

Chief Executive's Office

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Date: 10 October 2005

Chorley
Borough Council

Town Hall
Market Street
Chorley
Lancashire
PR7 1DP

Chief Executive:

Jeffrey W Davies MA LLM

Dear Councillor

A meeting of the Site Inspection Sub-Committee is to be held on Wednesday, 16th November, 2005 for which an agenda is set out below.

The Sub-Committee is requested to meet at the first of the three sites to be visited, at Croftlands, 34, Grape Lane, Croston at 2.15pm. **Members requiring transport should assemble in the reception office at the Union Street Offices no later than 1.55pm.** Members are also requested to wear suitable footwear.

The Councillor's representing Lostock ward are invited to attend the first site at 2.15pm, the Councillors representing Eccleston and Mawdesley are invited to attend the second site at approximately 2.45pm and the Councillors representing Wheelton and Withnell ward are invited to attend the third site at approximately 3.45pm.

Please be aware that the suggested times tabled for the visits are approximate and may vary. It may not be possible to adhere strictly to the times stated.

AGENDA

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Sub-Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the meeting and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 2)**

To confirm as a correct record the minutes of the meeting of the Site Inspection Sub-Committee held on 23 August 2005.

Continued....

4. **Planning Application 05/00569/FUL (Pages 3 - 12)**

Meet on site at 2.15pm

To visit and inspect the site of the deferred Planning Application to demolish an existing bungalow and construct a two storey house with detached double garage and workshop and associated external works at the Croftlands, 34, Grape Lane, Croston and to make recommendation on the determination of the application to the Development Control Committee.

A copy of the report of the Head of Development Regeneration on the planning application, which was submitted to the Development Control Committee, is attached for information.

5. **Planning Application 05/00500/FUL (Pages 13 - 18)**

Meet on site at 2.45pm

To visit and inspect the site of deferred Planning Application for the construction of tennis court and associated walls, fences and works at The Old Rectory, High Street, Mawdesley and to make a recommendation on the determination of the application to the Development Control Committee.

A copy of the report to the Head of Development Regeneration on the planning application, which was submitted to the Development Control Committee, is attached for information.

6. **Planning Application 05/00686/FUL (Pages 19 - 22)**

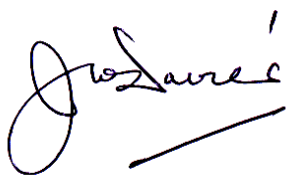
Meet on site at 3.45pm.

To visit and inspect the site of the deferred Planning Application for the subdivision of an existing dwelling and associated works to form two new dwellings at Fairview, Harbour Lane, Wheelton and to make a recommendation on the determination of the application to the Development Control Committee.

A copy of the report of the Head of Development Regeneration on the planning application, which was submitted to the Development Control Committee is attached for information.

7. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

Distribution

1. Agenda and reports to all Members of the Site Inspection Sub-Committee (Councillor A Lowe (Chair), Councillor Parr (Vice-Chair), Councillors Ball, Bedford, Culshaw, D Dickinson, T Gray, Heaton, Iddon and Miss Molyneaux) the head of Development Regeneration and Development Control Manager for attendance.
2. Agenda and reports to Ward representatives, Ecclestone and Mawdesley (Councillors Counce, Culshaw and Whittaker), Lostock (Councillors Mrs D Dickinson and Iddon) and Wheelton and Withnell (Councillors I Smith and S Smith) for attendance.
3. Agenda to all remaining Members of the Council and Chief Officers for information.

This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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Site Inspection Sub-Committee**Tuesday, 23 August 2005**

Present: Councillor A Lowe (Chair), Councillor Parr (Vice-Chair) and Councillors Bedford and D Dickinson

05.SI.01 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Edgerley, Gray, Heaton, Iddon, M Lowe and Molyneaux.

05.SI.02 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest expressed by the members.

05.SI.03 MINUTES

RESOLVED – That the minutes of the meeting of the Site Inspection Sub-Committee held on 7 March 2005 be confirmed as a correct record and signed by the Chair.

05.SI.04 PLANNING APPLICATION 05/00472/FUL

The application for planning permission to convert the first floor of 303 to 305 Eaves Lane from storage and office accommodation associated with the ground floor shops to residential accommodation had been deferred at the Development Control Committee meeting held on 28 June to allow the Site Inspection Sub-Committee to visit and inspect the site.

The Head of Planning Services pointed out that the application also included ground floor rear extensions to provide a staff room and loading area for the ground floor shops. When the application was first submitted on the 3 May 2005 the proposal included first floor rear balconies over the extensions. The scheme had now been amended removing two of the three proposed balconies and retaining only one, which faced the side elevation of number 1 St. Peter's Street. The remaining balcony would have a timber pergola above it with galvanised steel handrails and balustrades.

The Sub-Committee were informed however that there had been a complaint made by the residents of number 1, St. Peter's Street regarding this proposal. They felt that they would be overlooked on their side elevation.

The Head of Planning Services also pointed out that, as part of the proposal three car parking spaces are to be provided. Two spaces to the rear of 301 Eaves Lane and one to the rear of the property at the boundary with St. Peter's Street on an existing paved area.

While the Sub-Committee members expressed concern at the possible impact the proposal would have on the parking situation in the area, the members accepted the inherent problems of car parking in busy residential/neighbourhood shopping areas. In this context, the Sub-Committee's attention was drawn to the existing small car park to the rear of the Eaves Lane property.

The Sub-Committee was also advised of recent correspondence from the applicant intimated a willingness to discuss the possibility of his disposal of a strip of land for car parking in exchange for limited waiting restrictions being enforced along the side of his property on St. Peter's Street for the benefit of visiting customers.

While accepting the Vice-Chair's concerns about the enforceability of waiting restrictions, the Sub-Committee **RECOMMENDED** that further consideration of the application be deferred to enable early discussions between the applicant, the Head of Planning Services, the Head of Public Space Services, the Director of Legal Services and Ward Representatives on the parking and balcony issues in general and the applicant's land exchange offer in particular.

05.SI.05 ANY OTHER ITEM(S) WHICH THE CHAIR DECIDES IS/ARE URGENT

Chair

Item B. 3	05/00569/FUL	Permit
Case Officer	Mrs Helen Lowe	
Ward	Lostock	
Proposal	Demolish existing bungalow and construct a two storey house with detached double garage and workshop and associated external works,	
Location	Croftlands 34 Grape Lane Croston LancashirePR26 9HB	
Applicant	Mr Thompson	

Background This application proposes the erection of a replacement dwelling on Grape Lane in Croston. The existing property is a bungalow, with an attached flat roofed garage and it is proposed to replace this with a two storey house with a detached double garage with pitched roof and attached garden store. The front elevation of the proposed replacement dwelling would be 2 m closer to Grape Lane than the existing dwelling, it would approximately half a metre closer to the southern boundary of the site than the existing bungalow, and 2m further from the north boundary (than the attached garage).

Planning Policy The application site is located within the Green Belt, as defined by Policy DC1 of the Adopted Chorley Borough Local Plan Review. Policies GN5 (Building Design and Retaining Existing Landscape Features and Natural Habitats), DC8A (Replacement Dwellings and Extensions in the Green Belt) and HS4 (Design and Layout of Residential Developments) are all applicable.

The Council's House Extension Design Guidelines are also relevant, as is Planning Policy Guidance Note 2 'Green Belts'. PPG2 states that the replacement of existing dwellings in the Green Belt need not be inappropriate, provided that the new dwelling is not materially larger than the dwelling it replaces.

The application site is also located within Croston Conservation Area and the Article 4 area within Croston. Policy HT7 of the Adopted Chorley Borough Local Plan Review seeks to ensure that all development within a Conservation Area will preserve or enhance the character or appearance of that Area. All new development should be of a standard of design which respects the special architectural or historic interest of the Area. Any proposal should meet the following criteria:

- a) The mass, bulk, and height of buildings should be in scale and harmonise with adjoining buildings and the streetscene;
- b) Building materials should be appropriate to the locality and be sympathetic to buildings nearby in terms of type, texture and colour;
- c) Development should be in keeping with the streetscape, roofscape or skyline and should not detract from important views into and out of the area;
- d) Development should retain important landscape features

such as trees, hedges, fences and walls and ensure that open spaces are not adversely affected;

- e) New uses for existing buildings will be encourage where they ensure the retention of existing buildings which make a positive contribution to the areas character or appearance.

Policy HT8 on the Control of Demolition in Conservation Areas states that new buildings should positively contribute to the character/appearance of the Area.

Planning History

Planning permission for the dwelling was granted in 1961. Planning permission for the attached flat roofed garage was also granted in 1961.

Consultees Responses

Croston Parish Council have made the following comments:

- The proposed building is out of character with the surrounding properties (including 32 Grape Lane which is believed to be one of the oldest properties in the village) and, as such, will have a detrimental visual impact on the street scene.
- It does not enhance the Conservation Area and is of a design which may be found on numerous new housing developments throughout the country.

The Lancashire County Council Highways Engineer has advised that there are no objections to this application. The widened entrance would require the extension of the existing vehicular footway crossing. An appropriate condition and informative are suggested.

The Environment Agency standing advice recommends that in Flood Zone 3, this type of development requires a flood risk assessment to be carried out. The applicant has confirmed that the ground floor level of the proposed replacement dwelling will be exactly the same as that of the existing dwelling. This has been forwarded to the Environment Agency and detailed comments are awaited.

The Economic Regeneration and Conservation Officer has made the following observations:

- Croftland (no. 34) is a relatively modern building of undistinguished design and suburban style and layout. It contributes little or nothing to the quality of the conservation area, so demolition, per se, would not be contentious in my view;
- The critical issue from a conservation standpoint is the impact of the replacement dwelling on the conservation area and on the setting of listed buildings in the same street scene (the closest is no. 35 – Grade II listed, cruck framed and thatched roof cottage);
- Development along Grape Lane is noticeably more varied in character than in some other parts of the village. Clusters of properties of different ages are variously sited in relation to the road. The groups of buildings, the open spaces around and between them and clusters of mature trees are all important features of the street scene, as is

the informal relationship between them;

- Due to its scale and design the proposed building would feature prominently within the street scene and must take substantial references from this context if it is not to appear unduly urban and out of place;
- The detached garage and workshop would stand well forward of the new dwelling, to create a space (a cobbled yard) enclosed on two sides by the house and garage with a wall linking them. In principle this type of arrangement could be considered sympathetic to the context.

The Conservation Officer then goes on to suggested a number of possible amendments to the siting and detailed design and conditions that could be attached. Following receipt of amended drawings the Conservation Officer has expressed satisfaction with the design and siting of the proposed dwelling, although expresses some concern over the elaborate nature of the rear elevation.

Third Party Representations

Twelve letters from neighbouring residents have been received in response to the original set of submitted plans. They make the following comments regarding the proposed replacement dwelling:

- It would detract from the character of the neighbouring historic buildings and the Conservation Area and does not make a positive contribution to the Conservation Area;
- It would overshadow and cause loss of light to adjacent properties;
- It would not contribute to the character of Grape Lane and the design is not in keeping with the surrounding properties;
- To describe the proposed replacement as being in the style of a farmhouse is inaccurate. There has also never been a farmhouse near this site on Grape Lane;
- The size is disproportionate to the site and its immediate environment. The scale, appearance and design would dominate the area;
- It would look out of place in this area (it looks like and 'executive' style home from a new estate). The design is too formal and modern;
- What materials will be used?
- The construction of the garage may necessitate the cutting back/eventual loss of the boundary hedge;
- Bringing the garage forward would obscure the view when exiting the site and No. 32 and reduce visibility to road users on the bend, harming highway safety;
- The siting is not in keeping with adjacent properties (being further towards Grape Lane than the existing bungalows);
- What will the workshop be used for? Will it be used for business purposes?
- To argue that the existing bungalow does not have any architectural or historical merit is incorrect. The application should be judged on its own merits. Replacing one unremarkable property with another is not real progress;
- The Architect's comments, particularly regarding No. 36 are inaccurate and incorrect;
- There would be disruption caused during the demolition and construction works.

Applicant's Case The applicant has submitted the following in support of the application:

- The existing bungalow was constructed in the mid 1960s and does not possess any architectural or historical merit. It neither reflects the character of the mainly older properties in Grape Lane, nor does it enhance the Conservation Area. The only other similar property is the adjacent dwelling, No. 36;
- The style, scale and materials of the existing bungalow do not allow it to provide a sense of place. The building has a ribbon;
- The replacement dwelling is design ed as a small scale 2 storey building with a 'farmhouse' character both in elevational treatment and internal layout;
- Although two storey the reduced ridge and eaves height keep it in scale with similar 'cottage' properties on Grape Lane;
- Proposed the use of reclaimed brickwork and a pantiled roof together with window details all similar to existing older properties on Grape Lane in order to less the impact of the new building and make it more in keeping with the Conservation Area than the existing property.

Assessment

The main issues for consideration in determining this application are: impact on the Conservation Area/nearby Listed Buildings; impact on The Green Belt; Neighbour amenity; Highway Safety and Flood Risk.

Conservation Area/Listed Buildings

It is considered that the proposed design and appearance of the replacement dwelling is acceptable and appropriate to the locality. The proposed detailing (such as the brick banding details, exposed rafter ends, window design) to the dwelling in particular ensures that the proposed dwelling would be of a high standard of design. It is recommended that conditions should be attached requiring details to be submitted and approved regarding materials, window fixing, eaves details, rainwater goods, boundary treatment and so on. The existing buildings along this part of Grape Lane vary greatly in scale, form, style and design.

The mass, bulk, and height of buildings is considered to be in scale and harmonise with adjoining buildings and the streetscene. The adjacent property to the north west (No. 32 – Yarrow Place) is a two storey dwelling as are properties to the east. The adjacent property to the south east (No. 36 – Lawnswood) is a bungalow. Further to the north and south properties on Grape Lane are largely two storey, although with considerable variation in height, scale, form and design. Many are located much closer to the road than the existing bungalow. The conservation officer recommended that the siting of the dwelling be amended so that the front elevation was forward of the front elevation of the existing bungalow, as this was felt to be a more sympathetic building line than as existing and also that the dwelling be positioned slightly further to the south than originally proposed in order to give a larger gap between the proposed replacement dwelling and the detached garage. This helps to reduce the scale of building across the site, as viewed from Grape Lane.

The Conservation Officer has expressed some concerns about the massing and complexity of the rear elevation, especially the cat slide roof, which would be visible from the public footpath that runs across the land to the rear. The applicant was asked to give consideration to altering this aspect of the design, but has declined to do so as it would not provide the desired internal layout and considers that there are other such built forms in the locality. The detailing to the front of the dwelling has also been added to the rear. Although some simplification of the rear elevation would reduce the prominence of the building as viewed from the west, it is considered by myself, and the Conservation Officer that this is not sufficient reason to refuse the application and does not conflict with the aims of policy HT7.

It is my opinion, and that of the Conservation Officer, that the existing bungalow on the site has a neutral impact on the Conservation Area. The views of the local residents and the Parish Council are noted, however in view of the fact that the Conservation Officer is satisfied with the proposal, it is considered that the proposal is of a standard that would preserve and enhance the character of Croston Conservation Area.

Green Belt

The overall bulk and scale of building on the site will undoubtedly be increased by the proposed replacement dwelling. The existing bungalow on the site has an eaves height of 2.6m and a ridge height of 6.1m, whereas the proposed replacement dwelling (being a two storey house) would have an eaves height of 4.4m and a ridge height of 7m. Particularly as the replacement dwelling would be a two storey house, the replacement dwelling could be perceived as being substantially larger than the existing bungalow. However, the actual overall increase in volume of replacement dwelling (not including the proposed detached garage/workroom) as compared to the existing bungalow (including the attached garage) would be approximately 34%. The increase in volume compared to the bungalow as originally built would be approximately 54%. The floor area to be occupied by the replacement dwelling (not including the proposed garage/workroom) is also similar to that of the existing bungalow, albeit on a slightly different footprint. The proposed detached garage/work room would occupy a previously open area between the application property and the adjacent property (No. 32).

The proposed volume increase is within the limits normally considered to be acceptable for the extension and replacement of dwellings in the Green Belt and I consider that the proposed replacement dwelling would not have a materially greater impact upon the Green Belt than the existing dwelling.

A public footpath runs along land to the rear of the application site, and views of the proposed dwelling will be afforded from this footpath. I do not consider that the replacement dwelling would cause harm to the open and rural character of the Green Belt nor detract from the openness of the Green Belt in this particular location, as it would be viewed within the context of an existing line of development. Also, the bulk and scale of the replacement dwelling is not considered to be materially larger than the existing dwelling.

Neighbour Amenity

Two ground floor windows and a door are proposed in the north west facing side elevation, to a W.C. and a utility room. A bedroom window is proposed in the first floor elevation. At present there is a hedge, approximately 4m in height along the boundary with the adjacent property - No. 32, which extends from the front boundary, as far back as the rear of the existing bungalow. Beyond this there are a number of mature trees along the boundary and within the garden area of No. 32. There is a first floor bedroom window in the facing elevation of No. 32. At the ground floor there is a garage.

Although the existing hedge would provide a significant degree of screening between the two properties, should it be removed I do not consider that the introduction of two ground floor windows to non-habitable rooms would cause any undue loss of privacy or overlooking to the occupants of No. 32, particularly as the area overlooked is the driveway to No. 32. The applicant has indicated that this hedge would be retained, however the proposed garage would be located in close proximity to this hedge.

The proposed first floor window of the replacement dwelling would be 10m from the boundary with No. 32, this complies with the Council's Guidelines. There would be a distance of 19 m between the two windows. The Council's Guidelines suggest that this distance should be 21m. However, due to No. 32 being set much closer to Grape Lane than the application property (approximately 6.5m closer), the windows would not directly overlook each other. I do not consider that this is sufficient reason to refuse the application.

One set of patio doors (to a kitchen/dining area) are proposed at ground floor level on the south east facing elevation. No windows are proposed at first floor level. These would be 7m from the boundary with No. 36. There are two windows in the facing side elevation of No. 36, these are secondary windows to a lounge and kitchen. There is an existing fence along the boundary that varies in height from 1.75m to 1m. At present the existing bungalow on the application site has secondary windows to a lounge and kitchen that overlook No. 36. These are 3m and 2m from the boundary respectively. It is not considered that changes to this elevation would cause any undue loss of privacy for the occupants of No. 36.

The proposed replacement dwelling would have a number of first floor windows to habitable rooms on the rear elevation. The plans have been amended to remove a proposed rear balcony. This would inevitably introduce an element of overlooking to the garden for the occupants of No. 36 that does not presently exist from the north west. The garden of No. 36 is presently overlooked from the south by the dormer windows to the rear of No. 38 Grape Lane.

With regard to any potential overbearing impact that may be experienced by the occupants of adjacent properties It is considered that for the occupants of no. 32 this is mitigated by the distance between the proposed replacement dwelling and the boundary with No. 32. As the side facing windows at No. 36 are secondary windows and the rear elevation of the proposed replacement dwelling would not extend any further to the rear than the rear elevation of No. 36 it is not considered that the impact of

the replacement dwelling would be so severe as to warrant refusal of the proposals. As the replacement dwelling would be to the north west of No. 36, the level of overshadowing would be minimal.

In view of some of the comments received it is recommended that a condition be attached restricting the use of the garage and workroom only to purposes incidental to the enjoyment of the dwellinghouse and also a condition requiring details of boundary treatments to clarify what is being retained and what is being replaced.

Highway Safety

In view of the comments from the County Council Highways Engineer, it is not considered that the proposal would cause undue harm to highway safety.

Flood Risk

Comments are still awaited from the Environment Agency regarding issues of flood risk.

Conclusion Subject to no objections being received from the Environment Agency the proposal is recommended for approval.

Addendum

Item B.3: Croftlands 34 Grape Lane Croston – 05/00569/FUL

It is recommended that an additional condition be added:

9. The doors in the south east elevation of the garage shall be side hung and constructed in timber. Side hung timber doors shall be retained at all times thereafter.

Reason: To ensure a visually satisfactory form of development and to protect the appearance of the locality and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.

The Environment Agency has made the following comments: as the proposed dwelling would replace an existing dwelling the Agency has no objection in principle to the proposed development, but would recommend that the floor levels of the proposed replacement home are set as high as is acceptable in order to reduce the risk from flooding, and not less than 600mm above existing ground floor level. It is also recommended that the developer incorporates measure to reduce flood risk and damage.

The floor levels of the proposed dwelling are not shown at present as being at least 600mm above ground floor level. In achieving this, the bulk and scale of the proposed dwelling may have to be altered. The need for this rise in floor levels needs to be carefully considered. There may also be alternatives to simply raising the floor level. It has not been possible to explore these issues prior to the item coming to Committee. However, it is considered that there is likely to be an acceptable solution.

As there is an existing dwelling on the site, and the applicant has indicated that the floor levels proposed replacement dwelling would be at the same level as those of the existing dwelling it is considered that the occupants of the proposed dwelling be at no greater risk from flooding than at present. It is therefore recommended that the following condition and informative are added:

10. Before the development hereby permitted is first commenced full details of existing

and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

Recommendation: Permit

Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
2473-05-01	16 May 2005	Existing Plans
	16 May 2005	Location Plan
2473-05-20	27 July 2005	Proposed Street Scene
2473-05-02F	22 August 2005	Proposed Elevations

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

3. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, DC8A, HT3, HT7 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels.

Reason : In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.

5. Before the development commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason : In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.

6. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site

boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.

7. The existing vehicular access shall be widened in accordance with the Lancashire County Council specification for the Construction of Estate Roads, prior to the occupation of the approved dwelling.

Reason: To maintain the proper construction of the highway and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

8. The garage and workroom hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage and workroom shall not be used for any trade or business purposes.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy Nos. DC8A and HS4 of the Adopted Chorley Borough Local Plan Review.

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Item B. 1	05/00500/FUL	Permit
Case Officer	Mr Nigel Robinson	
Ward	Eccleston And Mawdesley	
Proposal	Construction of tennis court and associated walls, fences and other works	
Location	The Old Rectory High Street Mawdesley LancashireL40 3TD	
Applicant	Mr And Mrs Warburton	

Background	<p>This is an application to lay-out a hard surface tennis court on open land, formally in agricultural use, which has the benefit of planning permission for change of use of agricultural land to extended residential curtilage for the Old Rectory (04/983) whose existing garden curtilage adjoins this land. The application site adjoins open land to the west currently used as the graveyard to St. Peter's Church. The earlier planning permission took away permitted development rights for the use of the land and as such planning permission is required for this development. Also incorporated into the development are details of means of enclosure to both the site and the tennis court playing area as well as landscaping proposals for this area of land – both of which were required by planning condition. These details accompanying the application have been amended since its initial submission. A public footpath immediately abuts the application site. Its route was formally diverted prior to the applicant buying the land and obtaining planning permission for its reuse.</p>
Planning Policy	<p>DC1 Green Belt; PPG 2; control of the development of land/buildings in the green belt, which could impinge upon the openness of the green belt.</p>
Planning History	<p>04/983 – Change of use of agricultural land, to residential curtilage.</p>
Consultees	<p>Upon initial consultation, Mawdesley Parish Council objected to the location of the tennis court and the siting of the screen wall ; the Parish Council have been reconsulted on the revisions now submitted for a decision</p>

Third Party Representations

Six letters of objection received upon the initial consultation from Mawdesley with Bispham Parochial Church Council, the diocese of Blackburn, the Reverend Canon Gordon of Mawdsley and from two residents in Mawdsley and one in Eccleston. The substance of the points of objection made are as follows:

- The site of the tennis court is too close to the consecrated ground of the graveyard, where burials take place and the previously bereaved come to contemplate in quiet.
- The Old Rectory has extensive grounds and better location for the court should be able to be found.
- The tennis court needs to be moved further away from the graveyard.
- The approval of this application will lead to further applications for associated built works such as a pavilion.
- Stray tennis balls could fly into the graveyard, irrespective or not of whether there is a funeral on or not; these would have to be collected.
- Normal vocal reactions from playing tennis will be displayed by both adults and children; noise is bound to increase dramatically.
- The proposed high wall appears unacceptable for both a rural setting and within the green belt.

These respondents have been re-consulted on the submitted revisions and any further views received will be reported.

Applicant's Case

Amended plans have been submitted to overcome the concerns of both the Council and the Parochial Church Council. The applicant states that objections to the development appear to be based upon noise in proximity to the graveyard. If it were realistic to lay a grass court there would be no noise from the court but unfortunately the weather in Lancashire would preclude regular use. He is willing to finance a very satisfactory level of detailing to ensure that the court suits its setting. The applicant says that he and his family are mindful of the situation of the graveyard and would respect funerals taking place by not playing on the court at that time. This would be normal behaviour by a good neighbour. He and his family are members of the Church and respect it. The position of the existing terrace to the side garden where the applicants' children play backs on to the garden of remembrance and the only comments made about this situation have been positive ones.

Assessment

There are two considerations to make a judgment upon under the scope of this application. Firstly, there is the potential impact upon the openness of the green belt in this situation and adjacent open agricultural land and the route of a public footpath. Secondly, there is a consideration as to whether the impact of the proposed use upon the use of the adjacent graveyard is material planning consideration that warrants significant weight to be given to it.

On the Green Belt issue, clearly permitted development rights were removed to allow for consideration of any uses upon this new area of the garden, which might impact upon the setting of the site in the Green Belt. A very urban treatment for a tennis

court or an enclosure for a swimming pool could have an adverse impact on a site that would be clearly noticeable from High Street, the churchyard and the public footpath that adjoins the site. Upon submission of this application, there were strong concerns about the appearance of the screen fences to the northern boundary and around the tennis court as well as the high brick wall adjacent to the graveyard. All were considered to represent typically urban forms that would have been alien in this situation and as such unacceptable. The applicants' agents were advised of this.

The amendments received are considered to be more appropriate. The planting of the mature hedge is now something, which is available and feasible. The mesh panel fence can be located in such a position that its face addresses the garden area as opposed to the graveyard. The temporary fencing to the northern boundary will have a much more natural appearance and would in any event be replaced after two years once the longer length of hedgerow establishes. The chain link fencing around the court area itself has been kept to a maximum of 2 metres and is more open than a heavy decorative fence type, while experience has shown that when erected in pre-treated black, the mesh and support posts are 'lost' much better in an open background than green or brown. It is not considered that there would be any harm to the openness of the Green Belt or the setting of the site adjacent to open countryside or the public footpath.

With regard to the possible impact of the use upon the use of the graveyard, as with the previous application, it is considered that the location of the graveyard in juxtaposition to the application site is a material consideration. It is an unusual scenario which is unlikely to have been repeated on many occasions elsewhere. What has to be considered is whether or not there would be any resultant harm from playing tennis upon an area of quiet contemplation that is synonymous with a churchyard/graveyard.

The applicants have identified that they would not play tennis whilst burials are being undertaken but clearly this could not be conditioned and any planning permission would relate to the property as opposed to the applicants. However, one has to be reasonably pragmatic about how the proposed use will be undertaken in practice. As the applicant states, the existing configuration of his current garden curtilage and terraced play area adjoins the church's main garden of remembrance and original graveyard. The applicants could actually remodel his existing garden in that location and actually construct a tennis court area there without any planning permission. The church site adjacent the proposed tennis court is a more open piece of land, which holds the more recent and new graves. On balance given the visual improvements gained that will screen the court more favourably from the graveyard its presence will be less apparent to users of the graveyard.

Conclusion

On balance it is considered that planning permission can be granted for the proposed tennis court subject to the recommended conditions.

Recommendation: Permit

Conditions

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. The approved plans are:

Plan Ref.	Received On:	Title:
3338/ex/01	12/04/05	Location Plan
484.08	03/10/05	Site layout plan/landscaping.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. The implementation of the landscaping to supplement the existing hedge to the western site boundary with the adjacent church land shall not be undertaken until the Local Planning Authority approves the following matters:

- a] The number of the hedging plants proposed and their spacing.
- b] The precise position of the proposed mesh enclosure fence in juxtaposition to the existing boundary hedge and proposed hedge.

Reason: In the interests of providing a satisfactory means of enclosure to the boundary that satisfies visual amenity, and to accord with policy GN5 of the Adopted Chorley Borough Local Plan Review.

5. There shall be no illumination of the tennis court at any time.

Reason: In the interests of safeguarding visual amenity on this site viewed against the background of open countryside and sensitively located in the Green Belt as identified on the Proposals Map to the Adopted Chorley Borough Local Plan Review; the use of illumination sources be an alien urban feature in this location. Policy DC1 of the Local Plan is relevant.

6. The section of hazel wattle fencing to the northern site boundary shall be removed after a period of no later than 2 years from the commencement of planting of the new hedge to that boundary, the date of which shall be identified in writing to the Local Planning Authority.

Reason: To remove the built form of development from the site in favour of a natural boundary treatment in this situation adjacent open countryside and within the Green Belt; also in accordance with the provisions of policies GN5 and DC1 of the Adopted Chorley Borough Local Plan Review..

Addendum**ITEM B.1 05/00500/FUL – Land at The Old Rectory, High Street, Mawdesley – Construction of a tennis court and ancillary works**

1 additional letter response received stating that the respondent is still objecting to the proposed development upon the basis of:

- 1) The movement of the court only 2.4 metres further away from the boundary of the churchyard does not overcome the previously lodged objection. The

churchyard and the church are at the heart of spiritual, social and heritage of the village. The siting of the proposed tennis court is not compatible with this.

1 additional letter received from the Rector of St. Peter, Mawdsley stating that he and the churchwardens of the PCC of St. Peter have seen the revised plans and that they are happy with the position and have no objection to the application proceeding.

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Item B. 4	05/00686/FUL	Refuse
Case Officer	Miss Nicola Bisset	
Ward	Wheelton And Withnell	
Proposal	Subdivision of existing dwelling and associated works to form two new dwellings	
Location	Fairview Harbour Lane Wheelton Chorley Lancashire	
Applicant	Mr And Mrs Bannister	

Proposal This application proposes altering the internal layout of the property and dividing the property to create two residential units. The property has an existing two-storey rear extension which was permitted in 1979 (79/00386). The proposal incorporates removing this extension and rebuilding it on a slightly smaller footprint than the existing extension.

The proposal also incorporates creating parking to the front of the properties for both properties with turning space. The driveway will be covered with Hexapath or similar to create the impression of a grassed area. There is a hedge proposed to the front boundary of the property and hedges at the rear to the rear boundary and dividing the two rear garden areas. It is also proposed to infill the existing pool.

Planning Policy	DC1- Development in the Green Belt. DC8A- Replacement Dwellings and Extensions in the Green Belt. PPG2: Green Belts. Windfall Housing Supplementary Planning Guidance.
Planning History	78/01162- First floor extension. Refused: Out of keeping in terms of scale and design. 79/00386- Dormer extension. Approved.
Applicant's Case	<p>The agent has raised the following points in relation to the proposal:</p> <ul style="list-style-type: none"> • The external volume is slightly larger with the addition of a pitched roof; however this is more in keeping with the surroundings and in-line with the advice given in Para 3.8 (d) of PPG2. • The applicants would be willing to retain the flat roof design so that the resulting external volume of the building would be no greater than existing. • The proposals, in terms of gross internal room square area, require only 15% of the existing structure to be demolished and rebuilt. • The proposed gross internal room area is slightly less than existing. • The outline of the building viewed from the open greenbelt would be exactly the same as existing if a flat roof was to be incorporated. • The footprint of the building would be smaller than existing, with the curtilage of the site becoming slightly

smaller also, with the addition of the hedge to the frontage.

- The proposed driveway would be constructed of Hexapath or similar which creates a grassed appearance.
- Lancashire County Council's Traffic & Development Department have confirmed that they now have no objections against the proposals and that there are in fact benefits to the revised scheme.

Representations

Councillor Smith has requested that the planning application be presented to the Planning Committee instead of being dealt with under delegated powers.

1 letter of objection has been received from a neighbour raising concerns of loss of light and loss of privacy.

1 letter has been received from the attached bungalow stating they have no objections to the proposal but raising concerns about connecting services to the existing septic tank.

Consultations

Environmental Services: have no objections to the proposal.

Lancashire County Council Highways Section: Initially commented on the 12th July 2005 on the originally submitted scheme. The County Council had concerns that visibility from the proposed new vehicular access was considerably below the nationally recommended standard of vision for access. In relation to the scheme originally submitted Lancashire County Council objected to the proposal on the grounds that the restricted vision and lack of turning space within the site would increase the risk of accidents in the area.

The proposal has been amended to address the issues raised by the County Council. The scheme now proposes turning space within the curtilage of the dwellinghouse. In a letter to the agent dated 4th August 2005 the County Council do not object to the scheme subject to the shared turning area being permanently available to both properties.

Assessment

The property is located within the Green Belt. The proposal incorporates subdividing the property to create two dwelling units.

The subdivision of the existing property which will lead to a significant intensification of the use of the site. This will result in a greater level of activity, the need for larger hard surfaced area, divided curtilage using additional fencing and increased pressure for further outbuildings etc. In addition it will also result in twice the quantity of household paraphernalia associated with residential occupation. All this will result in harm to the openness of the green belt and its visual amenities.

As such the proposal is contrary to Policy DC1 of the Adopted Chorley Local Plan Review 2003 and PPG2: Green Belts. PPG2 states that the use of land (and the re-use of existing buildings) should not harm the purposes and objectives of the Green Belt. It is considered that the intensification of the use would detrimentally impact on the openness and visual amenities of the Green Belt.

The policies in the development plan and other guidance seeks to

direct re-use away from residential use. The proposal also incorporates substantial rebuild of an existing structure which indicates that the proposal is not an appropriate re-use of the existing building.

The fact that a harm is small is not in itself a positive factor that weighs in favour of the proposal. As such, although the impact of the change of use might not be as significant as other proposals, it still represents inappropriate development that, by its very definition is harmful to the purposes and objectives of the Green Belt.

The applicant has not put forward any circumstances that are so special that they amount to very special circumstances that outweigh the harm caused by the development and justified change of use and rebuild works. Although the impact of the rebuild is small visually the fact that the harm is small does not make the development appropriate.

The proposal incorporates creating car parking and turning space to the front of the property. This has been amended altering the parking arrangements to the front of the property to allow turning space within the curtilage of the site. This allows cars to exit the drive in a forward direction. This has overcome the initial highway safety concerns raised by Lancashire County Council. This area will be covered with Hexapath, a material which gives a grassed appearance. Even though the applicant has tried to mitigate the impact of this parking area by covering it with grassed material the creation of this area will further urbanise the area which is contrary to Green Belt Policy.

It is considered that the degree of harm the intensification of use has on this Green Belt location and the further urbanisation of the area warrants a refusal of planning permission.

Addendum:

Lancashire County Council's Highway Section have commented that there are benefits with the revised driveway arrangement and they have no objections subject to the shared drive being available to both properties. This would need to be secured by a condition.

The agent working on behalf of the applicant would like to draw the Committee members attention to his letter 9th August and the amended plans in relation to revised parking layout.

The additional reason for refusal has been added:

'The proposed development would be located within the Green Belt as defined by the Adopted Lancashire Structure Plan, and the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Policy DC7A of the Chorley Borough Local Plan Review and the Council's adopted Windfall Housing Supplementary Planning Guidance, which seeks to resist conversion of buildings which require additions or alterations which would change its existing form and character.'

Recommendation: Refuse

Reasons

1. The proposed conversion of the building and the use of the curtilage associated therewith would constitute an incursion of residential development within the Green Belt

which would be inappropriate, out of character and contrary to the objectives and purposes of the Green Belt. As such it is contrary to Government advice contained in 'PPG2: Green Belts' and to Policy DC1 of the Adopted Chorley Local Plan Review 2003.
