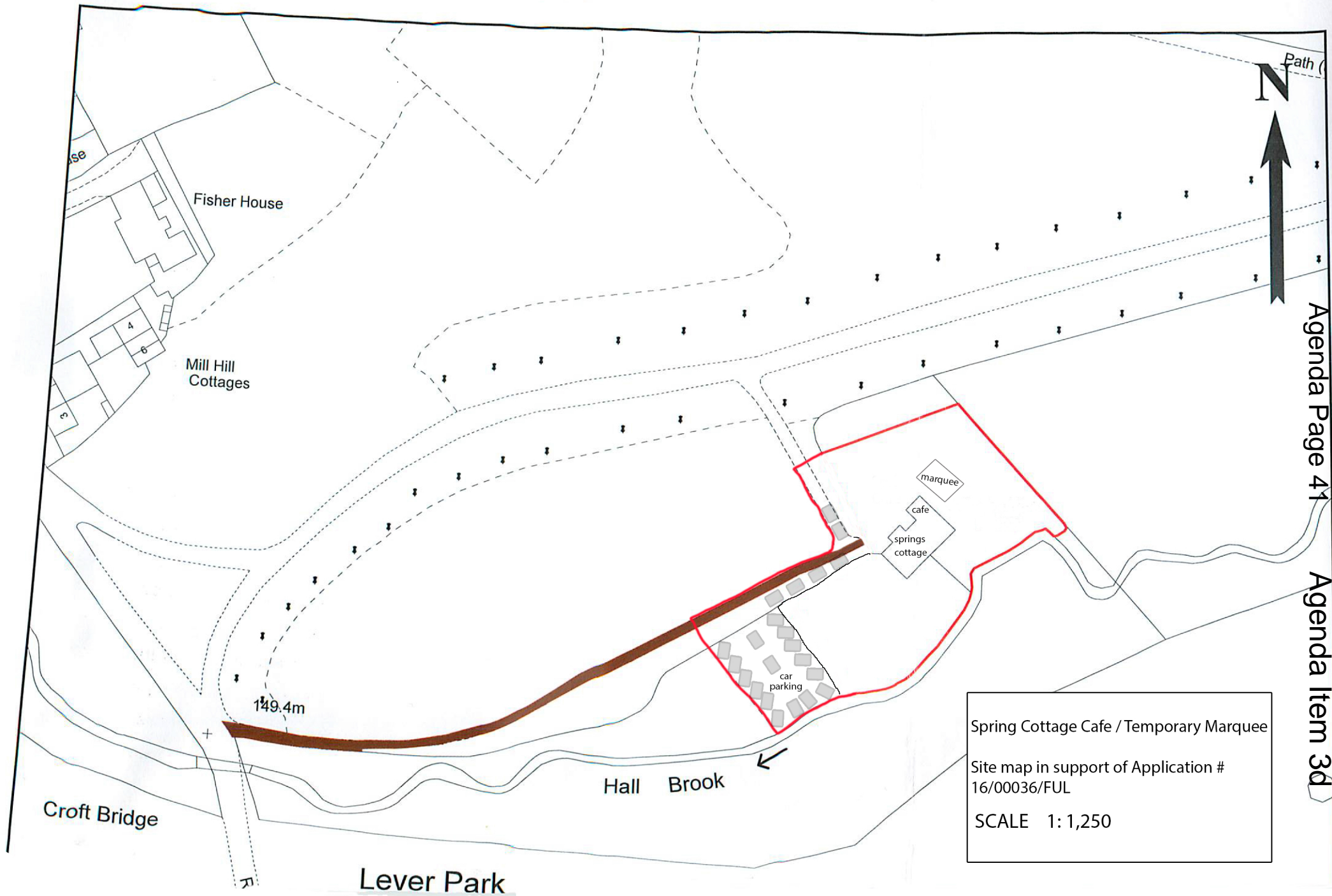
special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee.

46. In terms of parking, the venue has limited parking for the number of guests expected to attend and the Council cannot control through conditions (and the applicant cannot prevent) that guests do not visit the venue in private cars, or must car share. The Council are not, therefore, satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site and this may lead to parking on surrounding roads, where parking is already at a premium, especially at weekends or on surrounding tracks not within the control of the applicant.
47. It should be noted, if Members are minded to approve the application contrary to officer recommended, that the applicant has agreed to accept a temporary permission of five years restricted to the current tenant of the building only, so the business could not be sold on to be run by someone else.
48. The National Planning Practice Guidance (NPPG) states that conditions can be used to grant planning permission for a use for a temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area, therefore, it is considered a condition could be imposed to allow the business to run for a temporary period of five years as suggested by the applicant.
49. With regards to restricting it to the current tenant of the building, the NPPG states that planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission.
50. It is not considered that in this case restricting it to the current tenant could be justified as the use should be acceptable or not based on the facts of the application, rather than who is running it, however it is considered a condition restricting it to a five year temporary permission could be justified.
51. **RELEVANT POLICIES: In accordance with S.38 (6) Planning and Compulsory Purchase Act (2004), the application has been determined in accordance with the development plan [the Central Lancashire Core Strategy (2012) and the Chorley Local Plan 2012-2026 unless material considerations indicate otherwise. Consideration of the proposals has also had regard to guidance contained with the National Planning Policy Framework (the Framework). The specific policies/guidance considerations are contained within the body of the report.**

Reasons for Refusal

1. Although some weight is given in favour of the application in relation to the economic benefits of the proposal, it is not considered that there are very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the marquee. The proposal is, therefore, contrary to the National Planning Policy Framework.
2. The Council are not satisfied that there is sufficient off-road parking for the venue within the boundaries of the application site for the number of guests proposed and this may lead to parking on surrounding roads where parking is already at a premium, especially at weekends, or on surrounding tracks not within the control of the applicant. The proposal is, therefore, contrary to Policy EP3 and BNE1 of the Chorley Local Plan 2012-2026.

SPRINGS COTTAGE, RIVINGTON



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APPLICATION REPORT – 16/01126/REM

Validation Date: 30 November 2016

Ward: Adlington And Anderton

Type of Application: Reserved Matters

Proposal: Reserved matters application for the erection of nine dwellings (plots 126 - 132 & 158 - 159) (pursuant to outline consent 15/00568/OUTMAJ)

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

Case Officer: Mrs Helen Lowe

Applicant: Mr Ben Sutton

Agent: N/A

Consultation expiry: 31 January 2017

Decision due by: 10 February 2017 (extension of time agreed)

RECOMMENDATION

1. Approve subject to conditions

SITE DESCRIPTION

2. The plots that are the subject of this application are located adjacent to the south western boundary 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

3. This is a further reserved matters application for the erection of nine dwellings on a development of 158 houses off Bolton Road, Adlington. The nine plots that are the subject of the application already benefit from outline planning permission (granted in August 2013) and reserved matters consent (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 no change in the number of dwellings on the site as a whole.

REPRESENTATIONS

4. None received

CONSULTATIONS

Adlington Town Council - No comments received

PLANNING CONSIDERATIONS

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

Neighbour Amenity

6. The proposed changes to plots 126-132 (133 to be deleted) would not result in any detrimental impact to the amenities of neighbouring properties to the north. The reduction in the number of dwellings would result in a slight reduction in overlooking.
7. The dwellings proposed on plots 158 and 159 would move approximately 1m closer to the boundary with the buffer zone adjacent to the houses on Abbey Grove than the previously approved dwelling on plot 158. The proposed double garage would be replaced by a single garage that would be adjacent to the rear boundary of the garden. This would be closer to the property on Abbey Grove than previously approved, but smaller.
8. Previously only one property was to occupy this part of the site, therefore, the proposal would result in intensification in the use of this part of the site and a perceived increase in overlooking and loss of privacy could occur as a result of the increase in number of bedroom windows in the rear elevation. However, the bulk and scale of the two semi-detached dwellings would be very similar to that of the previously approved detached dwelling. It is not considered that the proposed changes would warrant refusal of the application. The interface standards would still be met (the houses on Abbey Grove are higher than the proposed development).

Highway Safety

9. Five of the proposed plots would increase the number of bedrooms from four to five. This would not result in an increased parking requirement. One four bedroom property would be omitted (plot 133) and a new plot (158A) would have a three bedroom property. One plot would change from a four bedroom to a three bedroom property (plot 158); one would retain the same number of bedrooms (plot 130) and one plot would increase from a three bedroom to a five bedroom property (plot 126).
10. The level of parking provision is considered to be adequate on all the plots. The internal dimensions of the integral garage proposed at plot 130 is slightly less than would normally be considered desirable, however the dimensions as presently approved were also smaller than the usual standard of 6m by 3m. It is not considered that this deficiency would warrant refusal of the proposal. A condition is, therefore, recommended to be added requiring the garages to be kept freely available for the parking of cars, as has been imposed previously.
11. It is, therefore, considered that the proposal would not cause any adverse harm to highway safety.

Design and Appearance

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

CIL

13. The application relates back to 15/00568/OUTMAJ which was a S73 application relating to 12/00741/OUTMAJ. Application 12/00741/OUTMAJ was approved before the Council's CIL charging schedule came into force, therefore the reserved matters application is not CIL liable.

CONCLUSION

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

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: 15/01049/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: 16/00836/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: 16/01127/REM **Decision:** PERRES **Decision Date:** 24 January 2017
Description: Reserved matters application for the erection of four dwellings (plots 81-82 & 103-104) (pursuant to outline consent 15/00568/OUTMAJ)

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:

Title	Plan Ref	Received On
Detached garage details	W20-SD-05-38 REV A	11 January 2017
Kingsmoor ground floor plan	W20-148-5D-600 REV B	23 November 2016
Kingsmoor first floor	W20-148-5D-610 REV D	23 November 2016
Laurieston ground floor plan	W20-150-5D-600 REV D	23 November 2016
Laurieston First floor	W20-150-5D-610 REV D	23 November 2016
Malborough ground floor	W20-157-5D-600 REV B	23 November 2016
Malborough first floor	W20-157-5D-610 REV C	23 November 2016
Ground and first floor Aston	W20-70(AT)-2MT-601 REV D	23 November 2016

Castlewellan ground and first floor	W20-97-3ET-600 REV B	23 November 2016
Sherbourne ground and first floor	W20-117-4D-60D REV C	23 November 2016
Planning Layout	SK/PL/250/101 REV Q	23 November 2016
Street scenes	PLTSB-SS-102	23 November 2016
Kingsmoor elevation	KI-148D-5D-501	23 November 2016
Laurieston elevation	LA-150D-5D-500	23 November 2016
Marlborough elevation	MA-157D-5D-500	23 November 2016
Aston elevation	AT-70ET-2D-500	23 November 2016
Castlewellan elevation	CW-97ET-3D-500	23 November 2016
Dukeswood elevation	DU-117-4D-500	23 November 2016
Kingsmoor elevation	KI-148D-5D-500	23 November 2016

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

2. Before the properties hereby permitted are first occupied, the driveways/car parking courts shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways/parking courts 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.

3. The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provision of the Town and country Planning (General Permitted Development) Order 2015.

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

4. The development hereby permitted shall only be carried out in conformity with the approved ground and building slab levels.

Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions or external alterations shall be undertaken to the dwellings hereby permitted on plots.

Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site.

6. None of the dwellings on plots 126-128 and 130-132 shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.

The garden sheds shall be retained in perpetuity thereafter.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets.

7. Any works to construct hardstanding areas, parking areas, footpaths, access roads and/ or buildings within the root protection area of the retained trees (detailed on the approved Planning Layout plan) shall be undertaken using a 'no-dig' cellular confinement system method of construction or alternative method of construction which has previously been approved in writing by the Local Planning Authority.

Reason: To ensure the continued protection of the trees and to ensure that the proposed development does not adversely impact on the retained trees.

8. The footpath/ cycle links throughout the site (detailed on the approved Planning Layout) shall be implemented in accordance with the approved details as part of the whole development of the site. In particular:

- o The 2m wide footpath link from the NEAP connecting to the cycle link shall be laid out in accordance with the approved details and made available for use by pedestrians prior to the occupation of plot 10.
- o The 3m wide pedestrian/ cycle link from Bolton Road to the southern boundary of the site shall be laid out in accordance with the approved details and made available for use by pedestrians/ cyclists prior to the occupation of the 104th dwellinghouse
- o The 2m wide footpath link connecting the pedestrian/ cycle link to the south western boundary of the site shall be laid out in accordance with the approved details and made available for use by pedestrians prior to the occupation of the last dwellinghouse on the site.

The footpaths/ cycleways shall be retained in perpetuity thereafter

Reason: to ensure that the development supports sustainable transport measures and communities cycling and pedestrian movements are catered for on suitable desire lines as part of the development including two new pedestrian accesses on Bolton Road and a pedestrian link to Huyton Road. This condition ensures that these important linkages are provided as part of the whole scheme at a reasonable time.

9. The development hereby approved shall be undertaken in accordance with the submitted Construction Method Statement (received 11th January 2017) and associated plan (received 11th January 2017). The measures contained within the approved Statement shall be adhered to throughout the construction period and shall include specifically:

- o The parking of vehicles of site operatives and visitors shall be wholly within the application site at all times
- o The hours of operation (including deliveries) during construction shall be restricted to: 8am to 6pm Monday to Friday and 9am to 1pm on Saturdays.
- o The loading and unloading of plant and materials shall be undertaken wholly within the application site
- o The storage of plant and materials used in constructing the development shall be stored wholly within the application site
- o The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- o The provision of wheel washing facilities at the junction with Bolton Road to remain in situ at all times during the construction period

Reason: in the interests of highway safety and to protect the amenities of the nearby residents.

10. The streets shall thereafter be maintained in accordance with the agreed management and maintenance details set out below until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established:

Regular inspections of the roads and footpaths will be carried out to ensure they are kept safe, clean and free from defects which would cause harm to the public or site personnel.

Any identified repairs will be carried out by the developers contractors.

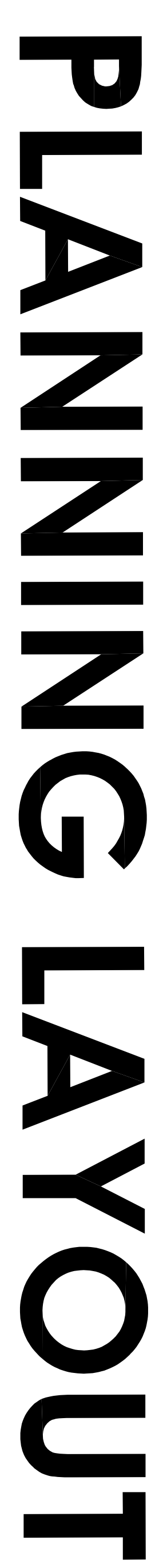
Road sweepers will be used to maintain the cleanliness of the roads as deemed necessary.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

11. Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.


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.

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UNDVELOPABLE	10.3 ACRES
EXISTING TREES/LEVELS/BUFFER	6.02 ACRES
P.O.S	0.48 ACRES
UNDVELOPABLE	0.64 ACRES
NETT SITE AREA	10.3 ACRES

STEWART
Milne



Stewart Milne Homes
Harrier House
2 Lumsdale Road
Coira Business Park
Trafford Park Manchester
M32 0UT
Telephone (0161) 866 6900
Fax (0161) 866 6909

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APPLICATION REPORT – 16/01118/S106A

Validation Date: 29 November 2016

Ward: Clayton-le-Woods And Whittle-le-Woods

Type of Application: Section 106 Amendment

Proposal: Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to modify a planning obligation (Affordable Housing) dated 2 November 2016.

Location: Land 80M North Of Swansey Lane And Bounded By The Elms Swansey Lane Whittle-Le-Woods

Case Officer: Mr Iain Crossland

Applicant: Mike Kirkham

Agent: N/A

Consultation expiry: 28 December 2016

Decision due by: 28 February 2017

RECOMMENDATION

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

SITE DESCRIPTION

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

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This current application has been submitted under Section 106A of the Town and Country Planning Act 1990 and seeks to modify the planning obligation insofar as it relates to 3 approved affordable dwellings that are being developed by Fellows Homes Ltd as part of the development of 33 dwellings on the site.
6. It is proposed to change the location of the 3 affordable dwellings at plots 22 to 24 to be provided at plots 17 to 19 in their place.
7. All of the other obligations within the original Agreement are not affected by this application.

REPRESENTATIONS

8. No representations have been received.

PLANNING CONSIDERATIONS

9. Section 106 agreements may be renegotiated at any time by mutual consent. Several developers have already approached the Council to renegotiate Section 106 Agreements to make adjustments to planned schemes, including the type of affordable housing provided.
10. The Government's planning guidance is clear that local planning authorities should be flexible in their requirements, taking into account specific site circumstances and changing circumstances.
11. Developers are already entitled to apply to modify any obligation over five years old. The Government has urged planning authorities to respond constructively, rapidly and positively to requests for such renegotiations and to take a pragmatic and proportionate approach to viability. Where it is simply proposed that the tenure mix is adjusted, with the overall affordable housing contribution remaining the same, it is the Government's view that this is unlikely to justify reopening viability by either side. Local authorities are asked to expedite such renegotiations so they can be dealt with in a timely manner, and avoid action which might result in unnecessary delay.
12. Fellows Homes Ltd are developing a total of 33 units on the site, of which 3 (9%) are affordable housing in line with the approved plans and Section 106 Agreement accompanying planning permission 16/00374/FULMAJ. These 3 affordable dwellings are currently located on plots 22 to 24.
13. Following the grant of planning permission the developer has considered the approved layout further and has noted that plots 22 to 24 would require a shared driveway with other market housing. This is a situation that Registered Social Landlords (RSL) generally seek to avoid. It is, therefore, proposed that Units 17 to 19 be allocated for affordable housing in place of units 22 to 24, as these would not require a shared driveway and would have direct access to the adopted highway.
14. It is noted that plots 17 to 19 are the same house types as those at 22 to 24 and, therefore, an amendment to the legal agreement allocating plots 17 to 19 for affordable dwellings in their place would have no impact on the provision of affordable housing on the site and would help to attract an RSL to purchase the units.

CONCLUSION

15. It is recommended that the application is approved.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate

otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

RELEVANT HISTORY OF THE SITE

Ref: 14/00199/FULMAJ Decision: PERFPP Decision Date: 19 December 2014

Description: Proposed residential development consisting of 32no. dwellings (including 10 no. affordable dwellings).

Ref: 16/00374/FULMAJ Decision: PERFPP Decision Date: 4 November 2016

Description: Erection of 33 dwellings including associated garages and infrastructure

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