

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 18TH JULY 2017, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 20 JUNE 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 five 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 **16/01021/OUT - HIGHER HEALEY FARM, HIGHER HOUSE LANE, HEAPEY, CHORLEY**

(Pages 7 - 26)

- B **16/00601/FUL - DRINKHOUSE FARM, DRINKHOUSE ROAD, CROSTON, LEYLAND, PR26 9JH**

(Pages 27 - 42)

- C **17/00413/FULMAJ - CHORLEY RUGBY UNION CLUB, CHANCERY ROAD, ASTLEY VILLAGE, CHORLEY, PR7 1XP (TO FOLLOW)**

- D **17/00529/OUT - 122 CHAPEL LANE, COPPULL, CHORLEY, PR7 4PN**

(Pages 43 - 54)

E	17/00468/FUL - THE LITTLE ACORNS NURSERY, 34 SHEEP HILL LANE, CLAYTON-LE-WOODS, CHORLEY, PR6 7JH	(Pages 55 - 64)
4	PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NUMBER 1 (CHORLEY) 2017 WITHOUT MODIFICATION	(Pages 65 - 66)
	Report of the Director of Customer and Digital (enclosed).	
5	APPEALS AND OTHER DECISIONS	(Pages 67 - 68)
	Report of the Director of Customer and Digital (enclosed).	
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

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

Electronic agendas sent to Development Control Committee reserves for information.

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 20 June 2017

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

RESERVES: Councillors Sheila Long

OFFICERS: Asim Khan (Director (Customer and Digital)), Adele Hayes (Planning Services Manager), Caron Taylor (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillors Martin Boardman and Henry Counce

OTHER MEMBERS: Councillors Roy Lees

17.DC.286 Minutes of meeting Tuesday, 23 May 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 23 May 2017 be approved as a correct record for signature by the Chair.

17.DC.287 Declarations of Any Interests

There were no declarations of any interests.

17.DC.288 Planning applications to be determined

The Director of Customer and Digital submitted five 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 16/00804/FULMAJ - Land 120m South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Registered speakers: Kenneth Robertshaw (objector), Cllr Roy Lees (Ward Councillor) and Caroline Muskur (agent)

RESOLVED (12:1:1) – That full planning permission be approved, subject to conditions in the report, including an additional and amended condition as outlined in the addendum and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director of Customer and Digital in consultation which the Chair and Vice-Chair.

b 16/00805/FULMAJ - Land 120m South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Registered speakers: Kenneth Robertshaw (objector), Cllr Roy Lees (Ward Councillor) and Caroline Muskur (agent)

RESOLVED (13:0:1) – That full planning permission be approved, subject to conditions in the report, including an additional and amended condition as outlined in the addendum and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director of Customer and Digital in consultation which the Chair and Vice-Chair.

c 16/00806/OUTMAJ - Land 120m South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Registered speakers: Kenneth Robertshaw (objector), Cllr Roy Lees (Ward Councillor) and Caroline Muskur (agent)

RESOLVED (12:1:1) – That full planning permission be approved, subject to conditions in the report, including an additional condition as outlined in the addendum and a Section 106 legal agreement, with the details of the overage/clawback arrangements to be delegated to the Director of Customer and Digital in consultation which the Chair and Vice-Chair.

d 16/01021/OUT - Higher Healey Farm, Higher House Lane, Heapey, Chorley

This item was withdrawn from the agenda.

e 17/00403/REM - Land North of Lancaster Lane and Bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods

RESOLVED (unanimously) – That reserved matters consent be granted, subject to conditions in the report.

17.DC.289 Appeals and Other Decisions

The Director of Customer and Digital submitted a report for information on planning appeals received from the Planning Inspectorate between 24 May 2017 and 12 June 2017.

One appeal had been lodged against a delegated decision to refuse full planning permission.

The Planning Services Manager expressed concerns that the appeal had been received following misdirection from the Planning Inspector and indicated that she would be writing to formally complain.

Chair

Date

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APPLICATION REPORT – 16/01021/OUT**Validation Date: 16 November 2016****Ward: Chorley North East****Type of Application: Outline Planning****Proposal: Outline application (including access) for agricultural workers dwelling****Location: Higher Healey Farm Higher House Lane Heapey Chorley PR6 9BT****Case Officer: Adele Hayes****Applicant: Mr Hibbert****Agent: Mr Peter Williams****Consultation expiry: 7 December 2016****Decision due by: 8 February 2017**

FURTHER UPDATE REPORT

Members will recall that this application was withdrawn from the agenda last month. This was because Natural England had advised the Council that they had been investigating the status of Temple Wood, on behalf of a local resident. They had concluded that there is enough evidence to show that Temple Wood is ancient woodland and Natural England advised that they will add it to the Ancient Woodland Inventory. They confirmed that the south-eastern corner of the current woodland area is not ancient and also that the triangular land parcel to the west of Temple Wood, which currently has trees on it, is not ancient woodland either. Previously Natural England would not have included the two areas of open water in the area of ancient woodland, as there is evidence that they were created artificially. Furthermore, Temple Wood would not have been included in the original ancient woodland inventory because it is below the 2ha. size threshold. However, Natural England now use 0.25ha as the size threshold for inclusion of woods onto the inventory.

Natural England advised that they will write a report detailing their findings, but in the meantime it was necessary to accept their email as evidence that Temple Wood is ancient woodland and give further consideration to this matter.

The Council's ecological advisors have now visited Temple Wood and advise that whilst the woodland may or may not be ancient, it is their opinion that it is probably not and whilst it is clearly a high value ecological habitat, there are no clear biological or landscape features to indicate ancient origin. It is, however, possible it was part of a once larger woodland, which would explain the very straight boundary to the north (ancient woodland generally has irregular boundaries) and lack of a boundary banking (again often a feature of ancient woods) and that it underwent clear fell and replant prior to 1848 which would explain the even aged mature trees and lack of understorey.

However, whether or not the woodland is ancient, is in their opinion somewhat academic as the area of woodland that would be lost to the passing place, equates to less than 0.25% of the site and would have a very minor impact.

Therefore, it is considered that the ecological impact of the proposed passing place is not significant enough to warrant refusal of the application and the proposed mitigation can be conditioned. In particular, there would be no loss of mature trees and the hedgerow can be

realigned around the passing place.

It is reasonable to resolve outstanding issues such as root protection, nesting birds and mitigation via condition. Whilst the ecologist has suggested a reduction in the size of the passing place, this is not possible. Neither is it possible to have no passing place because LCC Highways have requested that it is provided.

In response, Natural England have advised that they have now been provided with a copy of the 'Pennine' ecological consultant's report, which they had not seen previously. They will take this evidence into account when determining the status of Temple Wood. As the ancient woodland inventory is regarded as provisional, Natural England have also confirmed that they are willing to look at further evidence on this case. They have also stated that the status of the wood may be academic in terms of the scale and impact of the proposals.

Other representations

Cllr Adrian and Marion Lowe have made the following comments:

We acknowledge that the report is extensive and addresses the issues under consideration. However our main observations are regarding the functional need for a dwelling, access and the impact on the local area. We are not convinced that the case for a dwelling has been proved and as the report states it is on balance that they have resolved the outstanding concerns. We contend that it is a judgement for members to take in all the available evidence but we consider that alternative arrangements other than a dwelling already work well. We have grave concerns over access arrangements and the proposed passing point. The track is used not only by nearby residents but has to provide emergency access for United Utilities amongst others and is also a public right of way. It's junction with the Lane causes a concern. We have concerns over that if the dwelling is allowed what is to stop further developments. Finally even though it is not a material planning consideration we note the issue of the covenant and it seems strange that permission could be granted but not implemented upon due to this covenant not being agreed by the owner of the Cottage

The Woodland Trust has submitted an objection to the passing place outlined as part of the planning application on the basis of disruption and direct loss to an area of unmapped ancient woodland, known locally as Temple Wood. They also comment that Natural England has recently confirmed that they believe this area of woodland to be ancient, and as such will be adding it to the Ancient Woodland Inventory.

Further representations have been submitted by a local resident raising further objections which are summarised below together with the officer response:

- A safe and suitable access cannot be achieved for the site such that it would not cause detriment to the operation of the highway network or adversely impact on safety of road users. It is understood that Lancashire County Council insisted upon two passing places being provided in order for this to proposal to be acceptable. However, this cannot be actually achieved in practice.

LCC Highways are satisfied with the proposed access arrangements and a single passing place.

- For the proposal to be acceptable, a passing place has to be constructed on land not in the applicant's ownership or control.

The proposed passing place is wholly on land owned by the applicant.

- The applicant has applied for permission on land outside his ownership.

This is not the case and the applicant has correctly completed certificate A on their planning application forms.

- The proposed passing place is to be located on land known as “Temple Wood” situated west of the access track but this this land is not within the red edging on the application site plan.

The location of the proposed passing place is edged red which means that its provision and retention can be secured through the imposition of a condition.

- The proposed passing place on the edge of Temple Wood would require mature trees to be felled and there is an absence of ecological information to demonstrate that the potential impacts can be adequately minimised and mitigated.

This matter is discussed in detail above.

- It was requested that a further 21 day period in which to respond to the revised consultation response from the County Council and any other amendments to the planning application be arranged.

The application was withdrawn from the agenda last month and it is considered that sufficient time has been available for local residents to consider the proposal.

- The Council has not redacted details of a personal email address before uploading copies of objections to the public web portal. It was requested that all personal information (including contact information and signatures) is appropriately redacted both retrospectively and going forward.

The Council’s initial letter notifying residents about the application, that was sent on 16th December 2016, states:

“Any comments you make about an application cannot be treated as confidential or kept private. Information you provide, including personal information, will be made available online and will be available in the Council’s Customer Service Centre.”

This constitutes notice of fair processing as part of the planning application process and the Council has, therefore, complied with the Data Protection Act 1998 because residents were informed as to how their data would be processed.

However, given the request the information was removed from the website although all information will still be available to view on what is a public record in the Council’s office.

The objector was advised of this and has subsequently requested that their comments be republished on the website. Clarification has been sought that they are happy that this is done as it is not possible to redact parts of the correspondence. A response is still awaited.

Recommendation

It is considered that there are no other outstanding matters and it is again recommended that the application is approved subject to conditions and an associated S106 agreement to tie the land with the new agricultural workers dwelling.

REPORT UPDATE

This application was scheduled for consideration at the Committee meeting held on 23 April 2017. However, prior to the meeting Councillor Adrian Lowe had asked that consideration be given to deferring the determination of the application because further information had come to light which he considered had not been fully assessed. In the interests of natural justice, he requested that Members should have sufficient time to fully consider all the matters of objection raised by local residents with particular regard to legal questions of land ownership, highways

issues and also because the ADAS report had only been made available shortly before the meeting.

Accordingly, at the start of the committee meeting in April, Members were advised that officers considered it appropriate to defer the application and accordingly the recommendation was changed to 'Defer'. In particular, Members were advised that following the Committee site visit, the detail of the passing place would be required to be considered by the committee and that the ADAS report should be provided in full.

In addition to the representations detailed in the original report, it was previously reported on the addendum that 17no. further letters of objection had been received setting out the following issues:

- Part of the track is owned by a neighbour and the proposed development would represent a fundamental change to the nature and scale and this should be factored into the decision making.
- The conclusions of the ADAS report are not sound, the criteria within Policy HS10 have not been met.
- Parts of the farm are used for keeping horses and this is a breach of planning control that the Council must investigate.
- The ADAS officers visit to the site does in no way justify that there are no alternative premises nearby. That the property information has been provided and not taken into account.
- A dwelling is not needed, with a small flock of sheep and horses and this is for profit and will then be sold on.
- The financial basis of the proposed dwelling should be considered and be required to be provided and the matter of financial matters has not been investigated properly.
- The track to the farm is not properly maintained.

Since the Committee meeting in April, further representations have been received from local residents that reiterate their grounds of objection, as previously reported, but concerns are also raised about the potential impacts of the proposed development on highway safety and the potential impact of the proposed passing place on the ecological value of the woodland area. Also, one of the local residents has advised that they have taken particular notice of the activity coming from within and around the woodland in question. They comment that there is without doubt a large bat colony roosting in there.

The residents have again expressed serious concerns about the acceptability of the development in principle and they have challenged some of the statements submitted in support of the proposal by the applicant's agent. In particular, they believe that the suggestion that the brother of the farmer, who runs a large farm in Westhoughton, travels to Chorley each day and every 4 hours during lambing has been shown not to be the case. The residents contend that the farmer continues to run the farm daily and the brother is never on site. They consider, therefore, that the basis of this application and essential need for this dwelling has no foundation.

Local residents also state that Higher Healey Farm has very few animals on site and challenge the 'full-time worker' requirement for such few animals. They also state that the applicant's sister lives close to the site and question the functional need for an essential agricultural worker to reside on site. Comment is also made that the sheep at Higher Healey Farm could be housed at Radcliffe farm where there is property already on site. They believe that the applicant has not provided sufficient financial evidence to show that the farm is financially sound or been profitable for the last few years.

Residents are also concerned that the applicant is attempting to secure a house on site on the basis of an agricultural justification but should a dwelling be built, residents believe that sheep will be relocated back to Westhoughton and the house sold on for a profit.

The residents consider that given that the farmer has lived minutes away within sight of the farm on Heapey Road, and has run the farm from there for approximately 15 years, then there is no

justification for the proposed dwelling. A spread sheet has been provided by neighbours detailing the properties that are currently available for rent or sale in close proximity.

Residents are also concerned that if a single house is allowed, then there is a risk that consent would be given for more, to the detriment of Healey Nab.

Residents have also advised that there is no police record of any crime on the farm, and suggest that security and monitoring of the animals could quite easily be enhanced by the installation of security cameras and other devices, which would enable the land, machinery and livestock to be adequately monitored from a distance.

One of the main concerns expressed by local residents is the safety aspect of the proposed access route, which is the single track leading from the hairpin bend off Higher House Lane

Residents state that this is a huge concern locally, as from the highway, a driver from the road only has a partial view of the full length of the single track. This, therefore, means that if a vehicle is already travelling down the track, other vehicles entering the track from the road will then be forced to reverse back onto the road, which is national speed limit. It is also used by horse riders, walkers and cyclists and the track is located on this dangerous blind bend. In theory this could lead to traffic queueing on this bend in order to enter the track.

Residents also state that there is no point on the track where passing places could be made as recommended by LCC Highways because the applicant does not own the land on one side of the track, which is bog land anyway, and on the other side it is conservation woodland, Temple Wood.

It is also noted by residents that the LCC Highways have suggested that there should be two passing places created at points in the access road to the site. They also note that the report by GMEU contends that the creation of passing places will have some ecological repercussions if they were placed adjacent to the woodland.

Applicant's response

Given the objections raised by neighbours, the applicant has responded to the points raised as follows:

In relation to the break-ins and thefts at Higher Healey Farm, the applicant was fortunate that the items of stolen equipment were not significantly valuable therefore the decision was made not to report the incidents to the police. As such, there are no crime numbers or reports to verify these events. Paragraph 5.8 of the Design and Access Statement is intended to identify the high value of both machinery and livestock that is now present at Higher Healey Farm and demonstrate the potential risk the applicant takes in leaving the site unattended. Together with the applicant's passion to provide high welfare standards for livestock it is also his obligation to provide security at the same time.

In relation to the applicant travelling to and from Higher Healey Farm in order to check the livestock. The Design and Access Statement states that the Applicant travels over 10 miles in order to move and check livestock. The Statement also confirms that the applicant receives help from other members of his family. Throughout the lambing and calving periods the level of livestock husbandry required intensifies which demands help from other family members. It would be very difficult to ascertain the amount of time any one member of the family spends at Higher Healey Farm and moreover it was not the intention of the Design and Access Statement to do this. Throughout the planning process it has been made clear to Chorley Borough Council that the farming business as a whole is a joint enterprise between members of the Hibbert family. The original planning officer dealing with the application visited the site with the agent and Ms Hibbert, the applicant's sister, who helps when she is available. When ADAS, the independent agricultural consultants, visited the site Mr Hibbert was present; the family business TS Hibbert and Son is just that, a family run business. The information provided within the Design and Access Statement is accurate and was collated in order to demonstrate the essential requirement of a dwelling at Higher Healey Farm.

The content of the Design and Access Statement has been significantly scrutinised throughout the planning process. Geoffrey Fairfoull of ADAS has undertaken both a desk based study and a site visit to both Radcliffe House Farm and Higher Healey Farm. The applicant has provided ADAS with British Cattle Movement Service (BCMS) and Sheep records which were used to corroborate the information that was submitted to Chorley Borough Council. The first ADAS report concluded that the farming activities at Higher Healey Farm are well established and there is an essential functional requirement for a farm worker to reside on site. The second ADAS report addresses the occupation of the proposed dwelling. In this report ADAS reaffirm the essential need for an agricultural worker to reside on site and states that the occupation of a dwelling is not related to a particular person.

In their report ADAS raised two issues that Chorley Borough Council must be satisfied with 1) the farm business must be capable of funding the cost of a dwelling, and 2) the functional requirement could not be met by another dwelling in the immediate locality.

The Applicant has undertaken the following steps to satisfy Chorley Borough Council of these issues:

1. The applicant provided sensitive financial information to Chorley Borough Council who, following discussions with ADAS, confirm that the business is capable of funding the cost of a dwelling at Higher Healey Farm.
2. The initial ADAS report states that the functional need can only be met by a dwelling within reasonably close proximity to the farm buildings. ADAS then define close proximity as 'within sight and sound of the housed livestock'. The applicant showed ADAS around both farms and within the second report from ADAS it is confirmed that there are no dwellings that could reasonably meet the requirement for a worker to live on-site or within sight and sound of the housed livestock

Financial evidence

TS Hibbert & Son operates an agricultural business together with a butchers shop. In the response to Chorley's consultation request, ADAS suggested that the proposed development is supported by planning policy subject to satisfaction that the farm business can fund a dwelling without jeopardising the business. The applicant's agent was, therefore, requested to provide financial information to support the proposal.

Given that the farming business is well established with justification for a farm workers dwelling, it was agreed that they provide ADAS with projected budgetary information based on the current level of stocking across both farms in order to support the proposal. This was in order to demonstrate the farm's capability of funding a dwelling.

ADAS considered that a statement explaining how the cost of the proposed dwelling will be financed without jeopardising the farm enterprise was sufficient. A set of accounts for the last three years for the business as a whole, was submitted to demonstrate the financial sustainability of the agricultural enterprise.

Having reviewed the information, ADAS considered, on balance, that the applicant and their agents have resolved their outstanding concerns. Therefore, they recommended that the Council should consider this application on its merits in accordance with their adopted Local Planning Policies and the appropriate planning policies contained within the National Planning Policy Framework.

The applicant has provided a factual statement which has been submitted formally. This demonstrates that the Applicant operates a profitable business and is capable of funding the proposed development without posing a threat to the agricultural business or jeopardising its ability to operate profitably in the future.

Highway safety

The Highway Authority confirmed that they would be willing to consider a single passing place, relocated about 20m from the originally proposed location towards the site where any vehicle waiting in the passing place can be seen and the waiting driver can see traffic and other hazards ahead. This is because at the originally proposed location, close to the junction, although it would be possible to give way to traffic entering the track from Higher House Lane, it would be difficult to see traffic and other hazards heading in the direction of Higher House Lane as the passing place would be on a bend and forward visibility for drivers would be obscured by trees.

It is noted that although the track is not an adopted highway, it is a public right way used by vehicles, as such it is incumbent upon LCC as the highway authority to ensure the proposal has no safety implications to the detriment of pedestrians, cyclists and other motorists.

The proposed passing place has been located as suggested by LCC highways and would be 2.3m wide x 10m long. At the point of the passing place the track will be a minimum of 5m wide.

LCC highways have confirmed that this is acceptable subject to a condition stating the distance from edge of carriageway of Higher House Lane to the centre of the passing place to ensure that the proposed position is not departed from when the passing place is being provided.

Ecology

Advice has been sought from the Council's ecology advisor who has commented that the main ecological issue with regards this application is the impact on Temple Wood from the proposed passing place requested by the Highways Engineer at LCC.

Temple Wood does not appear to have any designation, not being registered on the ancient woodland inventory or as a biological heritage site. Most of the woodland is, however, present on the first edition of the Ordnance Survey and it does appear to be a semi-natural broadleaved woodland of even aged and spaced oak. It does not have the look of ancient woodland, but it could be as whilst it appears to be a 18th or early 19th century oak plantation, it could have been replanted on a previous woodland site. There is little understorey in the location of the proposed passing place and the ground layer appears also to be species poor. The woodland would qualify as a UK biodiversity priority habitat. There is also a species poor hawthorn hedge which would be lost.

The ecologist has recommended that as this is a UK Biodiversity priority habitat that it should be avoided completely and the passing place located in the field to the east of the access track. If this is not possible i.e. the field is not under the control of the applicant and the current owner is unwilling to sell/provide land for a passing place, then the second best location would be towards the southern end of the access track on the western side as this was not woodland in 1848 i.e. is definitely not ancient.

The applicant's ecological assessment is considered to be broadly in line with GMEU's initial assessment and the recommendations of the report are accepted, i.e. that the passing place could be located within the woodland with only minor ecological impacts that can be mitigated for.

The applicant has stated that a passing place cannot be located on the east side of the lane as the applicant does not own this land. It is accepted that the proposed location of the passing place will cause minimal ecological impact and will require very little ground work whereas another location would require a degree of filling to bring the ground level up to that of the lane. The vegetation at the proposed location is of minimal ecological value and no mature trees will be affected.

Local Planning Authorities have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species.

Impact on bats is only a risk if a mature tree needs to be felled, in which case it would require a bat assessment, or street lighting added.

It is not proposed to fell any mature trees and consequently there are no risks to roosting bats from the proposed development unless street lighting is proposed which could potentially have a negative impact on a roost as bats avoid locations that are heavily lighted.

If amendments are required at any point that would require a mature tree to be felled then a bat assessment should be required prior to determination. Similarly if any street lighting is proposed it would need to be demonstrated that trees impacted upon by the lighting had low bat roosting potential, or that the street lighting would have no negative impacts on any trees through provision of lux contour plans around each street lamp.

It is recommended that the habitat mitigation be conditioned as part of soft landscaping in the form of a replacement hedgerow around the passing place. A suitable condition is recommended.

Other Matters

The existence of a covenant that requires that agreement needs to be given for access is a private legal matter which is not a material planning consideration. The grant of planning permission does not override such covenants or indeed other legislation or third party controls.

Conclusion

The grounds of objection cited by the local residents and the points of challenge to the submitted information are acknowledged. However, the Council's agricultural advisor is satisfied that the proposed development is supported by the National Planning Policy Framework (NPPF) and Policy HS10 (Agricultural Workers Dwellings in the Countryside) of Chorley Borough Council and it is appropriate to rely on this advice. It is considered that the farming activities are well-established and an essential functional need exists for an agricultural worker to reside at Higher Healey Farm. It has also been adequately demonstrated that the farm business is capable of funding the cost of the dwelling from the business without placing the business in jeopardy; and that the functional requirement cannot be met by an existing suitable and available dwelling within the immediate locality of Higher Healey Farm.

LCC highways are satisfied that the provision of a single passing place on the access track within land owned by the applicant will ensure that there would be no detrimental harm to highway safety. The potential ecological impact of the provision of the passing place can be mitigated and a suitable condition is recommended.

The size of the dwelling can be controlled by condition and the future association of the dwelling to the land holding can also be controlled through a S106 agreement.

Recommendation

It is considered that there are no other outstanding matters and it is again recommended that the application is approved subject to conditions and an associated S106 agreement to tie the land with the new agricultural workers dwelling.

PREVIOUS REPORT

SITE DESCRIPTION

Higher Healey Farm is accessed from Higher House Lane via a farm track that provides access to several dwellings in addition to the farm buildings. The farm is located to the east of the

village of Knowley. The land is situated approximately 125m above sea level and is mostly gently sloping from east to west.

The site is located within an Area of Other Open Countryside to the west of Chorley and to the North of Healey Nab and there are footpaths that run to the North and East of the farm that provide access to Healey Nab and the application site would be visible from parts of this footpath network.

DESCRIPTION OF PROPOSED DEVELOPMENT

This application is for outline planning only for a farm workers dwelling with access determined as part of this application (the design, scale and layout of the proposed dwelling will be subject to reserved matters applications).

RELEVANT HISTORY OF THE SITE

Ref: 02/01221/AGR **Decision:** WDN **Decision Date:** 24 December 2002
Description: Application for Determination in respect of the erection of an agricultural storage building,

Ref: 03/00012/FUL **Decision:** PERFPP **Decision Date:** 30 April 2003
Description: Erection of agricultural building for storage & livestock,

Ref: 04/00354/FUL **Decision:** REFFPP **Decision Date:** 19 May 2004
Description: Erection of agricultural livestock and storage building,

Ref: 04/00605/FUL **Decision:** WDN **Decision Date:** 7 July 2004
Description: Erection of agricultural livestock and storage building,

Ref: 04/00744/FUL **Decision:** PRRRTF **Decision Date:** 24 August 2004
Description: Retrospective application for general purpose agricultural building,

Ref: 04/00964/FUL **Decision:** PERFPP **Decision Date:** 19 November 2004
Description: Erection of agricultural livestock and storage building,

Ref: 06/00160/AGR **Decision:** WDN **Decision Date:** 20 February 2006
Description: Agricultural Storage Building

Ref: 15/00343/FUL **Decision:** PERFPP **Decision Date:** 20 July 2015
Description: Agricultural Building for Midden Storage

Ref: 15/00789/P3PAO **Decision:** WDN **Decision Date:** 11 September 2015
Description: Prior approval application under Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) Order 2015 to convert part of an existing agricultural building into a dwelling along with the building operations necessary to convert the building

Ref: 15/00920/FUL **Decision:** WDN **Decision Date:** 11 December 2015
Description: Retrospective application for agricultural storage building

Ref: 16/00037/CLEUD **Decision:** PEREUD **Decision Date:** 28 April 2016
Description: Application for certificate of lawfulness for existing agricultural building measuring 13.50m long x 5.90m wide.

REPRESENTATIONS

There have been 41 objections received to this application that have regard to the following issues:

- That the guidance within PPS7 Annex A should still be used to assess this application and is backed up by appeal decisions.
- The proposed dwelling does not meet the functional and financial tests

- The need for the dwelling is not demonstrated, there is no evidence in accordance with other appeal decisions of births, injuries or deaths and the visits to the site recorded on CCTV are infrequent.
- The size of the proposed residential curtilage should not be bigger than the proposed dwelling and the scale of the proposed dwelling is not defined.
- The site is within the defined green belt and is unacceptable development within the green belt.
- The land is tiny and does not justify an agricultural workers dwelling.
- The only person seen on the site is Alison Hibbert and her partner who live locally and therefore there is no need for a dwelling on site and contrary to the application information that Alison is taking a back seat.
- The numbers of animals is not as described or on the scale of what is described.
- There is uncertainty about the financial viability of the farm enterprise to meet the costs of constructing the dwelling.
- This proposal will spoil the last remaining natural unspoilt countryside within Chorley.
- This application should be disregarded without a second thought.
- There has never been any cattle seen on this land.
- Being the footpath checking co-ordinator for Chorley the proposed building would be over the PROW of No 3 & 6.
- The site is within an area of outstanding natural beauty.
- There is no need for any more housing and there is already too much traffic.
- The track leading to the farm is virtually impassable by normal vehicles, walkers and cyclists.

CONSULTATIONS

Lancashire Highway Services – No objection subject to the provision of two passing places on the access track to the farm.

Waste & Contaminated Land – No objections

Lancashire County Council Public Rights Of Way – There is an unauthorised diversion of the public footpath 6 along the access track and there is a current dispute about the maintenance of that part of the public footpath from Higher House Lane to Higher Healey House. The application site does not interfere with the public rights of way.

United Utilities – No objection subject to the site being drained on a separate system.

Parish Council – No comments received

ADAS Ltd – See body of report

PLANNING CONSIDERATIONS

Principle of the development

1. The main issue is whether there is an essential need for a dwelling to accommodate a rural worker in relation to this satellite unit that is operated as part of a larger complex of farms that include sites in Westhoughton.
2. Policy BNE2 relates to Development in the Area of Other Open Countryside and this policy indicates that development will be permitted provided the applicant can demonstrate that :-
 - a) It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area.

As this application is for a dwelling for an agricultural worker then if the assessment of essential need under Policy HS10 of the Local Plan is met and the proposed development is in accordance with that policy then the policy requirements of Policy

BNE2 would be satisfied and therefore the consideration of Policy HS10 is the primary consideration in relation to the development plan.

3. Policy HS10 : Agricultural Workers Dwellings in the Countryside indicates that new dwellings will only be permitted when accommodation is required to enable agricultural workers to live at or in the immediate vicinity of their place of work...and
 - a) New permanent dwellings will be allowed to support existing agricultural ... activities on well-established agricultural units provided that:
 - i. There is a clearly established functional need
 - ii. The functional need relates to a full time worker or one primarily employed in agriculture,
 - iii. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
 - iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available; and
 - v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.

Taking each of these considerations in turn and following the two formal responses from ADAS who have been appointed to assess the application on behalf of the Local Planning Authority and who have undertaken a site visit and inspected records :-

There is a clearly established functional need;

4. The farm business is well-established and has been operational at Higher Healey Farm since its purchase in 2001, a period of some 15 years. The applicant has calculated the labor requirement for the farm business to be 4.13 Labor Units (full-time equivalents) which arises from the farming activities at Radcliffe House Farm, Bowlands Farm and Higher Healey Farm.
5. In respect of Higher Healey Farm, that functional needs arises due to the presence of breeding stock, suckler cows and breeding ewes and their offspring, including calving and lambing. Currently this functional requirement is being served by the applicant commuting from Westhoughton, some 11.5 miles with an estimated journey time of 18 minutes. Given the nature and scale of the farming activities at Higher Healey Farm this arrangement is considered to fall well below what could reasonably be considered to be a suitable and satisfactory arrangement.
6. It is the opinion of ADAS that to ensure the health and welfare of the housed livestock and the effective operation of the business, there is an established functional requirement for a suitably experienced and competent person to reside in close proximity to the farm and to be readily available to the business at most times. This requirement can ordinarily most satisfactorily be met by the provision of residential on-site accommodation for occupation by a farm manager or worker.
7. The position of the objectors in relation to this point is that the person that works at Higher Healey farm is Alison Hibbert, the applicant states that she is taking a back seat in relation to Higher Healey Farm but it is evident through observations and CCTV coverage that it is Alison that has continued to work at the farm and not on a permanent basis that is envisaged within the policy.
8. The agricultural advisor has further investigated records of sheep and cattle movements and stock numbers and it is his expert view that the number of cattle and sheep produced and reared at Higher Healey Farm and Radcliffe House Farm is consistent with the numbers reported in the Planning Appraisal and Design and Access Statement, dated October 2016, with seasonal fluctuations as would ordinarily be expected in any

farming operation. There is a functional need for an agricultural worker to reside at or in reasonably close proximity to the buildings at Higher Healey Farm and that need arises from the agricultural activities at Higher Healey Farm and in particular the management and supervision of stock.

9. The above evidence of functional need does not relate to any particular named individual but someone who is engaged in the business and is suitably experienced, skilled and competent to undertake the necessary tasks. In this respect it is irrelevant whether or not the dwelling is occupied by a partner in the business or an employee, providing the occupant has the necessary skills, is engaged in agriculture and is available to meet the functional needs of the business.
10. It is considered that this Local Plan requirement has been satisfied.

The functional need relates to a full-time worker employed in agriculture;

11. The applicant has estimated the total labor requirement for the farm business to be 4.13 LU's (Labor Units) of which 2.98 LU's is required at Radcliffe House Farm and Bowland Farm and 1.15 LU's at Higher Healey Farm. ADAS considers this to be a reasonable estimate of labor requirements for the operation of the farm business as described. From this calculation it can be seen that the principle labor requirement arises from the farming activities at Radcliffe House Farm, which is where the labor is currently located. However, there is also a requirement for labor at Higher Healey Farm which relates to a full-time worker.
12. The position of the objectors is that they have not witnessed the applicant or Alison Hibbert regularly attending the farm and tending to livestock. In this setting they question whether there is a functional need relating to a full time worker or one primarily employed in agriculture. In addition Alison Hibbert has for many years run the farm with ad-hoc visits from off-site accommodation coming and going as necessary and continues to do so. The objectors conclude that the mere increase in convenience for the applicant is not sufficient to justify the harm to the rural environment which would be caused by a new dwelling in this rural location.
13. Adas as indicated above have provided their view that there is a functional need for an agricultural worker at Higher Healey Farm, that the animal numbers are consistent with the submitted reports by the applicant and that there is a need for 1.15 Labor units are required for Higher Healey Farm.
14. It is considered that this Local Plan requirement has been satisfied.

The agricultural unit has been established for at least three years, has been profitable for at least one and is currently financially sound and has clear prospect of remaining so.

15. It is evident that the farming business has been established for at least three years in its current form. However, the applicant has not submitted any financial data, such as audited accounts, to demonstrate that the farm has been profitable for at least one of the last three years and is currently financially sound. However, given that the family farming business has been established since 1945 and is continuing to trade, the Council may consider this to be an unnecessary requirement to place upon the applicant.
16. ADAS have discussed the financial information associated with the farming enterprise including Higher Healey Farm and are aware of the profitability of the farming enterprise over the last few years and how the cost of the new dwelling would be met and Chorley have had confirmation from Adas that the applicant has satisfied them of any outstanding concerns in respect of finance.
17. It is considered that this Local Plan requirement has been satisfied.

The functional need could not be fulfilled by another dwelling;

18. It is ADAS opinion that the functional need as identified could only be met by a dwelling that is within reasonably close proximity to the farm buildings accommodating the cattle and sheep. Close proximity can be defined as within 'sight' and 'sound' of the housed livestock.
19. The view of objectors is that as Alison Hibbert has operated the farm from a property nearby that this justifies that no additional dwelling is required. There is reference to an appeal decision where the inspector indicated that a house off site would meet the needs of the business and also that response times in the event of an emergency would be quick.
20. Whilst there is no evidence of animal death, injury or loss then ADAS have considered alternative dwellings and from their site visit and review of alternative properties within the locality that could meet the needs of an essential agricultural worker to be resident on site or within ie sight and sound of the housed livestock then there are no dwellings available.
21. It is considered that there is a balance of evidence in respect of this part of the policy with an appeal decision albeit from Derbyshire indicating that a property 1 mile away would be sufficient and the view of the consultant from ADAS that there are no suitable properties in the locality. The appeal case in Derbyshire was however in respect of an additional dwelling at a farm, so there was already a farm house and so an emergency presence with then a property 1 mile away for an additional family worker being sufficient. On the basis of the evidence before the Council on this part of the policy then it is considered that this part of the policy has been satisfied.

The siting of the proposed dwelling is related to the existing farm buildings.

22. On the basis of the Location and Site Plans it is evident that the proposed dwelling will be well placed to oversee the operation of the farming activities at Higher Healey Farm.
23. It is considered that this Local Plan requirement has been satisfied.

Access and parking

24. The access to the site is via a private road split into two sections, the first section is from Higher House Lane to the gated access to Higher Healey House and Higher Healey Barn. The view of LCC highways is that this section is very narrow and with a permanent dwelling on site with 2 or 3 bedrooms then either one or two passing places would be required.
25. At the junction of the private lane with the gated access to the aforementioned properties the access track is wider and can provide for two cars to pass and from a recent site visit allowed a 7.5 tonne rigid vehicle and a car to pass at his point. The applicant does own land to the west of the private track with some of this land at a higher level than the track and other parts at a much lower level than the track. It would however be possible to secure a single passing point to be designed and implemented however as this is a requirement of highways then the method of securing this passing place would have to be a "Grampian" condition and pre-commencement condition. The land to the west of the track is known as Temple Wood and referred to by an objector as a Conservation Woodland however there is no planning designation specific that would protect the woodland from any form of development and the presence of the woodland would not represent a reason for refusal for the whole development.
26. The second section of the private track is past the gated access to the aforementioned properties and would give access to the farm and currently provides footpath access to Healey Nab however this is not in accordance with the scheduled footpath map. It is considered that this part of the access track would have significantly less traffic associated with it and whilst narrow then there is limited prospect of conflict between users and the impact would not be severe.

27. Having regard to the size of the dwelling with 2-3 bedrooms and the size of the curtilage proposed there would be adequate parking space associated with the dwelling.
28. It is considered that the access to the site does require to be improved along the first section but that, subject to design, that a passing place within the ownership of the applicant could be achieved. This would require the imposition of a Gramian style condition to be imposed.

Character and Appearance

29. The application is in Outline with all matters associated with the location and design reserved for subsequent approval. The applicant has agreed to restrict the potential size of the dwelling to 2000sq ft and this scale of dwelling is being further considered and will be updated on the addendum. The maximum height of the dwelling can also be restricted to limit the scale and impact that the potential dwelling could have within the landscape.
30. It is considered that farming and farmers have shaped the surrounding landscape and the special characteristics that many of the objectors feel are special and should not be impacted upon. The site is not within the Green Belt as many of the objectors have cited and the land is however within open countryside and Policy BNE2 does allow for an agricultural workers dwelling within such an area.
31. The proposed dwelling would be sited adjacent to one of the existing farm buildings and should the property have a 1 ½ storey design as the agent is proposing then the location that is proposed would not be prominently sited as there are long range views from the west of Healey Nab and the farm from most of the central area of Chorley. The land to the east rises up to the official footpath route and the proposed house would be seen in the context of the group of farm buildings comprising Healey House Farm and would not be out of character with the location.
32. The design, scale and layout but also landscaping are all matters that are subject to subsequent approval and the impact of the dwelling can be mitigated and controlled as part of the reserved matters application.

Other Matters

33. The applicant has put forward matters of site security as a material consideration linked to both stock and machinery however having consulted with the police then there is only one complaint of sheep worrying that has been recorded and no thefts from the farm and limited thefts from other rural enterprises in the locality.
34. It is not considered that significant weight can be attributed to this matter or added to the planning balance.

Conclusion

35. In conclusion the farming activities are well-established and an essential functional needs exists for an agricultural worker to reside at Higher Healey Farm. It is the opinion of ADAS that the proposed development is supported by the National Planning Policy Framework (NPPF) and Policy HS10 (Agricultural Workers Dwellings in the Countryside) of Chorley Borough Council. It is also considered that :
36. The farm business is capable of funding the cost of the dwelling from the business without placing the business in jeopardy; and that the functional requirement cannot be met by an existing suitable and available dwelling within the immediate locality of Higher Healey Farm.
37. Having regard to the development plan and the NPPF, the individual policy requirements of Policy HS10 have been met sufficiently that would justify an agricultural workers dwelling based on the advise from ADAS that included site visits to both farm

locations and the consideration of financial information, movement records and registers of animals.

38. The size of the dwelling can be controlled by condition and the future association of the dwelling to the land holding can also be controlled through a S106 agreement. It is considered that there is no other evidence that would outweigh the consideration of this proposal to be in accordance with the development plan as a whole.

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

Conditions for Higher Healey

1. An application for approval of the reserved matters (namely the 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 proposed layby or passing place to be constructed on the access track leading from Higher House Lane 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 for provision of a passing place 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 a passing place as indicated on the unreferenced plan received 12 June 2017 has been constructed and completed.

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. 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 ecological impacts of the development and secure a high quality design.

5. 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.

6. 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.

7. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

9. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

12. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

13. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working at Brinscall Hall Farm in agriculture or in forestry or a widow or widower of such a person and to any resident dependents.

Reason: To ensure that the dwellings are kept available to meet the needs in the locality for agricultural or forestry workers' accommodation, as the site is within an area where residential development for purposes other than the essential requirements of agriculture, or forestry, are not normally permitted

14. The scale of the dwelling hereby approved shall be limited to a maximum of 150 square metres.

Reason: The dwelling is justified as an agricultural workers dwelling and the scale of the dwelling in this location of an area of Other Open Countryside is justified to be limited due to the location and proximity to public rights of way. An unrestricted scale of dwelling would be harmful to the character of the local area.

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

Drawing: Location Plan Received on 31.10.16

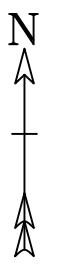
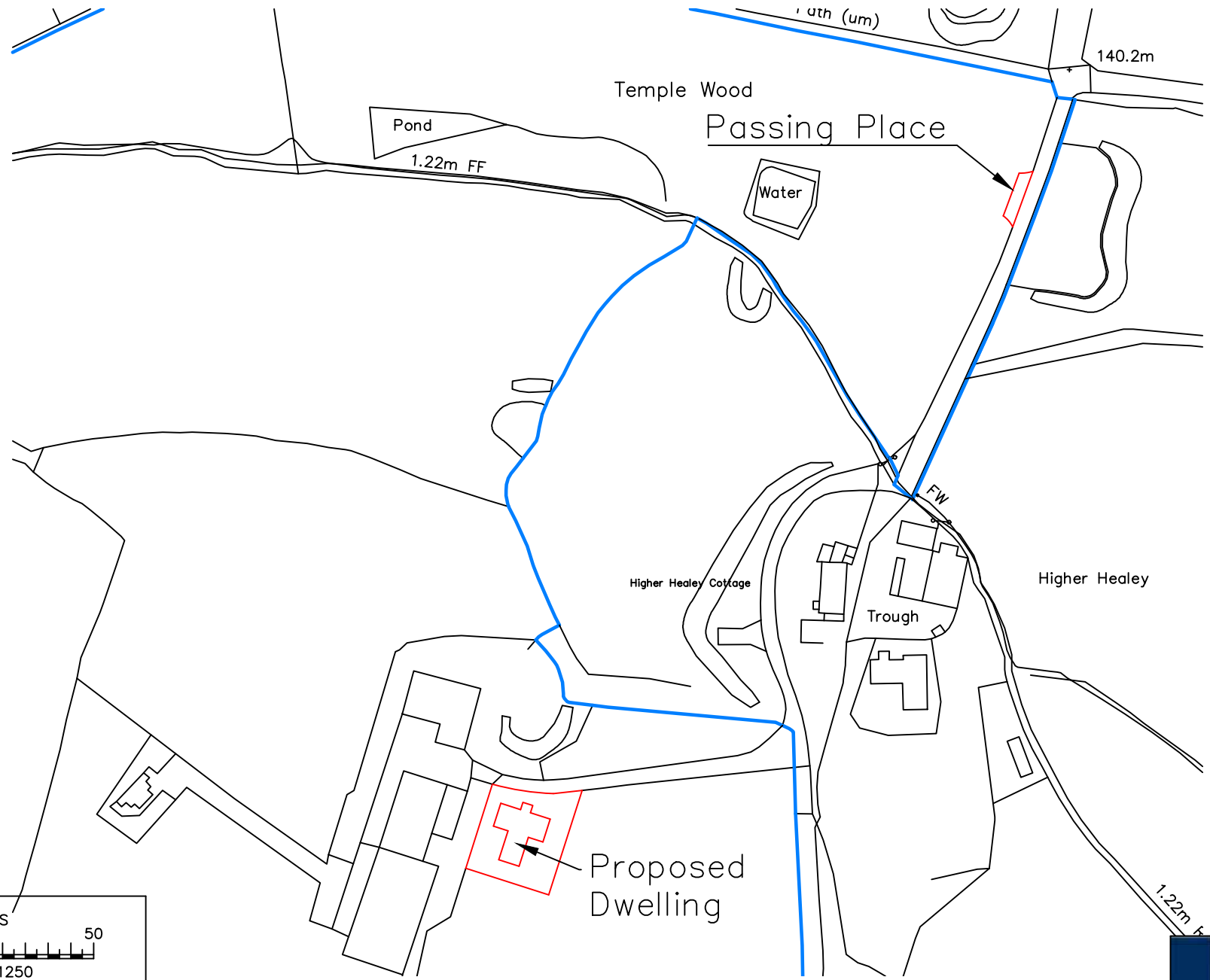
Reason: For the avoidance of doubt and in the interests of proper planning.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: The dwelling is justified as an agricultural workers dwelling and the scale of the dwelling in this location of an area of Other Open Countryside is justified to be limited due to the location and proximity to public rights of way. Further extensions may be harmful to the character of the local area.

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Location Plan: Land at Phillipsons Farm, Off Higher House Lane, Heapey PR6 9BT



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APPLICATION REPORT – 16/00601/FUL**Validation Date: 25 July 2016****Ward: Lostock****Type of Application: Full Planning****Proposal: Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane.****Location: Drinkhouse Farm Drinkhouse Road Croston Leyland PR26 9JH****Case Officer: Caron Taylor****Applicant: Mr Barry Pape, Quantil Agriculture Limited****Agent: Miss Victoria Hunter****Consultation expiry: 29 May 2017****Decision due by: 30 June 2017**

RECOMMENDATION

The application is recommended for approval subject to conditions and a legal agreement.

SITE DESCRIPTION

The site is located on the south west edge of the village of Croston, adjacent to the settlement boundary, and is accessed from Drinkhouse Road, which serves a number of dwellings on the south west side of the village. The application site is broadly rectangular in shape and extends to 0.39 hectares in area. The site bounds with, but is not within Croston Conservation Area. The whole of the site is within the Green Belt as is all of the southern and eastern side of Drinkhouse Lane.

There is an existing barn close to the site entrance that has consent to be converted to one dwelling (under prior approval ref: 16/01102/P3PAO). This building is not included in this application. The existing farmhouse (which is two separate dwellings) will be retained as part of the proposal.

DESCRIPTION OF PROPOSED DEVELOPMENT

Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane.

RELEVANT HISTORY OF THE SITE

Ref: 01/00945/AGR **Decision:** PAAGR **Decision Date:** 5 December 2001
Description: Prior notification of proposed erection of general purpose machine store,

Ref: 03/00687/FUL **Decision:** PERFPP **Decision Date:** 5 April 2004
Description: Erection of building for cleaning and processing vegetables,

Ref: 07/00256/FUL **Decision:** REFFPP **Decision Date:** 24 April 2007
Description: Revision to Planning Permission 03/00687/FUL by modification to condition 3.

Ref: 13/00676/AGR **Decision:** PAAGR **Decision Date:** 7 August 2013
Description: Agricultural determination for the construction of a farm track

Ref: 14/01208/AGR **Decision:** PAAGR **Decision Date:** 19 December 2014
Description: Agricultural determination for the construction of an agricultural farm track

Ref: 91/00226/FUL **Decision:** PERFPP **Decision Date:** 30 April 1991
Description: Conversion into two dwellings

Ref: 90/00645/OHL **Decision:** PEROHL **Decision Date:** 4 September 1990
Description: Diversion of 11000kv overhead lines

Ref: 80/00442/FUL **Decision:** PERFPP **Decision Date:** 4 August 1980
Description: Building for produce storage and grading

Ref: 78/00516/FUL **Decision:** WDN **Decision Date:** 31 December 1978
Description: Residential 2 No. 2 storey detached houses

Ref: 76/00446/FUL **Decision:** WDN **Decision Date:** 18 November 1976
Description: Two houses

Ref: 76/00924/FUL **Decision:** PERFPP **Decision Date:** 4 January 1977
Description: 2 semi-detached houses

REPRESENTATIONS

Principle of Development

- The proposed development site is located in Green Belt and there is no justification for housing on an unallocated site described in the Chorley Borough Council Local Plan 2012 – 2026 and would therefore be an inappropriate site for a new housing development;
- There is no proven need for more houses in the area;
- The proposal for new housing would result in a loss of valuable Greenfield land;
- Further development would lead to Croston losing its heritage and identity;
- There is an adequate supply of housing in Chorley;
- The design and style of new build properties would not reflect the character of the area which has a countryside feel to it;
- No proposed affordable housing;
- The demolition of the existing farmhouse would result in a loss of heritage and historic buildings;
- The demolition of the old farmhouse building as it would significantly change the profile of Drinkhouse. This old building must remain and be tastefully refurbished / developed;
- The proposed development would be out of character;
- Development would have a detrimental effect on the Croston Conservation Area;
- Lack of neighbour consultation;
- Demolishing our history and heritage in a conservation area would be unforgivable. Drinkhouse has numerous listed buildings which have strict rules governing their character, development and design within the Conservation area. This application would simply destroy the farms cultural and visual history in a very destructive manner;
- Concern over further development in the future

Neighbouring Amenity

- Increased level of noise;
- Loss of privacy;
- Adverse effects of the residential amenity, noise, disturbance, extra traffic on roads that where not built to sustain the extra volume of traffic, parking etc;

- The location of the proposed new building will mean a large expanse of brick is presented to neighbours and other people visiting (this area is frequented by walkers and cyclists). It seems to have been designed on a very functional basis without any consideration for its visual impact.

Highway Safety

- The access roads leading to the development site are very narrow and dangerous with sharp corners to negotiate. These would be unable to cope with the increased traffic which would be a danger to both walkers and wildlife;
- The access to the area via Shevington Causeway and Drinkhouse Lane or Back Drinkhouse Lane, is very narrow. It is already difficult to navigate;
- Increased traffic using the lanes around the development site would pose a safety risk to cyclists and pedestrians who use the lanes;
- The proposed entrance to the site would be located on a blind bend and this would be a significant traffic hazard;
- Clear plans should be made for all building traffic and parking (e.g. space at the rear of the farmyard site). Arrangements should be made for parking, equipment, control of dust/mud, working hours, access etc;
- The increased volumes of traffic would increase the risk of road traffic accidents;
- Additional vehicles would increase noise levels and congestion and impact on road safety;
- There are no pavements and children play - this is a health and safety concern;
- Concern over road layout and the potential for future development.

Flooding

- The drains would not be able to cope as they already have to take waste away in tankers from the sewage works and there are additional approved developments in Croston;
- The location of the proposed development was precisely where the floodwaters escaped from Drinkhouse Road last December during the floods. Any houses built here would clearly be at severe risk of flood damage

Infrastructure

- Local amenities such as schools are overburdened and cannot take any more people;
- More beneficial for the village to convert the farm for the use of small industrial units and offices that could employ local people and stop it from becoming dormitory

Design and Layout

- The overall design and plan which seems to be have been done in isolation from, rather than working with, the existing dwellings;
- The design and materials are not in keeping with the area;
- The proposed properties are of a bland design, set to maximise space rather than match the nature or design of the surrounding properties. As such they stand out from rather than blending with the area.

Ecology

- The constructions of houses at the development site would have a detrimental impact on surrounding scenery;
- The open fields on which the development is proposed provide a valuable habitat many varieties of birds.

Flora and Fauna

- Assurances need to be given that the long established hedgerows to the public footpath and site frontage will be protected and maintained;
- The development would have an adverse impact on the area in landscape/visual terms in breach of planning policy.

CONSULTATIONS

Consultee	Response
Lead Local Flood Authority (LLFA)	<p>Level 2 Scoping Flood Risk and Drainage Impact Report (2015-0115-02) shows discharge of surface water into unnamed land drain. Drainage should follow the Planning Practice Guidance (PPG) hierarchy for surface water disposal, which encourages a SuDS approach.</p> <p>A full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means.</p>
Public Open Space	<p>There is a deficit of provision for children/young people in the Lostock ward and there is an identified scheme for new provision in the ward at site 1380.1 - Station Road Playground. If this is considered to be evidence of local need that outweighs national guidance then a contribution of £134 per dwelling (£536 in total) will be required from this development.</p>
Croston Parish Council	<p>Would like consideration to be given to amending the proposals to allow retention of the farmhouse as part of the development. The incorporation of an existing building was achieved within the Rectory Farm development in the village (06/01341/FULMAJ).</p>
Environment Agency (EA)	<p>The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment (Ref: 2015-115-02, dated 02 March 2016) are implemented and secured by way of a planning condition on any planning permission.</p>
Lancashire County Council Highways Department	<p>No highway objections to the use of the existing access for the proposed development (though a shared use by the proposed residential development and Drinkhouse Farm would be unacceptable). If the access is to be accepted, its current layout must be altered into a more conventional access, perpendicular to the edge of the highway to a width of 5.5m with 6.0m corner radii. Also, for improved visibility and pedestrian safety, a 2.0m wide footway will be required frontage to the site extending from the existing footway outside 52 Drinkhouse Road to the propose site boundary in the west. The proposal would be unacceptable without the provision of the footway and the access being altered.</p>
Archaeology	<p>The farmhouse and agricultural building are considered to be of some historical interest and will result in the total loss of historic fabric. They would recommend that a record of the farmhouse and the agricultural building immediately south of the farmhouse be made prior to demolition and that such work is secured by a condition.</p>
Ecology	<p>The bat survey report recorded the presence of bats and as such a licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats.</p> <p>Barn Owls have been shown to roost in one of the buildings to be affected by the scheme, although they do not appear to</p>

	<p>use the site for breeding. Barn Owls are specially protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). They would recommend that, as a Condition of any approval that may be granted to the scheme, alternative provision for Barn Owls should be provided on or close to the site. Barn Owls can make use of artificial roosting and nesting boxes if these are suitably located.</p>
<p>United Utilities</p>	<p>United Utilities will have no objection to the proposed development subject to conditions.</p>

PLANNING CONSIDERATIONS

Background

Originally the application included the demolition of the existing farmhouse (which is currently in two dwellings) and its replacement with a new dwelling as well as the erection of four new dwellings. The scheme has been amended to retain and refurbish the existing farmhouse on the site, so it is no longer proposed to be demolished.

The Quantil companies were established by the Symondson family in the 1970s, the family having being farmers in Lathom since 1949 and further back through the Mercer family. Today, the business is majority controlled by David Symondson with family members being active in the day to day management. There are two trading companies:

- Quantil Agriculture Limited (QAL) – which farms over 2,000 acres, the majority of which are owned and located in Lathom and Croston. The principal business is the cultivation of cereals which are processed for seed at the company’s own plant. Nationally QAL is an important producer of certified seed with 20% of the national Spring Wheat seed supply being grown and processed by the business. QAL’s Lancashire base is important for spring cereal production, the northern part of the UK (including Scotland) being climatically more suited to spring cereals over autumn sown cereals.
- Quantil Limited (Quantil) – a horticultural business and grower of young vegetable and salad crop plants for the farming community and retail garden centre sector. Nationally, Quantil produces 8% of brassica vegetable module plants grown by farmers and Quantil is the major local supplier. It is also the leading supplier of vegetable and salad plants to garden centres, supplying the major names such as Dobbies and Wyevale, as well as Homebase. It is also the major supplier of wallflower plants to local authorities and garden centres. Quantil operates from two principal glasshouse sites situated in Burscough and Scarisbrick. Its total glasshouse acreage is in excess of 20 acres. Wallflower plants are produced both under glass and from QAL’s land at Croston.

Both businesses are jointly managed by the applicant, Barry Pape and employ the equivalent of 44 full time staff and an additional 40 seasonal staff.

In 2007 QAL acquired the Croston Estate (1,400acres) with the aim of increasing production of cereals for seed.

It became clear to QAL that any proposal to intensify the activities at Drinkhouse Farm would not be welcomed by local residents as there was already a history of disputes and issues caused by the movements of the heavy goods vehicles into and out of the Drinkhouse Farmyard. Due to limited site access opportunities, further intensification of the Drinkhouse Farm site was considered to be difficult.

Rather than carry out this intensification at Drinkhouse Farm the aim is for QAL to obtain planning permission for the redevelopment of the site to create a capital receipt to allow this growth to take place elsewhere, to avoid an increase in HGVs going through Croston Village. In 2013 QAL therefore bought Beech Grove Farm, on Black Moor Road, Mawdesley and it is intended that the investment will take place here Beech Grove Farm. The reasons for this are:

- it will decrease agricultural and associated traffic movements in and around Croston;

- Beech Grove Farm is readily accessible from the land farmed at Lathom;
- the significant majority of the land that the new buildings will serve is closer geographically to Beech Grove Farm than Lathom;
- the network of tracks and roads installed on the Croston Estate over the last few years make Beech Grove readily accessible from the remainder of the Croston Estate.

The investment is required to safeguard the long-term future of QAL. The investment that QAL need to make is concerned with the modernisation of their operation, thus protecting the future of the business.

They are also proposing highways benefits from the creation of a new agricultural road connecting the remaining element of Drinkhouse Farm to Beech Grove Farm. As a result of the installation of the agricultural road, all HGVs and the majority of farm traffic associated with QAL will be removed from the local road network through and around Croston village.

Principal of the development in the Green Belt

In relation to the four new dwellings, the site is located in the Green Belt where in accordance with the National Planning Policy Framework (the Framework) new buildings are inappropriate development in the Green Belt.

As the existing buildings to be demolished are in agricultural use the site does not fall within the definition of previously developed land set out in the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These 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.

There are two parts to be considered in assessing the harm to the Green Belt: its definitional harm to the Green Belt and any other harm. These must be added together and then an assessment made as to whether they are outweighed by very special circumstances. The applicant, QAL, has put forward a case for very special circumstances in favour of the application. There are two parts to this; a highway benefits case and a business case.

As has already been established, the redevelopment of part of the site with four dwellings is inappropriate development in the Green Belt and there is therefore definitional harm to the Green Belt. Any other harm caused by the development must also be considered and added to the definitional harm.

There are five purposes of the Green Belt as set out in the Framework:

80. Green Belt serves five purposes:

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

Considering each in turn:

i. Check the unrestricted sprawl of large built-up areas

The application site is located on the southern boundary of the settlement of Croston and forms the northern most element of an agricultural holding, the remainder of which will be retained in existing agricultural use thereby preventing future urban sprawl. It is not considered the application proposals represent unrestricted urban sprawl as the site is bound by development to the north and to the south lies the Drinkhouse Farm site. The development of the site would not therefore result in development 'sprawl'. It would be contained within the existing site.

ii. Preventing neighbouring towns merging into one another

The development of the site would not result in neighbouring towns merging into one another.

iii. Assist in safeguarding the countryside from encroachment

Although the site is not, by definition, considered to be previously developed land, it is already developed with buildings and extensive hardstanding. The development of the application site will not result in development encroaching into the countryside.

iv. Preserve the setting and special character of historic towns

Croston has a designed Conservation Area, however the site is located just outside of the designed area and has a limited contribution in preserving the setting of Croston. The farmhouse is considered to make the greatest contribution and this is to be retained. The development of the site would not be to the detriment of the historic designation.

v. Assist in urban regeneration by encouraging the recycling of derelict and other urban land

Although it is acknowledged that the application site is not, by definition, previously developed land, the application proposals are required to be in this location due to the benefits put forward by the applicant. Given the limited nature of the development (four dwellings) it is not considered it will undermine this purpose.

It has therefore considered there is no other harm to the Green Belt caused by the harm to the purposes of including land in the Green Belt.

The impact of the proposal on the openness of the Green Belt must also be considered. The Framework states:

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

Although openness is not defined in the Framework it has been established in case law that it is essentially freedom from development. Therefore any development in the Green Belt will cause harm to openness to the Green Belt in general, so there is additional harm in this respect to be added to the harm by inappropriateness. However, as the site is already built on if what is proposed is less visually intrusive than the existing development then it has been established in case law that can be taken into account when considering whether the harm by inappropriateness is outweighed by very special circumstances.

Visual Impact

It has been established in case law that openness and visual impact are different concepts in terms of Green Belt policy. However they can relate to each other and as such the visual impact is a material consideration.

As the development falls to be considered inappropriate development the landscape / visual impact of the proposed development is a key material consideration in terms of the overall balancing exercise.

A Landscape and Visual Impact Assessment has been submitted with the application.

The principle views of the site will be at close quarters from the existing properties on Drinkhouse Road and from further away from the south/west, where the proposed dwellings will be seen against the residential context of Drinkhouse Lane: the proposed houses are located on the site of the existing agricultural buildings but agricultural buildings will be retained to the south, thereby maintaining the focal point of farm-scale buildings in the view. The proposed development is within the existing curtilage of the farm complex and therefore maintains the cluster of the existing built form. It will also be seen against the residential edge of Croston. The proposal also proposes the restoration of hedgerow boundaries. Overall, the Landscape and Visual Impact Assessment concludes that the impact is assessed as minor or minimal; there are occasional 'moderate' impacts noted, but these are for short durations only and affect a low number of receptors.

It is considered that the assessment demonstrates that the proposed development is in keeping with the prevailing landscape character of the area as it maintains a cluster of buildings in a

close group, surrounded by large open fields. The site is already developed and therefore it is not considered there is further harm in terms of the visual impact of the development to be added in the balancing exercise.

Highways case

A Transport Statement accompanies the application. The proposed dwelling will use the existing access to the farm onto Drinkhouse Lane along with the existing farmhouse and the barn conversion. The remaining part of Drinkhouse Farm will continue to operate as a farm, with a separate access created to approach it from the south.

Up until February 2015, the Drinkhouse Lane access was the sole access for all vehicular movements at Drinkhouse Farm. Whilst this access is still used by some tractors and all cars and all Heavy Good Vehicles accessing the farm, the tractors working the estate can now also access the farm via Beech Grove Farm to the south, which negates the need for them to use the Drinkhouse Lane access.

Whilst, with the exception of some of the tractor movements referred to above, the full farm is accessed via Drinkhouse Lane, consent was granted in December 2014 (via an agricultural determination ref: 14/01208/AGR) for a new farm track access to serve the farm via Moss Lane to the south. Once this track is in place, vehicular movements associated with the operation of the agricultural buildings, including all HGV and tractor movements, can divert to this route, removing the need for them to use the Drinkhouse Lane access.

It is considered that the proposals will result in a reduction in traffic movements associated with the farm on Drinkhouse Lane, Back Drinkhouse Lane and Shevington Causeway if this track is put in place. Tractor movements that have not already been diverted to the Beech Grove Farm access will also be removed, to be replaced with domestic traffic associated with four properties. This is considered a benefit weighing in favour of the application,

Business case

The applicant has put forward the following information in relation to the business case:

- Why is the investment needed?

The market is demanding an increased purity of its seed and QAL is committed to meeting this demand and continuing to be a centre of excellence in its field. The seed processing line is the only plant of its kind within the north west of England. The seed processing line which is currently used is fully operational, however it no longer operates to these new standards. The cleaning line that is to be replaced is over 40 years old. Wear and tear and advances in design mean that the equipment is unable to produce seed of the quality that is required by customers in today's market. The investment into the seed processing line will increase the standard of the cereal grain product.

QAL's viability as a large scale cereal producer relies on adding value through the production of seed quality grain. Many farms throughout the north west of England benefit from having a regional seed processing facility.

- Quantil is a profitable company. Why doesn't Quantil make the investment itself?

As with any business, investment needs to be justified by the returns the investment provides. The works that this planning permission would enable, if permitted, would not increase profitability as they are replacement items. Improving the quality of the grain seed produced does not increase in the price of the product commanded by Quantil.

Whilst Quantil group is profitable it is made up of a horticultural company and the cereal grain seed business. The cereal grain seed business provides lower returns making investment unjustifiable. QAL cannot, financially, justify the investment. As such, investment by way of a bank loan is not an option.

- Is there another way to fund the investment?

The choices are to secure planning permission on the Drinkhouse Farm site and use the receipt from the sale of the land (with planning permission) or to sell agricultural land. Agricultural land

values mean that large area of farmland would need to be sold to cover the investment. This would be self-defeating as it would reduce the capacity of the business and would therefore have a negative impact on the business.

- Is the level of development proposed by the application the minimum amount required to fund the investment items?

On behalf of QAL, Till Asset Management have produced a detailed Viability Appraisal which has determined the amount of development required to generate the requisite land value to fund the investment items. The submitted Viability Appraisal has been reviewed by an independent expert, on behalf of the Council, and confirmed the development is the amount necessary to fund the investment.

A draft Section 106 Agreement has been submitted to illustrate how the investment items identified within the application will be secured by the redevelopment of the site. This would then be used to update the existing seed processing equipment at the Lathom site; erect a new purpose built seed storage building at Beech Grove Farm; relocate the farm workshop from Lathom to Beech Grove Farm and construct a new section of farm track to connect the remaining Drinkhouse Farm with Moss Lane, allowing it to be accessed from the south, rather than via Drinkhouse Road, Croston. In addition, the applicant has agreed to a clawback/overage mechanism in the legal agreement that if the land is sold for more than expected the council will receive this put towards local facilities.

Green Belt balancing exercise

It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and also that there is further harm due to impact on openness, which essentially means free from development, which the site will not be (though it isn't at present).

It is however considered that there would not be any further harm in terms of visual impact or in terms of other technical matters (discussed below).

In terms of the benefits, this is in the form of highway benefits and a business case as already set out in this report. When assessing if there are very special circumstances a number of factors, while ordinary in themselves, can combine to create something very special. These benefits have to be considered and an assessment made as to whether these clearly outweigh the harm so as amount to very special circumstances.

Overall it is considered that the application proposals will result in benefits to the local highway network by facilitating access to the south and making the existing access purely for domestic traffic. In addition it is considered that the proposal will support a local business that in itself provides a service to farms in a wider area.

It is considered that together these benefits do constitute very special circumstances sufficient to outweigh the harm to the Green Belt caused by its inappropriateness added to any other harm. The proposal is therefore considered acceptable in principle.

Technical Matters

Layout and Design

The proposed development replaces existing buildings in approximately similar locations and of similar mass and form. The existing farmhouse to be retained faces south into the site. Parking is provided in bays in front of the properties and so maintains a rural courtyard feel to the development effectively reflecting the farmyard character that exists.

The proposed dwellings have been architect designed. They take their proportions from the farmhouse on site and incorporate local vernacular details such as contrasting brick arches over window and door openings, vertically proportioned windows, windows set into the reveals, clay facing brick and pitched slate roof. Each of the proposed properties is different, which will add variety to the scheme and avoid it looking like a standard 'off the peg' housing development, but are drawn together by their detailing.

The layout will include new hedgerow planting to the south and west boundary and gapping up of existing hedgerows where necessary along with new tree planting.

Subject to conditions, including approval of external materials the layout and design is considered acceptable.

In terms of neighbour amenity the proposal complies with the Council's interface distances. The new properties are set away from existing dwellings so will not result in overlooking.

The parking provision is in accordance with the council's parking standards set out in Policy ST4 of the Local Plan 2012-2026 and its associated appendix.

Highways

LCC Highways have no objections to the use of the existing access for the proposed development (providing it is also not also used by farm traffic, which it will not be). They note that applicant proposes no alterations to the junction of the site access to Drinkhouse Lane as it has been used in its present state for '60 plus years' (paragraphs 2.3 and of the TS). However, they state it must be noted that in its present state, the access only serves the farm, and if it should be accepted for residential use, then it must meet the necessary safety considerations and comply with approved guidance on the design of residential accesses. As such, the proposal to use the access in its existing form in connection with the proposed residential development is unacceptable. They also require a 2m wide footway across the frontage to the site extending from the existing footway outside 52 Drinkhouse Road to the proposed site boundary in the west.

The access as exists currently serves the existing farmhouse (two residential properties and the farm itself, and has been used as such for many years. The comments of LCC Highways are noted, however it is considered that amending the access as recommended to a standard residential access would give it a very urban feel. Drinkhouse Lane has a semi-rural feel and at the access point to the development it is transitioning to a country lane. The existing access is longstanding and the traffic speeds of this part of Drinkhouse Lane are considered to be low.

In addition, is not considered necessary or appropriate to introduce a new footway along the frontage of the site with Drinkhouse Road. The footway along the eastern/southern side of Drinkhouse Road is not continuous as exists. The site access naturally forms the extent of the section of ribbon development along this side of Drinkhouse Road before it takes on a more rural lane feel, with properties only continuous on the north side and then more sporadic as development diminishes. The addition of a 2m footway would necessitate the removal and setting back of the existing hedgerow which then continues along the southern side of the road. There is a footway to the east and on the other side of the road leading towards the village centre. If it were extended across the site frontage it would then end, not joining up with any existing footway and would significantly erode the rural character of this part of Drinkhouse Lane.

It is considered in this case that the need to preserve the character of Drinkhouse Lane in this case outweighs the highway request made by LCC Highways. The proposal is therefore considered acceptable, as shown on the plans, in relation to highways.

Drainage and Flood Risk

The majority of the site is within Flood Zone 3 with the remainder being in Flood Zone 2 as identified by the Environment Agency.

The Environment Agency have reviewed the application and advise that the development shall be carried out in accordance with the Flood Risk Assessment submitted and the finished floor levels of the dwellings shall be set no lower than 6.60m Above Ordnance Datum (this is proposed) and the use of flood resilient materials used within construction. This can be controlled by a condition.

United Utilities have also reviewed the application and also recommend conditions as per the Lead Local Flood Authority.

The application proposes to discharge surface water to the unnamed land drain situated 17m east of the site.

The Planning Practice Guidance establishes a hierarchy for surface water disposal, which encourages a Sustainable Urban Drainage System (SuDS) approach. Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Investigations undertaken as part of the flood risk assessment were able to confirm that infiltration methods within the drainage strategy for the development were unlikely to be viable due to underlying clay and therefore it recommends that surface water is discharged into the nearest watercourse (the next level down in the hierarchy) and that discharge rates will be restricted to existing with flows in excess of this being attenuated with an allowance for climate change. Initial studies indicated that this can be achieved in the form of permeable paving. A condition is proposed requiring full details of surface water drainage to be submitted and approved prior to commencement on site along with mitigation measures and management and maintenance of any Sustainable Urban Drainage Scheme. A condition is also proposed restricting permitted development rights to ensure no structures are erected within permeable paving areas without the express grant of planning permission, so this can be controlled in future.

Archaeology

Lancashire Archaeological Advisory Service advise that the farmhouse and agricultural building immediately south of the farmhouse which are proposed for demolition [the farmhouse is now to be retained] are thought to be the same structures as those depicted on the 1847 1st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 76, surveyed 1845-46). The buildings are therefore considered to be of some historical interest, probably dating from the first half of the 19th century, having undergone a number of alterations in response to changes in agricultural practices and economics.

The period 1750-1880 has been recognised as the most important period of farm building development in England. The Council for British Archaeology's 'An Archaeological Research Framework for North West England: Volume 2, Research Agenda and Strategy' has indicated that "there is an urgent need for all local authorities to ensure that farm buildings undergoing adaptation are at least considered for recording" (p. 140) so that "a regional database of farm buildings can be derived and variations across the region examined." They therefore recommend recording of the agricultural building immediately south of the farmhouse prior to demolition. This is proposed to be secured via a condition.

Ecology

An Ecological Assessment has been submitted with the application and reviewed by the Council's ecology advisor.

Barn Owls have been found to roost in the farmhouse and it also has confirmed bat roosts, however this building is no longer being demolished as part of the proposals.

Building B referred to in the ecology reports is outside the application site.

In terms of the farm buildings to be demolished no evidence of roosting bats was observed and they have low potential to support bat species.

Therefore although the comments of the ecologist are noted in relation to a licence from Natural England and the derogation tests, these relate to the farmhouse that is now to be retained and the barn that does not form part of this application. It is not therefore considered the Council need to have regard to these tests in relation to the Habitats Directive in determining this application.

Although no evidence of roosting bats was found in the farm buildings a condition is proposed that if at any time a bat/s or evidence of bat/s is/are suspected or all works must cease immediately and advice should be sought from either Natural England or a suitably qualified person.

Trees and hedgerows

It is not considered that the proposal will impact on any trees. The site either has buildings on at present or is covered in hardstanding. There is a young sycamore tree within the site but this is located within the garden of the farmhouse which is now to be retained rather than demolished.

Hedgerows

The hedge at the site entrance off Drinkhouse Lane and other perimeter hedgerows will be retained and gapped up where needed to provide a continuous boundary. New hedges will be planted to define the south boundary against the retained farm buildings, and to the west where there is currently no hedgerow delineation along the agricultural building. The hedgerow diversity will be increased, and tree groups introduced to provide variety of habitat and to soften the appearance of the development in the landscape, in particular from the southwest and east as noted on the plan. Tree cover is also proposed to be increased on the south boundary, to screen the gable ends of the farm buildings from the proposed development. This is considered acceptable.

Public Open Space

There is a deficit of provision for children/young people in the Lostock ward and there is an identified scheme for new provision in the ward at site 1380.1 - Station Road Playground.

The Written Ministerial Statement (the Statement) of 28 November 2014 states that “Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less... affordable housing and tariff style contributions should not be sought”. This is reflected in the Planning Practice Guidance (PPG). The Statement together with the PPG are considered to carry very considerable weight.

There has however been a recent Supreme Court judgement [Secretary of State for Communities and Local Government v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Borough Council – also known as Suffolk Coastal DC v Hopkins Homes Ltd [2017]]. This makes it clear that that national policy “cannot and does not purport to, displace the primacy given by statute and policy to the statutory development plan. It must be exercised consistently with, and not so as to displace or distort, the statutory scheme.”

Therefore whilst the Statement and PPG are both material considerations, in this case there is considered to be evidence of local need that outweighs national guidance. Therefore a contribution of £134 per dwelling (£536 in total) will be required from this development.

Community Infrastructure Levy (CIL)

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

CONCLUSION

It is considered that there are very special circumstances to outweigh the harm to the Green Belt added to any other harm and therefore the development is acceptable in principle, subject to conditions and a Section 106 legal agreement. The technical matters of the application are considered acceptable and it is recommended for approval.

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

Suggested Conditions

To follow.

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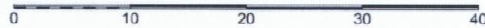
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CHORLEY COUNCIL
 DEVELOPMENT CONTROL
 16/00601/FW
 REC'D 03 MAR 2017
 FILE DCLOC
 ACK'D Moss Barn
 ATTEN ADDITIONAL
 COPIES 73 LOCATION PLAN



Halsall Lloyd Partnership
ARCHITECTS & DESIGNERS

Liverpool 0151 7088944 Nottingham 0115 9897969 Newcastle 0191 4950055 Preston 01772 719996

Red line amended to clarify the curtilage of the barn 13.10.16
 Revisions

Client Quantil Agriculture Ltd		Title Location Plan				 www.hlpdesign.com
Project Drinkhouse Farm		Status PLANNING		Dwn.	Chk.	
Job No. P1250	Drwg No. P02	Rev. A	Scale @A4 1:1250	Date 09.06.16		
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APPLICATION REPORT – 17/00529/OUT

Validation Date: 24 May 2017

Ward: Coppull

Type of Application: Outline Planning

Proposal: Outline application for up to 4 dwellings following demolition of existing dwelling and outbuildings (with all matters reserved)

Location: 122 Chapel Lane Coppull Chorley PR7 4PN

Case Officer: Mr Iain Crossland

Applicant: Mr T & Mr P Hart

Agent: Peter E Gilkes & Co

Consultation expiry: 15 June 2017

Decision due by: 19 July 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the settlement area of Coppull on a corner plot between Lancaster Street and Chapel Lane. The site comprises a bungalow of traditional design and two outbuildings set within a sizeable garden curtilage. The locality is predominantly residential in nature with a mixture of design styles and era's in evidence. There are currently two vehicular access points from Chapel Lane. It is noted that there is a change in levels across the site with the land sloping from Chapel Lane down towards Hurst Brook.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development seeks outline planning permission for the erection of four dwellinghouses, following the demolition of the existing dwelling and outbuildings. All matters are reserved.

REPRESENTATIONS

4. Five letters of objection have been received. These relate to the following issues:
 - Impact on privacy, light and outlook in relation to neighbouring properties
 - Impact on highway safety
 - Increased flood risk
 - Lack of adequate detail submitted
 - Impact from noise and disturbance
 - Not in accordance with Policy HS3

CONSULTATIONS

5. Greater Manchester Ecology Unit: No comments received
6. Waste & Contaminated Land: No comments received
7. Lancashire Highway Services: The proposal is acceptable in principle from highways perspective as both Chapel Lane and Lancaster Street are secondary distributor roads with residential frontages and the site currently has two vehicle accesses to Chapel Lane. Although the section of Chapel Lane fronting the site is curved as rightly pointed out by some concerned residents who provided comments on the planning application, visibility appears good and there has not been any recorded traffic accidents on this section of Chapel Lane in the past 5 years. Furthermore, these sections of Chapel Lane and Lancaster Street are currently subject to 20mph speed limit restriction.

As such, Lancashire County Council as the highway authority would not object to the three dwellings being accessed from Chapel Lane and a new access formed to Lancaster Street to serve the proposed single dwelling.

8. Lead Local Flood Authority: No comments to make
9. United Utilities: No comments received
10. Coppull Parish Council: The Parish Council expressed concerns in regard to over-intensification of the site and in particular to the access onto Chapel Lane and would like reassurances that Lancashire County Council are satisfied that the access will be safe, as this is a very busy lane and drivers already speed up and down it.

PLANNING CONSIDERATIONS

Principle of development

11. 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.
12. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Coppull is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
13. The current use of the site is as a dwellinghouse and associated garden and outbuildings. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
14. Policy HS3 of the Chorley Local Plan 2012 - 2026 states that development within private residential gardens on sites not allocated for housing will only be permitted for:
 - (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - (b) the conversion and extension of domestic buildings.
 - (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
15. The proposed development does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not meet the definition of an infill plot as it is not a small gap in a built up frontage, but rather a corner plot capable of being filled by more than two houses.

16. However, paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities.
17. It is noted that there are a range of dwelling types and styles in the locality from different time periods, and that the proposed development could be readily designed to reflect the siting and scale of other properties along Chapel Lane and Lancaster Street. As the indicative layout plan suggests the dwellings could be designed in such a way as to face onto Chapel Lane and Lancaster Street, whilst respecting the existing building line. The eventual scale of the properties would be expected to reflect the scale of other dwellings in the area, and could be done so whilst maintaining a building to plot ratio that reflects the character of the area. At a density of 20 dwellings per hectare the density of the proposed scheme would be low and consistent with the character of the area. The proposal for four dwellings on the site would not harm the distinctiveness of the area, subject to appropriate design.
18. Policy HS3 includes the additional sustainability criteria detailed above, and in terms of this issue there are factors which weigh in favour of the proposal. The site is located in the settlement area of Coppull with a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities.
19. The proposed development would not be contrary to the objectives that Policy HS3 has been designed to achieve. On this basis the principle of the development is considered to be acceptable in this case, subject to other material planning considerations.
20. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Impact on character and appearance of the locality

21. The proposed development is for four dwellings to be located on the garden of 122 Chapel Lane following the demolition of the existing dwelling and outbuildings. The indicative layout plan suggests that the dwellings would be arranged and positioned so that there would be one detached dwelling facing Lancaster Street and three detached dwellings facing Chapel Lane each with individual vehicular access to the highway. An arrangement in which the proposed dwellings face onto Lancaster Street and Chapel Lane would have a positive impact in terms of creating an active street frontage and contributing to the character of the area.
22. The existing dwelling on the site is a bungalow of traditional design style faced in white render, with an unusually large garden. The dwelling and garden are not consistent with other properties in the area, which has evolved over the years to include significant number of detached and semi-detached dwellings of modern design style.
23. In terms of the eventual design and appearance of dwellings that would be appropriate to this site the surrounding dwellings provide some cues as to an appropriate scale and building to plot ratio. It is anticipated that any dwellings on the site would be two storeys in height with dual pitched roofs. It would be appropriate for any proposed dwellings to be of traditional or modern appearance. Red brick is the most prominent local facing material.
24. The indicative positioning of the proposed dwellings would be consistent in terms of their siting, and would be consistent with the street scene and character of the area. The indicative site plan suggests that adequate residential curtilage would be provided with adequate space for parking and general amenity. No landscaping or boundary scheme is

included at this stage, however, this will form an important component as regards the details of the eventual development.

25. It is anticipated that four appropriately designed dwellings could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

26. 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 application site is bound by dwellings to the south and west. The dwelling to the west at 56 Lancaster Street is immediately adjacent to the site and the dwelling at plot 1 would be positioned immediately adjacent to and in line with 56 Lancaster Street. As such it would not be particularly visible from any windows to habitable rooms at this dwelling and could be designed so as to form an acceptable relationship with this neighbouring property.
27. Dwellinghouses at 1 to 6 Hurst Brook bound the site to the south. These already face the domestic garden to 122 Chapel Lane. The indicative site plans demonstrates that plot 1 would be located some 23m from the garden boundary with these dwellings and would have an acceptable relationship. Plot 4 would have a side elevation facing the rear of 2 Hurst Brook, and would share a garden boundary with 1 to 5 Hurst Brook. The indicative position of plot 4 would be approximately 11m to the north of 2 Hurst Brook at its closest point. Although there would be no impact on light due to the relative positioning and the impact on privacy could be managed through appropriate design, there would be some impact on outlook from the rear of 2 Hurst Brook and to a lesser extent at 1 Hurst Brook. As such the eventual siting of any dwelling at this plot should be at least 12m from the ground floor rear elevation of 2 Hurst Brook, unless the dwelling at plot 4 is a bungalow. This can be achieved within the available space without affecting the development potential of the site for four detached dwellings.
28. A full assessment of the impact on the amenity of the neighbouring occupiers would be carried out at reserved matters stage or in the event of an application for full planning permission. It is considered that four dwellings could be designed in positioned in a layout similar to that shown on the indicative site plan without causing any unacceptable impact to the occupiers of the neighbouring dwellings.
29. Some concerns have been raised in relation to the potential noise and disturbance created as a result of the proposed development. Although it is acknowledged that the implementation phase of a development can result in some disturbance and inconvenience to local residents, this is a temporary situation, and does not form part of the planning assessment. Once any development is complete the addition of four dwellinghouses is likely to have a similar impact on noise and disturbance to that created by other existing dwellinghouses in the neighbourhood, which are in close proximity to the neighbouring properties. Residential development is generally the most compatible form of development in a residential area.

Highway impact and access

30. The proposed development is seeking approval to demolish the existing buildings on site and develop four detached houses, one with access to Lancaster Street and three with access to Chapel Lane. At this point, all matters of the proposal are reserved for future consideration.
31. Both Chapel Lane and Lancaster Street are secondary distributor roads with residential frontages and the site currently has two vehicle accesses to Chapel Lane. Although the section of Chapel Lane fronting the site is curved, as highlighted by some of the representations received, visibility appears good and there has not been any recorded traffic accidents on this section of Chapel Lane in the past 5 years. Furthermore, these sections of Chapel Lane and Lancaster Street are currently subject to 20mph speed limit restriction.

32. As such Lancashire County Council, as the highway authority, have no objection to the three dwellings being accessed from Chapel Lane and a new access formed to Lancaster Street to serve the proposed single dwelling. It should be noted that a through access would not be permitted through the site to connect the two streets.
33. In terms of the parking requirement off-street car parking should be in accordance with the current Chorley Council parking standard set out in Appendix A of the Chorley Local Plan 2012 - 2026, which requires two parking spaces per three bedroomed dwelling and three parking spaces per four or more bedroomed dwelling. The layout of any reserved matters application to be submitted would be checked for compliance with current guidance and policies to ensure safety, however, it is considered that given the indicative layout and site area these standard could be achieved.
34. It is noted that the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.

Flood risk

35. It is noted that the site slopes from Lancaster Lane down towards Hurst Brook and that surface water would naturally run off in the direction of Hurst Brook. It is also noted that although there are areas of hardstanding and built development on the site, these are likely to increase as a result of the development of four dwellings.
36. Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.
37. Site surface water drainage should be designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.
38. Regardless of the site's status as greenfield or brownfield land, surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.
39. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality.
40. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. It is recommended that a condition is attached to any grant of planning permission requiring details of a surface water drainage scheme either as part of the first reserved matters application or prior to the commencement of the development.

Public Open Space

41. 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. The Councils agreed approach is to only seek contributions towards provision for children/young people on developments of 10 dwellings or fewer. There is a surplus of provision of this typology in Coppull therefore a contribution towards new provision is not required. The approach would therefore be to improve existing facilities in the catchment. However, there are no sites

within the accessibility catchment (800m) of this site that need improving therefore a contribution towards improvements is also not required.

Other matters

42. Lack of adequate detail submitted: The planning application is in outline only with all matters reserved. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’, at which stage greater detail would be submitted for the Council’s consideration. Only information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question.

CONCLUSION

- 43. It is considered that the ‘principle’ of four dwellings on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that four dwellings could be designed and positioned without causing undue harm to the appearance and character of the area and impact on neighbour amenity.
- 44. In addition it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

RELEVANT HISTORY OF THE SITE

Ref: 80/00714/FUL **Decision:** PERFPP **Decision Date:** 10 September 1980
Description: Garage for caravan and car

Suggested Conditions

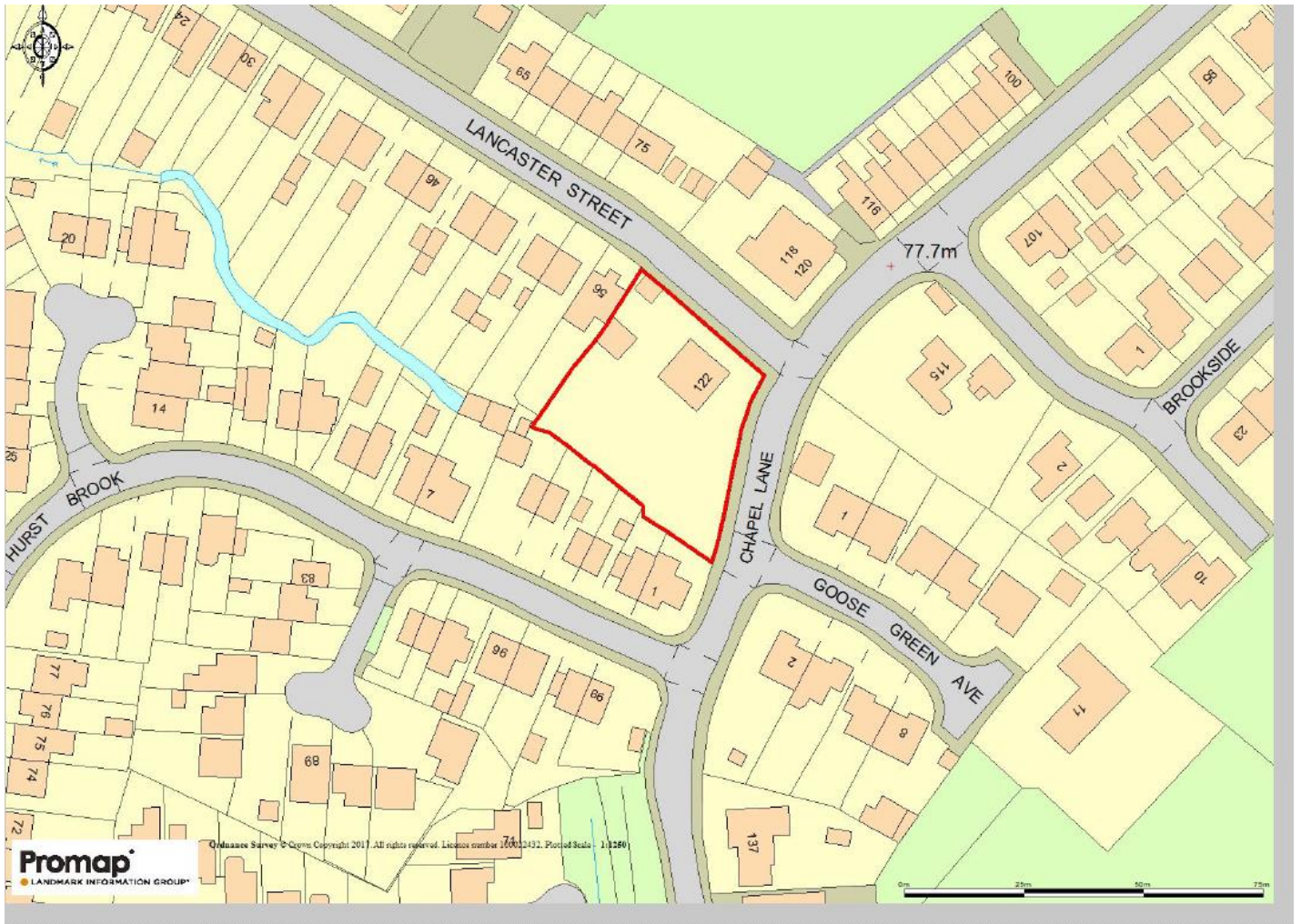
No.	Condition
1.	<p>An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access has been constructed and completed in accordance with the scheme details.</p> <p>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the</p>

	highway scheme/works.						
3.	<p>The development shall be limited to no more than four new dwellinghouses and shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>23 May 2017</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p>	Title	Drawing Reference	Received date	Location Plan	N/A	23 May 2017
Title	Drawing Reference	Received date					
Location Plan	N/A	23 May 2017					
4.	<p>All landscaping 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.</p> <p>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</p>						
5.	<p>Either as part of the one of the reserved matters applications or prior to the commencement of the development details that the driveways/hardsurfacing areas for each of the dwellings shall be provided and approved in writing by the Local Planning Authority. This shall include details of their construction using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The driveways/hardsurfaced areas shall then be provided in accordance with the approved details prior to occupation of each of the properties. The materials shall be maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p>						
6.	<p>Either as part of one of the reserved matters applications or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> 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 <p>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.</p> <p>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents</p>						
7.	<p>Either as part of the first reserved matters application or prior to the commencement of the development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.</p> <p>Surface water drainage scheme which as a minimum shall include:</p> <ul style="list-style-type: none"> a) Information about the lifetime of the development design storm period and 						

	<p>intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice Flood risk assessments: climate change allowances’), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable , the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;</p> <p>b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;</p> <p>c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);</p> <p>d) Flood water exceedance routes, both on and off site;</p> <p>e) A timetable for implementation, including phasing where applicable;</p> <p>f) Site investigation and test results to confirm infiltrations rates;</p> <p>g) Details of water quality controls, where applicable.</p> <p>The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>Reason This condition is required for the following reasons:</p> <ol style="list-style-type: none"> 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. 2. To reduce the risk of flooding to the proposed development, elsewhere and to future users. 3. To ensure that water quality is not detrimentally impacted by the development proposal.
<p>8.</p>	<p>No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.</p> <p>Reasons</p> <ol style="list-style-type: none"> 1. To ensure that the drainage for the proposed development can be adequately maintained. 2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.
<p>9.</p>	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>10.</p>	<p>Either as part of the any reserved matters application or prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p>

	<p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p>
<p>11.</p>	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p>
<p>12.</p>	<p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p>Reason: Nesting birds are a protected species.</p>

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APPLICATION REPORT – 17/00468/FUL**Validation Date: 12 May 2017****Ward: Clayton-le-Woods North****Type of Application: Full Planning****Proposal: Erection of free standing building to increase child places from 55 to 71****Location: The Little Acorns Nursery 34 Sheep Hill Lane Clayton-Le-Woods Chorley PR6 7JH****Case Officer: Mike Halsall****Applicant: Mr Peter Hindle****Agent: Mr Chris Weetman****Consultation expiry: 30 June 2017****Decision due by: 21 July 2017**

RECOMMENDATION

Refuse Full Planning Permission

SITE DESCRIPTION

1. The application site contains a two storey detached building with single storey extensions, play area, car park and storage shed located on Sheep Hill Lane in Clayton-Le-Woods. It is occupied by a private day care nursery with 15 employees.

DESCRIPTION OF PROPOSED DEVELOPMENT

2. This application seeks permission for a free standing wooden building to be located on the northern edge of the existing site, partly on the outside play area and partly in one corner of the car park where currently there is a storage shed located.
3. As the proposed new building could accommodate 16 children, the proposal also seeks to increase the number of children allowed to be cared for and taught at any one time from 55 to 71. The number of staff employed by the nursery would increase from 15 to 18 as a result of the proposal.
4. The proposal represents an effort to support the financial viability of the nursery given the Government's intentions of increasing the free funding for nursery places from 15hrs a week to 30hrs a week. The expansion is therefore to allow the nursery to accommodate the proposed changes in Government policy.

RELEVANT HISTORY OF THE SITE**Ref:** 15/00437/FUL **Decision:** PRRRTF **Decision Date:** 17 July 2015

Description: Section 73 application to vary condition 3 of planning permission 9/95/00201/FUL (Planning Inspectorate reference T/APP/D2320/A/96/262790/P8) to "no more than 55 children shall be in attendance at the nursery at any one time" (retrospective)

Ref: 06/00758/FUL **Decision:** PERFPP **Decision Date:** 23 August 2006

Description: Single storey extensions to the front and the rear, porch to the side and a replacement boundary fence

Ref: 05/01168/FUL **Decision:** REFFPP **Decision Date:** 21 February 2006

Description: Erection of single storey extensions to front and rear and single storey porch to side,

Ref: 01/00908/FUL **Decision:** PRRRTF **Decision Date:** 6 March 2002

Description: Modification of condition 3 of planning permission 9/95/00201/FUL (Planning Inspectorate reference T/APP/D2320/A/96/262790/P8) to "no more than 42 children shall be in attendance at the nursery at any one time",

Ref: 94/00739/FUL **Decision:** REFFPP **Decision Date:** 8 January 1996

Description: Erection of Two Storey Building for Use as Day Nursery School.

Ref: 95/00201/FUL **Decision:** REFFPP **Decision Date:** 3 October 1995

Description: Erection of two-storey building for use as day nursery school,

Ref: 94/00415/FUL **Decision:** PERFPP **Decision Date:** 5 July 1994

Description: Amendment to house type

REPRESENTATIONS

5. Seven letters of objection have been received to the scheme. A summary of the representations is provided below:
 - The proposal would result in a loss of on-site parking spaces;
 - Vehicles use resident's driveways to turn-around - the increase in staff and customers will make the situation worse;
 - The style of the building is at odds with the neighbourhood and would detract from its attractiveness;
 - It will increase in traffic on Sheep Hill Lane and will encourage kerb-side parking, restricting access, causing obstructions and safety concerns;
 - Previous increases in the permitted number of children has resulted in significant uplift in traffic;
 - Increase in general noise from the site from the increase in children is noticeable and distracting;
 - Temporary appearance of the building does not appear suitable;
 - Original appeal decision was restricted to 30 places;
 - Passage of emergency vehicles would be hampered by vehicles parked on the road;
 - Questions as to why some residents in the area have not been consulted and no site notice erected;
 - Lack of footpaths on nursery side of Sheep Hill Lane and The Clough.

CONSULTATIONS

6. **Parish Council** – the Parish Council objects to the application on the grounds of a 40% increase in traffic and the development is detrimental to amenity:
 - Originally the property was approved with the provision that the development should be no bigger than a 4-bed house.
 - The Parish Council requests that the Borough Council undertakes a site visit.

7. **CIL Officers** – On approval, the application would not be CIL Liable, as it does not involve an extension which creates 100 square metres or more of additional floorspace, or involve the creation of a new dwelling and is therefore considered automatically exempt under Reg.42 – “Exemption for Minor Development”.
8. **United Utilities** – As well as offering some general advice, note that there is a public sewer crossing the site and they may not permit building over it. A change to the site layout or a diversion of the sewer at the applicant’s expense may be necessary.
9. The applicant has been made aware of the United Utilities (UU) letter and responded to explain that the proposed building would sit on adjustable surface pads with no foundations, so it could be moved to meet UU requirements. The Council has responded to the applicant to explain that a further planning application would be required to relocate the proposed new building, should the current proposal be granted planning permission.
10. **Lancashire County Council (Education)** – no response received to date.
11. **Lancashire Highway Services – (Comments summarised)** - The Highway Development Control Section is of the opinion that the proposed free standing building to increase child places from 55 to 71 will not have a detrimental impact on highway capacity in the immediate vicinity of the site, although the planning department is advised to consider the impact on highway safety and highway amenity. *This was later clarified by follow-up emails from Lancashire Highway Services which explained that there was no highway safety issue as the proposal is on a short cul-de-sac with a wide carriageway; as such there is no highway objection.*
12. Planting has been placed within the service verge fronting the site boundary with Sheep Hill Lane which has not been licensed by Lancashire County Council and is greater than 1m high and as such the sight lines from the site access are obstructed at the detriment to highway safety. The obscured sight lines will affect the efficiency of the site access and further increase the likelihood of on road parking to drop off and collect children. *Lancashire Highway Services has suggested a condition be attached to overcome this (see below).*
13. The Joint Lancashire Structure Plan recommends 1.5 parking spaces per 2 members of staff and 1 drop-off space per 10 children for D1 day nurseries / crèche. Therefore the off-road parking recommendation is 19 spaces. *The Joint Structure Plan is no longer in force. The correct policy is Policy ST4 ‘Parking Standards’ of the Chorley Local Plan 2012-2026 (see Planning Considerations section below).*
14. The Highway Development Control Section is therefore of the opinion that the under provision of the recommended number of car parking spaces will result in more parents dropping off and collecting along Sheep Hill Lane and the detriment to amenity for existing residents.
15. From observations on site the Highway Development Control Section is of the opinion that the applicant would not be able to provide the recommended number of car parking spaces. *A follow-up email from Lancashire Highways Service explained that the parking bays should have 6m manoeuvring space and that a number of the parking spaces appeared to have issues for manoeuvring. The applicant subsequently submitted a revised site layout plan which identifies 17 parking spaces, two of which are disabled parking spaces, all of which appear to have the required 6m manoeuvring space. Highway Services have reviewed the revised layout and confirm that the new proposed parking layout appears to be feasible.*
16. The Highways Service has recommended two planning conditions should planning permission be granted, one to ensure the planting of the highway frontage is reinstated as a grass verge and the other to provide a car park and manoeuvring scheme to show that the proposed 15 parking spaces all allow for sufficient manoeuvring space. *The provision of a car park and manoeuvring scheme has been taken over by subsequent correspondence and the submission of the revised parking plan.*

PLANNING CONSIDERATIONS

Principle of the development

17. As indicated within Paragraph 72 of the National Planning Policy Framework (The Framework), the Government attached great importance *'to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education.'*
18. The property is within the settlement of Clayton-le-Woods, therefore in accordance with Policy V2 of the Local Plan 2012-2026 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, subject to material planning considerations and the other Policies and Proposals within this Plan.
19. At a local level, there are no specific policies relating to nursery development however policies relating to school and higher education provision are demonstrated through policy 14 of the Core Strategy. Policy 14 encourages provision for education by enabling new schools and other educational facilities to be built in locations where they are accessible by the communities they serve, using sustainable modes of transport. Furthermore, the support for the retention of Children's Centres is mentioned within policy HW6 of the Local Plan.
20. Whilst it is acknowledged that a nursery is not incorporated within the definition of a 'school' or a 'Children's Centre', its assimilation with education is of great importance to the local community and should be given due weight in the determination of a planning application.
21. The principle use of the site as a nursery is already established and the proposed increase in child places is considered acceptable in principle subject to the acceptability of the cumulative impacts of the increased capacity on the highway network, the amenity of neighbouring residential properties and the suitability in design of the new proposed building which are assessed below.

Design and impact on the character of the area and neighbour amenity

22. The site is bound by No. 40 Sheep Hill Lane to the west and the proposed new building would be located in excess of 21m from the rear of the dwelling.
23. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that *'planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that [amongst other things]:*
 - a. *The proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
 - b. *The development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing...*
 - g. *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.'*
24. The above is supported by The Framework which under paragraph 17 states that development should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
25. The building design, being of wooden construction, does not match the other buildings in the area. However, the proposed building would be of a single level only and is considered to be of a modest scale. Furthermore, the building would be set-back from the front of the property and so would not impact upon the street scene or the character of the area. The proposal would not result in overlooking or overshadowing of neighbouring properties and would not be overbearing in nature.

26. With regard to the potential noise impacts associated with the increased capacity of children, given the site's existing established use as a day nursery, it is not considered that current noise levels would be materially amplified by the addition of 16 children. Furthermore, the location of the building would provide a level of noise attenuation between the outdoor play area and the nearest property at 40 Sheep Hill Lane.
27. The concerns raised by local residents relating to impacts upon residential amenity from on-street parking are duly noted and are discussed further in the following section.

Impact on highways/access

28. Paragraph 32 of the NPPF states that planning decisions should take into consideration:
- Opportunities available for sustainable transport modes depending on the nature and location of the site;
 - Safe and suitable access to the site can be achieved for all people; and
 - Improvements proposed to limit significant impacts of development.
29. Moreover, paragraph 32 of The Framework is clear that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
30. Similarly, part 'd' of policy BNE1 of the Chorley Local Plan (2012-2026) indicates that planning permission will be granted where the residual cumulative highways impact of the development is not severe and would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below that set within the Local Plan.
31. As noted above, Lancashire Highway Services has not raised an objection to the scheme as it considers the proposal will not have a detrimental impact on highway capacity in the immediate vicinity of the site or upon highway safety. Highway Services has however recommended that the local authority consider the impact on highway amenity.
32. Policy ST4 'Parking Standards' of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for new development as the provision of 18 spaces for a proposal of this size and for three of those spaces to be disabled parking spaces i.e. a day nursery with 18 members of staff (1 space per member of staff).
33. The proposal as initially submitted would have resulted in the loss of 3 parking spaces (from 15 to 12), however, during the determination process, the applicant submitted revised site layout plans which increased the number of proposed parking spaces to 17, representing an increase of 2 spaces compared to the current situation. However, this is still 1 space below that required by Policy ST4 of the Local Plan and the additional parking space should be a disabled space.
34. Policy ST4 of the Local Plan allows some flexibility in the number of parking spaces and states that *'Locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision. Proposals for provision above or below this standard will be supported by evidence detailing the local circumstances that justify deviation from the standard.'* The local circumstances to be taken into account are listed within the policy and are as follows:
- a. *'The quality of provision for pedestrians - width of footways, quality of surfaces, access points to the site, provision and quality of street furniture and lighting;*
 - b. *'The quality of provision for cyclists - cycle parking, dedicated cycling facilities, access points to site, quality of design and provision, any restrictions on cycle movement;*
 - c. *'The distance to and quality of bus stops, the frequency of services, quality of footways and lighting to stops, and the distance to the nearest interchange;*

- d. *The number of train stations within 1,200m walking distance, quality of station, and frequency of services; and*
- e. *Evidence of local parking congestion.'*

35. The applicant has submitted two additional supporting statements during the determination process in response to representor and consultee comments. The most pertinent comments from the applicant's statements are as follows:

- *'Peak times for arrivals and departures are 7.30am and 5.15pm but as there are many different flexible attendance patterns offered, there is not the "school rush" experienced by many local schools. The loading on the carpark at this busiest time is around seven parental cars.*
- *60% of staff drive to the nursery and an increase in staffing of 3 would only mean 2 extra cars.*
- *Maximum average attendance in the past 12 months has reached 89%.*
- *The nature of the freestanding building has been questioned. It is a larger but far more attractive version of the storage shed that has been in place for 10 years. The natural wood (not shown in the planning picture) will blend into the fence line and will not be easily seen from outside the perimeter fence when the gate is closed. This structure is most unlikely to cause any economic impact to houses in the vicinity, however, that is not a material planning consideration.*
- *The government will provide an additional 15 free hours to working parents of 3/4-year-olds from September 2017.*
- *Little Acorns wishes to ensure it has sufficient provision to cater for the increased demand for extra hours for children of working parents in the local area.'*

36. In relation to the local circumstances set-out within Policy ST4 of the Chorley Local Plan to justify a lower level of parking, the applicant has presented the following:

- *'Around between 8 and 12 customers walk to Little Acorns per day (approx. 20% of customers) and this number range has remained consistent over time.*
- *Pedestrian routes as follows:*
 - *From Clayton Green Rd (paved both sides, pbs and sufficient street lighting, ssl) on to Wood End Rd (pbs, ssl) and then right to Sheep Hill Lane*
 - *From Sheep Hill Ln (pbs for part then paved one side only to the A6, ssl) over Wood End Rd (pbs) to Sheep Hill Lane*
 - *From Wood End Rd (pbs, ssl) turning left to Sheep Hill Lane*
 - *From The Clough or Clayton Villa Fold to Clayton Green Rd (pbs, ssl) to non-vehicular access to Sheep Hill Lane*
 - *From Dove Cote/Cam Ln via non-vehicular access through end of Sheep Hill Lane*
 - *In each case there is suitable tarmac pavement in generally good condition for pedestrian and pram use. Sheep Hill Lane cul-de-sac is paved to the left when turning in from Wood End Rd.*
 - *Drop curbs and bollard crossing points are evident at the intersection of Wood End Rd and Clayton Green Rd as well as at the end of Sheep Hill Lane intersection with Wood End Rd.*
- *There is a street light outside the entrance to Little Acorns and the approach roads of Wood End and Clayton Green Rd and Sheep Hill Lane up to the A6 are all well-lit.*
- *The roads mentioned above are all suitable for cyclists and are relatively free from potholes. Cycle lanes end before Wood End Rd. Due to the nature of the business we are not aware of any customers bringing their children on a bicycle. Staff have cycled but none currently do so. The nursery has space away from the carpark for parking and securing cycles if needed.*
- *The nearest four bus stops are all accessed via the pavement network and the associated bus numbers are shown.*
 - *to the Cam Lane bus stop (pull in off road) (412, 681, 767, 786, 984, 997) north west of Little Acorns c.110m*
 - *to Martindales bus stop (covered) (114, 412, 681, 786, 997) north east of Little Acorns c.160m*

- to Wood End Rd bus stop (on road) (114, 412, 681, 767, 786, 984, 997) north east of Little Acorns c.200m
 - to Wood End Rd Kiln Croft (on Road) (114, 786) south of Little Acorns c250m
 - 114 at Wood End Rd every hour from 7am to 6pm terminating in Chorley town Centre of Leyland Towngate, Tesco
 - Bus services:
 - 114 - Towngate - Chorley Town Centre
 - 412 - Croston - Clayton Brook
 - 681 - Buckshaw Village - Penwortham
 - 767 - Penwortham - Clayton Green
 - 786 - Golden Hill - Crosse Street
 - 984 - Hoghton - Hutton
 - 997 - Bent Bridge - Bamber Bridge
 - The nearest railway stations are Bamber Bridge, 2.2 miles with a bus every 30 mins and Leyland, 2.4 miles but we do not know of any customers accessing those stations to reach Little Acorns.
 - We are not aware of any local parking issues. Sheep Hill Lane cul-de-sac is usually clear of motor vehicles on the section around Little Acorns. Resident parking on road is light.'
37. The applicant has provided evidence in an attempt to demonstrate that the lower level of parking is acceptable in accordance with Policy ST4 of the Chorley Local Plan, given the particular location of the site. Any increase in capacity of the nursery has the ability to impact upon residential amenity and the usability of the surrounding streets by immediate residents. The level of parking to be provided at the site would only be 1 space below that required by Policy ST4 of the Local Plan. However, assuming 60% of staff drive to work, as claimed by the applicant, then there would then only be 6 spaces remaining for use by customers. The applicant has stated that peak demand for customer parking is approximately 7 cars.
38. Given that the proposal would allow for up to 71 children to attend the nursery at one time, it is difficult to agree with the applicant's assertions regarding peak demand. Even with 12 customers walking to school and historic maximum average attendance at 89%, both claimed by the applicant, it is considered that peak parking demand would be significantly higher than 7 cars. Given the tightly constrained nature of the car park, customers would likely begin to avoid attempting to park there in favour of parking on near-by streets. Firstly to avoid the risk of the spaces being full and then having to turn around and exit again, and secondly to save time in the morning rush. This increased on-street parking would result in unacceptable impacts upon the amenity of the immediate residents on Sheep Hill Lane and The Clough, particularly during the morning and evening peak periods. The proposal would conflict with policy ST4 and policy BNE1 of the Local Plan in relation to an insufficient level of on-site parking and resultant impacts upon the amenity of residents including the opening and closing of doors and cars turning round in the street.
39. A further material consideration of the proposal is that of the planning Inspector's decision for appeal ref. T/APP/D2320/A/96/262790/P8 which granted the initial planning permission for the use of the site as a nursery. The Inspector thought it necessary to restrict the maximum occupancy of the nursery to 30 children and for 11 parking spaces to be provided (Conditions 3 and 5 respectively). The proposed increase to 71 children represents a 2.4 fold increase in child places and a 3.6 fold increase in staff (5 to 18) with just a 1.5 fold increase in the number of parking spaces compared to the original scheme granted on appeal. Whilst it must be appreciated that the baseline situation against which the proposal should be assessed is the consented scheme, i.e. a nursery with a maximum attendance of 55 children with 15 parking spaces, it is considered that without the introduction of a significant and proportional increase in on-site parking provision, this further proposed increase in child places is unacceptable.

CONCLUSION

40. The proposal seeks to increase the capacity of children at the nursery from 55 to 71 in an effort to support the financial viability of the nursery given the Government's intentions of

offering free funding for nursery places from 15hrs a week to 30hrs a week. The expansion is therefore to allow the nursery to accommodate the proposed changes in Government policy. This is considered to be in accordance with the main thrust of paragraph 72 of the Framework and carries significant weight.

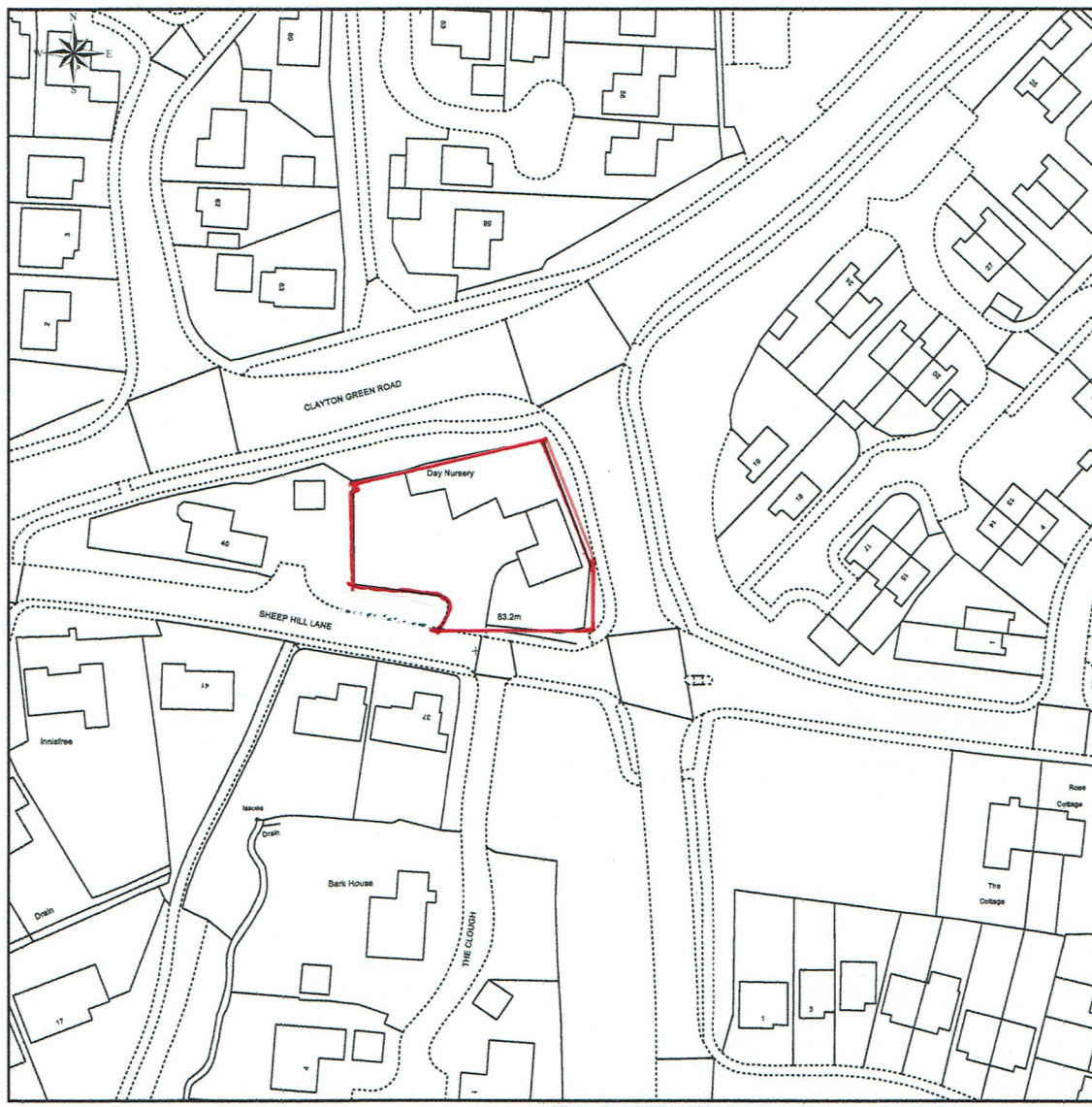
41. The council always seeks where it can to support local businesses and weight is given to this in the balancing exercise along with the push at national level to increase free childcare. This application will however result in a very large nursery which has grown significantly over the years.
42. It is in the opinion of officers that the level of on-site parking proposed at the site is insufficient and would result in unacceptable impacts upon the amenity of neighbouring residents by virtue of disturbance caused by excessive on-street parking and customers using residents' driveways to manoeuvre. On balance, the harm of the proposal outweighs the benefits when assessed against the policies of the framework as a whole.
43. Notwithstanding the above, it is a finely balanced application and it is for Members to consider if the benefits of the proposal outweigh the concerns outlined by objectors.
44. The application is recommended for refusal.

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.

Reasons for Refusal

1. The proposal would conflict with policy ST4 of the Chorley Local Plan due to insufficient on-site parking and it is considered that the harm caused by the proposed development through the resultant increase in on-street parking would outweigh the benefits of the proposal.
2. It is considered that the proposed increase in children from 55 to 71 would result in additional vehicles visiting the premises and an increase in demand for on-street parking on Sheephill Lane and The Clough. The associated comings and goings of increased vehicles to the nursery seeking on-street parking would result in additional noise, disturbance and increased levels of general activity on nearby roads to the detriment of nearby residents. The proposed development is therefore contrary to one of the twelve core planning principles of the National Planning Policy Framework that requires a good standard of amenity for all existing and future occupants of land and buildings.

Location Plan of pR6 7JH



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Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	18 July 2017

**PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL
TREE PRESERVATION ORDER NUMBER 1 (CHORLEY) 2017
WITHOUT MODIFICATION**

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order Number 1 (Chorley) 2017 without modification.

RECOMMENDATION

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

EXECUTIVE SUMMARY OF REPORT

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

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 9 February 2017. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 9 February 2017. The Order was made because on the assessment of the Council’s Tree Officer the tree makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and its removal would have a significant impact on the environment and its enjoyment by the public.

6. One objection has been received in response to the making of the above Order. This was received from the owner of the tree who disputes the amount of public amenity value that the tree provides. The development control case officer and the Council's Tree Officer both confirm that in their opinion the tree does have significant public amenity and is in good health. It is located in a private garden but immediately adjacent to the public highway.
7. It has been suggested on more than one occasion to the owner of the tree that the making of the order does not prevent him from making an application for works to the tree, however so far he has failed to do so.
8. It is therefore, now open to the Council to confirm the above Order. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Order without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Ian Heywood	01257 515533	10 July 2017	



Report of	Meeting	Date
Director (Customer & Digital)	Development Control Committee	18 July 2017

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 13 JUNE 2017 AND 10 JULY 2017

PLANNING APPEALS LODGED

None

APPEAL DECISIONS

Planning Application: 16/01040/P3PAO - Inspectorate Reference: APP/D2320/W/17/3166833

Appeal by Mr Brian Pawson against the Delegated Decision to refuse Prior Approval from Agricultural to Residential for the Prior approval application under Schedule 2, Part 3, Class Q (a) and (b) of The Town and Country (General Permitted Development) (England) Order 2015 for proposed change of use of agricultural building to one dwellinghouse and associated operational development..

Land South East Of Warburton House, Holt Lane, Brindle.

Appeal Dismissed 06 July 2017 - Written Representation procedure.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Caron Taylor	5222	10 July 2017	N/A

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