

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 15TH AUGUST 2017, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 18 JULY 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 13 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 16/00601/FUL - DRINKHOUSE FARM, DRINKHOUSE ROAD,
CROSTON, LEYLAND PR26 9JH – TO FOLLOW**

**B 17/00356/REMAJ - LAND SURROUNDING EUXTON LANE,
EUXTON – TO FOLLOW**

**C 17/00369/REMAJ - LAND NORTH OF LANCASTER LANE
AND BOUNDED BY WIGAN ROAD AND SHADY LANE,
LANCASTER LANE, CLAYTON-LE-WOODS – TO FOLLOW**

**D 17/00547/CB3 - CHORLEY UNITED REFORMED CHURCH,
HOLLINSHEAD STREET, CHORLEY PR7 1EP**

(Pages 7 - 12)

E	17/00533/OUT - BAYSBROWN, COPTHURST LANE, WHITTLE-LE-WOODS, CHORLEY PR6 8LR	(Pages 13 - 22)
F	17/00423/FULMAJ - BEECH GROVE FARM BLACK MOOR ROAD MAWDESLEY ORMSKIRK L40 2QE	(Pages 23 - 32)
G	17/00578/FUL - 40 PARK ROAD, CHORLEY PR7 1QU	(Pages 33 - 40)
H	17/00663/FUL - LAND TO THE REAR OF 56 SCHOOL LANE, WITHNELL FOLD OLD ROAD, BRINSCALL	(Pages 41 - 50)
I	17/00635/FUL - 41 CUNLIFFE STREET, CHORLEY PR7 2BA	(Pages 51 - 56)
J	17/00490/FULMAJ - GARSIDE AND SON PLUMBERS, 5 - 9 QUEENS ROAD, CHORLEY PR7 1JU	(Pages 57 - 64)
K	17/00521/FUL - COCKERS FARM, LONG LANE, HEATH CHARNOCK, CHORLEY PR6 9EE	(Pages 65 - 72)
L	17/00625/FUL - LANESIDE FARM, BROWN HOUSE LANE, HIGHER WHEELTON, CHORLEY PR6 8HR	(Pages 73 - 80)
M	17/00546/FULHH - 1 BROOKFIELD, MAWDESLEY, ORMSKIRK L40 2QJ	(Pages 81 - 86)
4	TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257 CHORLEY BOROUGH COUNCIL (PART OF PUBLIC FOOTPATH NO. 23, COPPULL) PUBLIC PATH DIVERSION ORDER 2017	(Pages 87 - 92)
	Report of Director of Policy and Governance.	
5	PROPOSED RIGHT OF WAY DIVERSION - PEAR TREE LANE, EUXTON	(Pages 93 - 98)
	Report of Director of Policy and Governance.	
6	APPEALS AND OTHER DECISIONS	
7	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 Martin Boardman, Charlie Bromilow, Henry Counce, John Dalton, Gordon France, 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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To view the procedure for public questions/ speaking click here

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



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 18 July 2017

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

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

APOLOGIES: Councillor Aaron Beaver and Keith Iddon

OTHER MEMBERS: Councillor Gordon France and Paul Leadbetter

17.DC.290 Minutes of meeting Tuesday, 20 June 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 20 June 2017 be approved as a correct record for signature by the Chair.

17.DC.291 Declarations of Any Interests

There were two declarations of interests:

Councillor Gordon France declared an interest on item 3a 16/01021/OUT – Higher Healey Farm, Higher House Lane, Heapey, Chorley.

Councillor John Dalton declared an interest on item 3b 16/00601/FUL – Drinkhouse Farm, Drinkhouse Road, Croston, Leyland, PR26 9JH and left the meeting for consideration of this item.

17.DC.292 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 16/01021/OUT - Higher Healey Farm, Higher House Lane, Heapey, Chorley

This item was withdrawn from the agenda in order to allow the applicant the opportunity to properly consider the access issues raised at short notice by the objector.

b 16/00601/FUL - Drinkhouse Farm, Drinkhouse Road, Croston, Leyland, PR26 9JH

Cllr John Dalton left the room for consideration of this item.

Registered speakers: Graeme Lowe (objector) and Barry Pape (applicant)

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

c 17/00413/FULMAJ - Chorley Rugby Union Club, Chancery Road, Astley Village, Chorley, PR7 1XP

Cllr John Dalton returned.

Registered speaker: Kevin Farington (applicant)

RESOLVED (unanimously) – That full planning permission be granted subject to conditions and a unilateral undertaking.

d 17/00529/OUT - 122 Chapel Lane, Coppull, Chorley, PR7 4PN

Registered speakers: Alex O'Donovan (objector), Steve Holgate (Parish Councillor) and Peter Gilkes (agent)

RESOLVED (unanimously) – That outline planning permission be granted, subject to conditions in the report.

e 17/00468/FUL - The Little Acorns Nursery, 34 Sheep Hill Lane, Clayton-le-Woods, Chorley, PR6 7JH

Registered speakers: Lesley Gregory (objector) and Peter Hindle (applicant)

RESOLVED (unanimously) – That full planning permission be refused for the reasons outlined below.

Reasons: The proposal would conflict with Policy ST4 of the Chorley Local Plan due to insufficient on-site parking and it was considered that the harm caused by the proposed development through the resultant increase in on-street parking would outweigh the benefits of the proposal.

It was 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 Sheep Hill 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.

17.DC.293 Proposed Confirmation Chorley Borough Council Tree Preservation Order Number 1 (Chorley) 2017 Without Modification

Members of the Development Control Committee considered a report of the Director of Customer and Digital which sought confirmation of Tree Preservation Order No. 1 (Chorley) 2017 without modification.

One objection had been received in response to the making of the Order. This objection was received from the owner of the tree who disputed the amount of public amenity value that the tree provides.

17.DC.294 Appeals and Other Decisions

The Director of Customer and Digital submitted a report for information on planning appeals between 13 June 2017 and 10 July 2017.

One appeal against the Delegated Decision to refuse Prior Approval from Agricultural to Residential had been dismissed.

Chair

Date

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APPLICATION REPORT – 17/00547/CB3

Validation Date: 30 May 2017

Ward: Chorley South East

Type of Application: Full Planning

Proposal: Demolition of private vehicle hire booking office and replacement with the Market Walk Shopmobility offices, to be relocated from Flat Iron Car Park, and other associated development.

Location: Chorley United Reformed Church Hollinshead Street Chorley PR7 1EP

Case Officer: Mike Halsall

Applicant: Chorley Borough Council

Agent: AEW Architects

Consultation expiry: 29 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within Chorley town centre and is accessed from Hollinshead Street located to the north. A Council car park is located to the west on the other side of a chain-link fence and Chorley United Reformed Church to the east with its car park to the south, beyond a retaining wall.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Planning permission is sought for the demolition of the existing building that is used as a private vehicle hire booking office to make room for the two Shopmobility offices/cabins currently located on the Flat Iron Car Park at Market Walk which it is proposed to relocate to the application site.
4. The existing surfacing would be re-levelled with tarmac and the cabins/offices placed on-top. The new surfacing would be made suitable for wheelchair users and ramps would be included to allow disabled access to the cabins/offices. The current chain-link fence located along the northern and western site boundaries would be replaced with a 2m high paladin fence and the existing access gate would be replaced. The existing retaining wall located along the eastern and southern boundaries would be retained.

RELEVANT HISTORY OF THE SITE

Ref: 06/00082/FUL **Decision:** PERFPP **Decision Date:** 28 June 2006
Description: Formation of disabled access and toilet

Ref: 75/00796/ADV **Decision:** PERADV **Decision Date:** 10 November 1975

Description: Illuminated 'Holy Cross'

REPRESENTATIONS

5. No representations have been received.

CONSULTATIONS

6. CIL Officers – On approval, this development would NOT be CIL chargeable. The floorspace lost through demolition is greater than new floorspace to be created and the new floorspace planned Class B1 which falls under "All other uses" and is, therefore, charged at £0.00per sq.m.
7. Lancashire Highway Services – Have no objections to the proposal.
8. The Coal Authority – No response received.

PLANNING CONSIDERATIONS

Principle of the proposed development

9. The application site lies within the settlement boundary of Chorley within the Chorley Local Plan 2012-2026 for which policy V2 is relevant. Policy V2 states that *"Within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan"*. The supporting text for Policy V2 explains that development proposals will be judged by their compatibility with existing surrounding development and their ability to satisfy material planning criteria. This includes factors such as access, parking, servicing, design and amenity, which includes an assessment of noise, emissions, disturbance because of anti-social hours of operation and traffic generation.
10. Due to the nature of the proposed use, and the hours of operation, linked to those of the Market Walk shops, and the surrounding land uses, it is not considered that the proposal would give rise to any unacceptable impacts upon amenity. The offices/cabins are of a purpose built design and are of a low profile, similar in scale to the single storey building currently located on-site. It is considered that the proposed use is appropriate for this location and the proposal accords with policy V2 of the Local Plan.

Provision of parking spaces and highway safety

11. 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 but does not include a category for the proposed use. The proposal includes for two disabled and one enlarged off-road parking spaces to be provided on-site. There is also a public pay and display car park located adjacent to the application site. Lancashire Highways Services have raised no objections to the proposal. The proposal, therefore, accords with policy ST4 of the Local Plan.

Coal mining risk

12. The site is located within an area identified as being of High Risk from issues associated with historic coal mining beneath the site. Whilst the Coal Authority has not responded to the planning application, no major groundworks are being proposed as part of the scheme as the proposed offices would sit on tarmac. An informative can be added to the decision notice explaining the risks to the applicant.

CONCLUSION

13. The proposed development is considered to be acceptable and would not cause any harm to residential amenity or highway safety.

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

Suggested Conditions

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

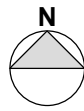
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Plan Ref	Received On
Location Plan	B9405_AEW_SI-XX-DR_A-0501	26 May 2017
Proposed Site Plan	B9405_AEW_SI-XX-DR_A-0503	26 May 2017
Proposed Floor Plan	B9405_AEW_SI-XX-DR_A-0504	26 May 2017
Proposed Site Sections	B9405_AEW_SI-XX-DR_A-0509	26 May 2017
Proposed Elevations Compound 1	B9405_AEW_XX-XX-DR_A-0506	26 May 2017
Proposed Elevations Compound 2	B9405_AEW_XX-XX-DR_A-0507	26 May 2017

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

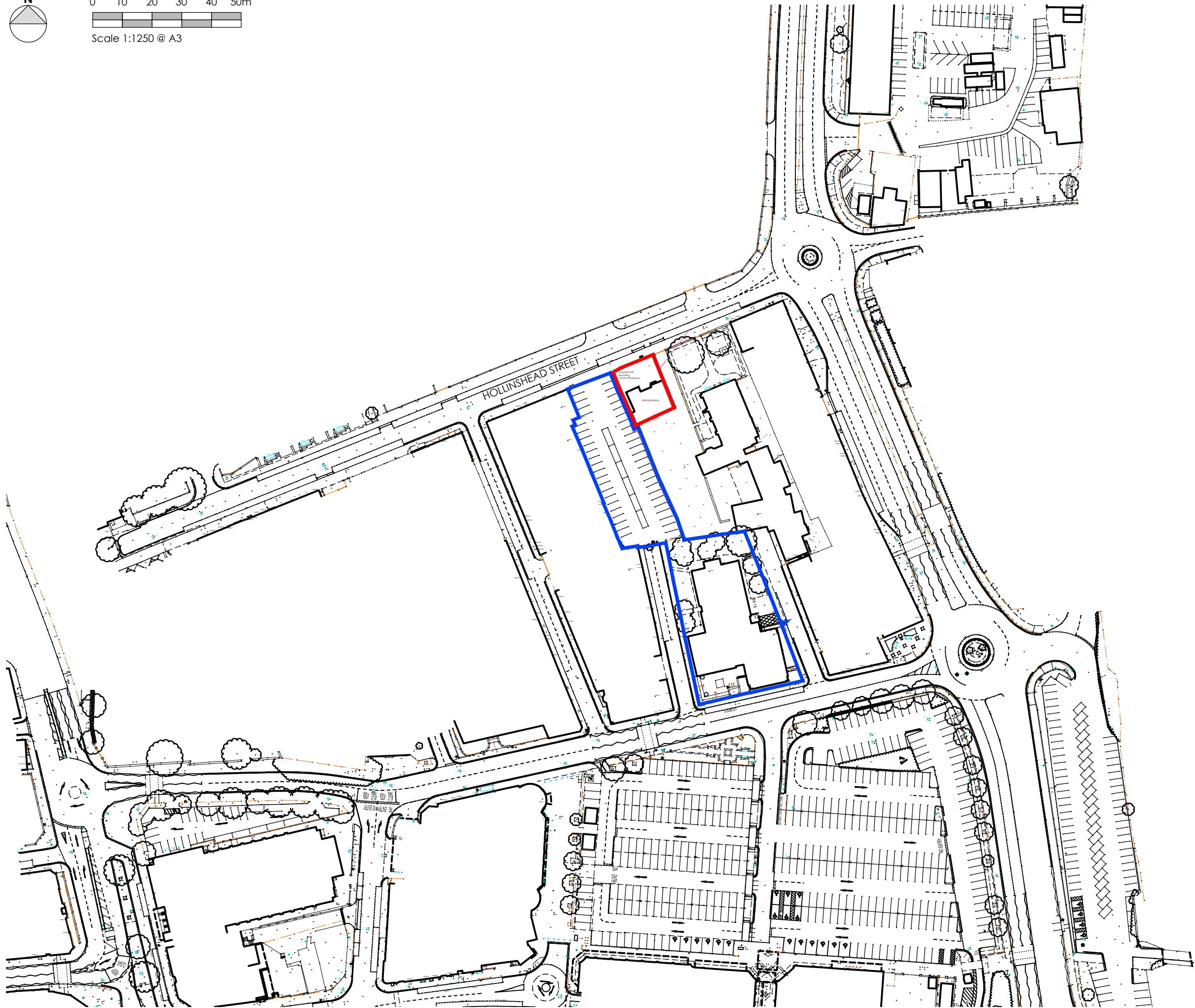
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0 10 20 30 40 50m



Scale 1:1250 @ A3



NOTES

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

DESIGN HAZARD IDENTIFICATION

- No significant Hazards have been identified in this drawing

Proposed Application Site
Boundary:
0.02ha / 0.06 acres

P1 24/05/17 TF BL

Initial Issue.

REV Date Drawn by: - Checked by: -

Status Purpose of Issue

S2 Preliminary Approval

drawing stage **Planning**

client

Chorley Borough Council

project

Shopmobility Relocation
Hollinshead Street
Chorley

drawing title

Location Plan

date 24/05/17 drawn TF

scale@A3 1:1250 checked BL



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APPLICATION REPORT – 17/00533/OUT

Validation Date: 24 May 2017

Ward: Pennine

Type of Application: Outline Planning

Proposal: Outline application (specifying access and layout) for the erection of 4no. dwellings following demolition of existing dwelling and detached garage.

Location: Baysbrown Copthurst Lane Whittle-Le-Woods Chorley PR6 8LR

Case Officer: Mike Halsall

Applicant: Nina Thistlethwaite

Agent: Mrs Louise Leyland

Consultation expiry: 15 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

1. It is recommended that the application is refused.

SITE DESCRIPTION

2. The application site is currently occupied by a detached bungalow known as Baysbrown located on Copthurst Lane, Whittle-Le-Woods. The site boundary also incorporates a front and rear garden, driveway and detached garage. The site is bound by a low stone wall along Copthurst Lane. Hedgerow and panel fencing form the dividing boundaries with the adjacent properties and the rear of the site is bound by further panel fencing. The adjacent property to the west is a detached two-storey property known as Malvern House which abuts its boundary with the site. To the east is a bungalow known as Denham.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Outline planning permission is sought for the demolition of the existing bungalow and garage and the erection of four dwellings, arranged as two pairs of semi-detached houses. The application seeks approval for access and layout with all other matters reserved. The applicant has indicated that the new dwellings would each be 3-bed, two-storey properties with an internal floor area of 116 sq. m. They would have a lawn area and parking for two cars at the frontage to Copthurst Lane. To the rear it is proposed that the properties would feature steps down to a terrace in the back garden. The mature vegetation to the rear of the existing property would be retained wherever possible. Access would be directly on to Copthurst Lane.
4. Whilst the outline application does not seek approval of the scale of the properties, the applicant has submitted a streetscape drawing which depicts the indicative cross sectional scale of the dwellings.

REPRESENTATIONS

5. Fourteen objections have been received to the scheme. Comments are as follows (in summary):
- The proposal is too big, imposing and would have an oppressive impact. The new structure would completely fill the width of the existing plot which is very much out of scale with the existing site and the surrounding properties;
 - The proposal would harm the character, appearance, distinctiveness and environmental quality of a rural lane;
 - The proposal is against council policy for green belt areas;
 - The height of the proposal is far too high – it would be out of proportion for the road and neighbouring properties;
 - Four properties on the site of a single bungalow is a massive overdevelopment of the site and location;
 - The loss of roadside/kerb would create parking issues even if the development was for a single property, but to create 4 properties, lose such a length of kerb, and have each property with only 2 parking spaces would create on road parking issues which could affect the whole of the lane and make it extremely difficult and potentially dangerous for all homeowners and users of the road;
 - Most of the existing properties have small drives where cars cannot turn round in, but this plot is large enough to create safe parking and turning area for a single replacement dwelling which would not affect others;
 - General loss of amenity to the road and neighbourhood;
 - Loss of privacy and overlooking;
 - Overshadowing and loss of light;
 - Noise, security, damage to adjacent properties and contamination issues from the demolition of the bungalow;
 - Public services such as drainage and sewers;
 - Detrimental to the character and openness of the Green Belt;
 - Access to the rear of the proposed properties would be limited;
 - Request that construction hours and delivery vehicles etc. be conditioned to safeguard amenity;
 - The development of four houses will require the use of its residential garden, therefore Policy HS3: Private Residential Garden Development will apply. The development does NOT meet the policy. Namely, Criteria a replacement dwelling - the application is for more than a one for one replacement and criteria c garden infill - the development is not filling a small gap with one or possibly two houses but filling it with three houses of a type NOT in keeping with the character of the street frontage;
 - Copthurst lane is in the Whittle-Le-Woods settlement. The additional housing is not needed in this area. The recent five year housing supply statement (Sept 2016) confirms Chorley has 7.2yr deliverable housing supply that includes a number of sites in Whittle-le-Woods. The statement concludes that all the sites in Whittle will be delivered to meet need.

CONSULTATIONS

6. **Council's Tree Officer** - Has stated that there are no trees of high quality on the site and boundary trees from good screening of the site.
7. **Greater Manchester Ecology Unit** – no response received.
8. **Lancashire Highway Services** – Comment that while the need for reversing out of the proposed driveways is understandably of concern to residents who provided comments on the planning application, it is not unusual for parking layouts to be provided in this arrangement in an area which is almost entirely residential with minimal adverse traffic incidents. The Highways service considers the proposal to be acceptable in principle. The Highways service has suggested two conditions be attached to any grant of planning permission.

9. **Whittle-le-Woods Parish Council** – Comment that the proposal would be overdevelopment of the site. In particular comment is made that the application does not comply with the Chorley Local Plan 2012-2026 policy HS6 because the site has not been allocated in the Housing Allocation Policy, and private residential developments are not required to meet the housing targets of the Local Plan. There are no very special circumstances that would outweigh the harm that this proposal would cause, and the only permitted improvement to this site would be for a one to one replacement dwelling. It is considered that these four proposed dwellings would dominate the landscape, being at the crest of the hill of Copthurst Lane, and that this in turn would affect the openness of the view in this area of natural beauty, and would certainly harm the character of the area.

In addition, there are concerns regarding the proposed parking places, which are not large enough for many vehicles, and that there is also no turning circle included within the plan. Also, connected with traffic, it was noted that many cars are unable to see oncoming vehicles at the crest of this hill and that this situation is even worse when parked cars are added to the equation. There are already many cyclists, pedestrians and horses using the road and additional homes with additional traffic would cause problems for these road users. There is already bad visibility for cars exiting onto Copthurst Lane.

Importantly, there are no other semi-detached properties in this area, so this proposal would change the street scene substantially, not only because of the sheer height of the proposed homes. Existing residents had already been told that they were not allowed to increase the height of their bungalow.

Also, one of the proposed units would completely overlook an existing property's patio, which is unacceptable.

Concern is expressed that even if this application goes ahead in a reduced fashion, that rural infilling would eventually make the numbers up to the four properties now requested.

Only a like for like development, placed in a central location on this plot of land, would be acceptable. Planning permission should not be granted for properties which have a more than 30% volume increase, and four properties would definitely be overdevelopment of this plot.

10. **CIL Officers** – This development will be CIL Liable. CIL Liability is only calculated upon approval of final reserved matters applications. New CIL Determination Form will be required with a reserved matters application detailing scale/layout of dwellings/garages.
11. **United Utilities** - Have raised no objections and comment that no construction should commence until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

THE APPLICANT'S CASE

12. The applicant has responded to the consultation responses and has made the following (summarised) comments, focussing on areas of contention between the applicant and the Council:

As set out in the Planning Statement, it is considered that policies HS7: Rural Infilling, BNE5: Redevelopment of Previously Developed Sites in the Green Belt and CS Policy 1 (f): Locating Growth, are the relevant policies to this proposal.

The supporting text for policy HS7 clearly states that the policy applies to smaller villages that are not specifically identified in Core Strategy Policy 1 as is the case here. The policy response states that policy HS7 cannot be relevant since the site is not vacant and would not, therefore, be infill development. This is disputed this since the existing dwelling could

be demolished at any point, subject to Prior Notification, at which point the site would be vacant. Notwithstanding this, if the Council do not agree that policy HS7 is relevant, then the provisions of policy BNE5 must apply.

With regards to policy BNE5, the applicant is of the opinion that the site does constitute previously developed land (the agent has provided some case law to demonstrate this).

It is considered that the whole of the site would constitute previously developed land, not just the portion on which the dwelling sits, and consequently there would be no major increase in the developed portion of the site resulting in a greater impact on the Green Belt and the purpose of including land within it.

With regards to CS Policy 1 (f), the applicant argues that this is relevant to this proposal in that the development would be small scale and would constitute infilling. As set out in the Planning Statement, the location of the site is sustainable and thus the criterion of the relevant policies in this respect are met.

With specific regard to openness, whilst there would be a minor localised effect given the increased massing on site, when viewed in the context of neighbouring developments and other developments on Copthurst Lane, it is not considered that this impact would be unacceptable. It is worth noting that when viewed from the popular canal tow path to the rear of Copthurst Lane, several of the properties appear much larger than their frontages suggest; some have balconies, terraces and tiered gardens. It is considered that the proposed dwellings, which would be the same height as the adjacent property, would have no material effect on the openness of the Green Belt, and not one which would warrant a refusal in this instance.

PLANNING CONSIDERATIONS

The principle of the development

13. The application site is located within the Green Belt. The National Planning Policy Framework (the Framework) provides clear details on the importance of the Green Belt and paragraph 87 states that:

“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

14. Paragraph 88 of the Framework goes on to say ‘*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*’

15. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate but sets out a number of exceptions including:

- Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan;
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

16. The site is not within a village and, therefore, does not fall within the first of these bullet points.

17. The Framework contains a definition of previously developed land which includes land which is or was occupied by a permanent structure, including the curtilage of the developed

land (although it should not be assumed that the whole of the curtilage should be developed) and any fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings.

18. In terms of the Core Strategy, the site is located outside of any defined settlements and is not in a location for growth. Policy 1, criterion f) of the Core Strategy sets out the type of development that is appropriate in other places, including smaller villages and substantially built-up frontages. It states that development will typically be small scale and limited to a number of forms of development, including appropriate infilling.
19. Policy HS7 of the Chorley Local Plan 2012-2026 sets out Chorley Council's approach to residential infilling in villages, which is defined as the filling of a small gap in an otherwise built-up frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the street frontage. The proposed development cannot be considered residential infilling because an existing single dwelling and garage would be demolished and replaced by four dwellings in what could not reasonably be described as a 'small gap'. The site also lies outside of the settlement boundary of Wheelton, which is approximately 300m south east of the site.
20. Policy BNE5 of the Chorley Local Plan 2012-2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
21. The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
In the case of re-use
 - a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
 - b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.In the case of infill:
 - c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.In the case of redevelopment:
 - d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.
22. The construction of the new dwellings will constitute inappropriate development unless one of the exceptions in the Framework is engaged. To benefit from the relevant exception in the case of this site, the applicant must demonstrate that the construction of the new buildings constitute:
 - The partial or complete redevelopment of previously developed land;
 - Which would not have a greater impact on the "openness" of the Green Belt; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt.
23. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness' but has generally been established as being the absence of buildings or development.
24. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
25. Whether the proposed dwellings would have a greater impact on openness is to some extent a subjective judgment. Objective criteria could include the volume of the existing

building although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 89 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. Openness and visual impact are two separate concepts. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site.

26. It is considered that the erection of four dwellings would have a greater impact on the openness of the Green Belt than the existing bungalow and, therefore, the proposed development represents inappropriate development in the Green Belt and is, therefore, harmful by definition. As such the tests of paragraph 88 of the Framework are engaged which requires that inappropriate development 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. However, none have been provided. Other harm is considered in the sub-headings below.
27. Furthermore, whilst the precise appearance and design of the dwellings have been left for Reserved Matters stage, the replacement of a bungalow and garage with four semi-detached dwellings cannot reasonably be considered to maintain the general appearance of the application site as a whole. The proposal is, therefore also considered to be contrary to policy BNE5 of the Chorley Local Plan.

Design and amenity

28. 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:
 - 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.
29. The precise design of the dwellings would not be known until the Reserved Matters application has been submitted and so a full analysis of the impacts upon neighbour amenity cannot be undertaken at this stage, although layout is applied for and a site layout plan has been provided. However, providing no windows to habitable rooms are proposed within the side elevations of the properties, given their position and orientation in line with adjacent properties, it is not considered there would be any unacceptable impacts upon the occupiers of the adjoining properties of Malvern House and Denham. The rear elevation of the southernmost of the four proposed dwellings would be set back beyond the building line of the proposed properties to the north and Malvern House to the south. However, it does not appear that the rear elevation would project beyond a 45 degree guideline from the rear edge of the closest ground floor habitable room window on the adjacent properties a guideline generally used to assess impact on neighbouring properties.
30. There is no uniform style to dwellings along Copthurst Lane which includes a mixture of detached two-storey dwellings, bungalows and cottages. It is considered that the absence of existing semi-detached properties would not render the proposal harmful. However, this part of Copthurst Lane has a semi-rural feel to it. Opposite the site is a field bounded at the roadside by a grass verge and native hedge, with trees further up the lane. The existing properties on the northwest side of Copthurst Lane have low boundaries and/or hedges/planting fronting the lane. This gives an overall leafy appearance to the lane defined by properties with front boundary treatments. The proposed layout shows two parking spaces, side-by-side, for each of the properties along the frontage of the site. The proposed density and building to plot ratio results in a substantial amount of hardstanding to the front with no boundary treatments (and no opportunity for them to be introduced). It is considered this would result in a visual urbanising of the immediate vicinity and it is

considered that the proposed development would be out of character with the existing streetscene of this part of Copthurst Lane and is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact upon ecology

31. A bat survey has been undertaken by an experienced and bat licensed ecologist in support of the planning application and the report states the following (in summary):

The survey found no evidence of bat roosts or bats in the building to be demolished and roost potential was considered to be low. The surveyor does not consider the proposed development and change of use is likely to result in a breach of the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) therefore the proposed development does not require an EPS Licence (EPSL) to proceed lawfully.

In the unlikely event bats are discovered or disturbed during building renovation and development, work must be halted until the bat licence holder can attend the site and give further advice as necessary.

32. In light of the above it is considered that any unacceptable impacts upon ecology are unlikely.

Provision of parking spaces and highway safety

33. 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. The application seeks outline permission for the layout of the development and shows two off-road parking spaces per dwelling. This meets the Council's standards for three bedroom properties as set out in policy ST4, but results in an unacceptable design/layout as detailed above.

Public open space

34. In line with policy HS4 of the Chorley Local Plan 2012 – 2026, a contribution towards the provision or improvement of public open space (POS) would normally be required to address local needs. This would need to be secured through a Section 106 Obligation unless there is no local evidence of need to outweigh national policy in regards to open space.

Community Infrastructure Levy

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

CONCLUSION

36. It is considered that the erection of four dwellings would have a greater impact on the openness of the Green Belt than the existing bungalow and, therefore, the proposed development represents inappropriate development in the Green Belt and is, therefore, harmful by definition. As such the tests of paragraph 88 of the Framework are engaged. This states that inappropriate development 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. It is considered that there is also other harm to the Green Belt by virtue of the proposed density and building to plot ratio which results in a substantial amount of hardstanding to the front with no boundary treatments which would result in a visual urbanising of the immediate vicinity. It is considered that because of this, the proposed development would also be out of character with the existing streetscene of this part of Copthurst Lane and is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026. It is not considered that

there are very special circumstances to outweigh the harm to the Green Belt or the character of the area and it is recommended that the application is refused.

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

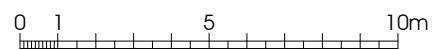
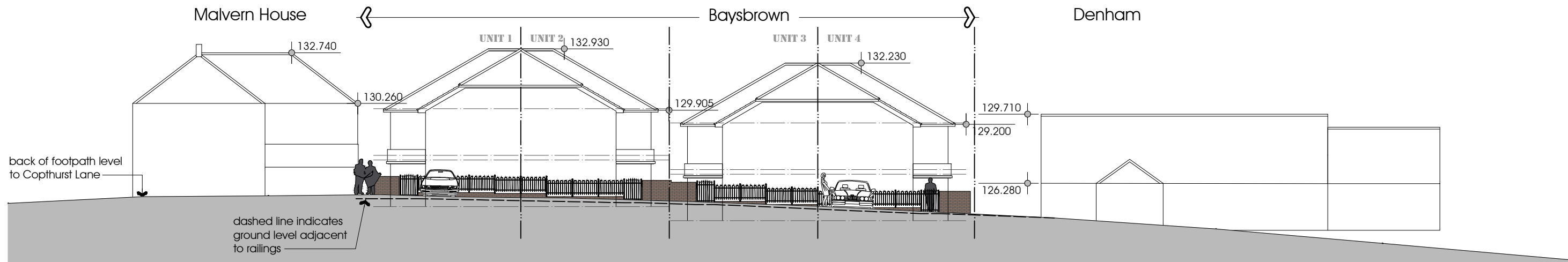
Ref: 90/01092/FUL **Decision:** Permitted **Decision Date:** 28 February 1991
Description: New pitched roof over

Reasons for refusal

1. The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. It would not constitute infilling and is not located within a village. The proposed development would have a greater impact on the openness of the Green Belt than the existing development and would result in other harm to the Green Belt as a consequence of the substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments which would result in a visual urbanising of the immediate vicinity. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt and, therefore, the proposed development is inappropriate development and contrary to the National Planning Policy Framework, Policy 1(f) of the Central Lancashire Core Strategy of the Chorley Local Plan 2012 – 2026. .
2. The proposed development, by virtue of its density and massing, would have an unacceptable impact on the general appearance of the application site. The proposed development is, therefore, contrary to the National Planning Policy Framework and policy BNE5 of the Chorley Local Plan 2012 – 2026.
3. The proposed development, by virtue of its density and building to plot ratio, would result in a substantial amount of hardstanding to the front of the proposed dwellings with no boundary treatments and would result in a visual urbanising of the immediate vicinity which would be detrimental to and out of character with the existing streetscene of this part of Copthurst Lane. The proposed development is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 – 2026.

NOTES:

1: Do not scale this drawing, use figured dimensions only 2: The Contractor, Sub Contractor or specialist supplier are responsible for confirming site dimensions prior to fabrication 3: Any dimensional discrepancies are to be reported to the Architect immediately



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PRELIMINARY

Baysbrown - Copthurst Lane
 Whittle-le-Woods, Chorley PR6 8LR
 Thistle Homes Ltd.
 Client Address

Street Scene and
 Location Plan
 DATE 20.02.2017

JOB NO. 2910
 DRAWING NO. 004
 REVISION
 SCALE 1:200 @ A3



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APPLICATION REPORT – 17/00423/FULMAJ

Validation Date: 20 April 2017

Ward: Eccleston And Mawdesley

Type of Application: Major Full Planning

Proposal: Proposed erection of a new agricultural building and other associated infrastructure

Location: Beech Grove Farm Black Moor Road Mawdesley Ormskirk L40 2QE

Case Officer: Mike Halsall

Applicant: Quantil Agriculture Limited

Agent: HOW Planning LLP

Consultation expiry: 13 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

1.1 Approve full planning permission.

SITE DESCRIPTION

1.2 The applicant, Quantil Agriculture Limited (QAL) farms over 2,000 acres (approximately 800 hectares) of land, the majority of which is owned and located in either Lathom or Croston. There are three strategic centres for the QAL business, i.e. farm yards and buildings. They are located at Robinson Farm in Lathom and Drinkhouse Farm and Beech Grove Farm in Croston. There is also one building at Moss Farm in Croston.

1.3 The application site at Beech Grove Farm is located to the north of Black Moor Hall and is accessed from Black Moor Road to the south. There are two steel framed buildings currently situated at Beech Grove Farm, consisting of a potato store which would be converted for corn storage associated with the new proposed building and a workshop which would remain unchanged by the current proposal. Both of the existing buildings are located to the south of the application site. The surrounding land is agricultural in nature.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.4 The proposal relates to the erection of a purpose built storage building with a footprint of 50 x 20m, 7m in height to eaves and approximately 9.7m to ridge. The building would be open to the north, would have capacity to store approximately 1,500 tonnes of seed corn and would contain reception pits, dryers and ten compartmentalised storage areas. The walls would consist of concrete panels to 4.6m in height and PVC sheeting up to eaves height. The roof would be of an Ethernit (fibre cement) natural grey construction with roof lights. The proposal also includes a weighbridge to be located to the west of the building.

- 1.5 This application forms part of wider modernisation scheme by the applicant which has resulted from a strategic review of their current operations across their three sites. It is intended that this will involve a £300,000 investment at the seed mill at Robinsons Farm in Lathom and the demolition of a number of buildings at Drinkhouse Farm and the construction of four residential units to fund the investment at Robinsons Farm (the development at Drinkhouse Farm is the subject of another application on this agenda ref: 16/00601/FUL).
- 1.6 The applicant has stated that they wish to develop Beech Grove Farm for the proposed use, rather than their other sites at Robinsons Farm and Drinkhouse Farm for the following reasons:
- It decreases agricultural and associated traffic movements in and around Croston.
 - It 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.

RELEVANT HISTORY OF THE SITE

Ref: 14/01212/FUL **Decision:** PERFPP **Decision Date:** 28 January 2015
Description: Application to stop up an existing access and construct a replacement access track to Beech Grove Farmhouse

Ref: 14/00629/P3PAM **Decision:** ANPR **Decision Date:** 1 August 2014
Description: Prior approval application under Part 3, Class M of The Town and Country (General Permitted Development) (Amendment) Order 2013 to change an existing agricultural building to a general storage and distribution use.

Ref: 12/00103/CLEUD **Decision:** PEREUD **Decision Date:** 29 March 2012
Description: Application for a Certificate of Lawfulness for occupation of the dwelling without compliance with an agricultural occupancy condition on planning permission 89/00528/OUT (condition 4)

Ref: 89/00529/AGR **Decision:** PERFPP **Decision Date:** 22 August 1989
Description: Erection of general purpose agricultural building

REPRESENTATIONS

- 1.7 Three objections were received which cover the following:
- The application refers to a Design and Access Statement which is not available for viewing online;
 - It is not clear what the landscape strip would consist of;
 - There has been a significant increase in traffic over the past three years which the proposal would likely further increase along with increased noise;
 - Too close to residential properties and not in keeping with Green Belt location;
 - Humming noises already audible throughout the night;
 - Difficult to determine the level of increased noise and HGV movements.
- 1.8 The Design and Access Statement was missing from the original submission and was later uploaded on 26th May 2017 for comment. Neighbours were thereby re-consulted on this basis. Other comments are addressed within the Planning Considerations section of this report below.

CONSULTATIONS

- 1.9 Lancashire Highway Services –responded to the initial consultation to state the following:
- 1.10 *“From the submitted proposed site plan, I do not consider there is adequate space on site to allow for safe turning of articulated trucks and other heavy/large goods vehicles that would visit site to load and unload. Also, no provision seems to have been made on site to accommodate waiting of such vehicles should the need arise. To avoid the risks of turning manoeuvres in the available confined space on site and to prevent unacceptable waiting of heavy goods vehicles on the highway frontage to the site, approval of the application in its current form is not recommended.”*
- 1.11 As part of its initial response, Highway Services recommended two planning conditions be attached should the Council be minded to grant planning permission which relate to the provision of schemes for vehicle turning and parking areas. The applicant submitted a report in response to the concerns expressed by Highway Services. The applicant’s response includes detailed swept path drawings of how HGVs would manoeuvre around the site. Following some requested amendments to the swept path drawings, Highway Services now raise no objection to the scheme, subject to the inclusion of a condition detailing and providing a passing place on the access road to allow two HGVs to pass.
- 1.12 Lancashire County Council Archaeology Service – In summary, the Archaeological Service has responded to state that existing records suggest that surviving remains of prehistoric date could be encountered during the construction works of the proposed development. The Archaeological Service has therefore recommended a planning condition be attached requiring a written scheme of investigation to be submitted and agreed with the Council and thereafter carried out.
- 1.13 CIL Officers – Proposal is CIL Liable but not chargeable.
- 1.14 Parish Council - No response received.
- 1.15 Environmental Health - No response received.

PLANNING CONSIDERATIONS

The principle of the development

- 1.16 The application site is located within the Green Belt, The National Planning Policy Framework (the Framework) states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.
- 1.17 National guidance on Green Belt is contained in Chapter 9 of the Framework which states:
- “79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*
- 80. Green Belt serves five purposes:*
- to check the unrestricted sprawl of large built-up areas;*
 - to prevent neighbouring towns merging into one another;*
 - to assist in safeguarding the countryside from encroachment;*
 - to preserve the setting and special character of historic towns; and*
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

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

"buildings for agriculture and forestry..."

1.18 The proposed development relates to the erection of an agricultural building and other associated development and so is not classed as an inappropriate development in the Green Belt. The proposal is therefore acceptable in principle in this location, subject to the other considerations below.

Design and amenity

1.19 With regards to design and amenity issues, 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:

- 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.
- c) The layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.
- g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

1.20 The design and appearance of the proposed building, described earlier in this report, would be akin to its rural location and other agricultural style buildings. The materials can be controlled by a suitably worded planning condition and is considered to be appropriate for this location.

1.21 The applicant has proposed a landscaping buffer strip to be situated along the boundary with Blackmoor Hall and Blackmoor Hall Cottage which are the nearest residential properties to the application site at approximately 100m to the south east. This would assist in screening views of the proposed building from these properties. A landscaping scheme can be required to be submitted to the Council for its agreement by virtue of a suitably worded planning condition. There is also an additional residential property located approximately 120m to the south west which would have oblique views of the proposed development. Given the separation distances involved it is not considered that the proposal would have any unacceptable impacts on the occupants of residential properties in terms of being overbearing or causing overshadowing.

1.22 With regards to noise disturbance, the applicant has confirmed that the plant/equipment used on-site would be the same as currently used for site operations, i.e. tractors and trailers, forklift trucks and mobile grain dryers (only during August/September). There is therefore unlikely to be any unacceptable impacts from noise disturbance attributed to the proposed development.

1.23 In light of the above, the proposal is considered to be consistent with policy BNE1 of the Local Plan.

Highways and access

1.24 With regards to highways and access issues, 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:

d) The residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic.

1.25 The supporting evidence submitted with the planning application identifies the following with regards to proposed vehicle movements:

“Large goods vehicles would manoeuvre around the site using an informal one way system. On entry to the site vehicles would turn right and travel between the existing potato store and the existing workshop. They would then turn left and head north past the new agricultural building, where up to three articulated HGV’s can be accommodated on the concrete apron to the east of the building. After being loaded / unloaded in this area, these vehicles would then continue in an anti-clockwise direction around the new building to leave the site.

With regard to the proposed weighbridge and should this be installed at some time in the future, Quantil estimate that 80% of activity would be weighing farm tractors and trailers. It is envisaged that the weighbridge could be entered and exited from either direction. As a result, when heading south to the west of the new building to exit the site, vehicles would be able to access the proposed weighbridge. In addition, vehicles entering the site could turn into the area between the existing potato store and the existing workshop and reverse onto the proposed weighbridge. They could then continue around the buildings in an anticlockwise direction as referred to above.

Alternatively, vehicles could enter the site, pull into the weighbridge in a forward gear and then continue around the new building / site in a clockwise direction.

With regard to vehicle numbers and dwell times...it is understood that it would be unlikely that more than one articulated HGV would be on site at any one time and that, given that these vehicles would carry grain and not potatoes, they would only take in the order of 30 minutes to be loaded / unloaded.

Based on the above, it is considered that the proposed site movement arrangements and dwell times would represent an improvement over the existing arrangements.”

1.26 The applicant has confirmed that typical operating hours are 7am to 5pm and the maximum number of HGV pick-up/deliveries would be three in any one day, occurring a maximum of twice a week.

1.27 Lancashire Highway Services has no objection to the proposal, subject to the inclusion of a suggested planning condition. In light of the above, the proposal is considered to be in accordance with Policy BNE1 in this regard.

Archaeology

1.28 As outlined above, Lancashire County Council Archaeology Service have recommended a planning condition be attached to any grant of planning permission which would protect any archaeological remains beneath the site. Any unacceptable impacts in this regard are therefore not expected.

Minerals Safeguarding

1.29 The site is located within a Mineral Safeguarding Area, covered by policy M2 of Lancashire County Council’s Site Allocation and Development Management Policies document. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate one of a number of criteria, as follows:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

1.30 The applicant has submitted a sufficiently detailed Minerals Resource Assessment which concludes the following:

- There is a very clear and identified need for the commercial development within the context of the farm buildings;
- The site interrelationship with highly sensitive receptors including adjacent residential housing and close proximity infrastructure would preclude mineral extraction given that the environmental and physical impact would be unacceptable;
- The presence of the New Reed Brook in close proximity to the north in addition to the alluvium and peat in the vicinity suggest the site will be wetland, and thus prove very difficult to form any excavations past the water table;
- The presence of the New Reed Brook and associated surface watercourses would provide a flood risk potential for the site;
- The presence of alluvium in close proximity to the site may induce differential settlement following the formation of an excavation; and,
- The sandstone bedrock is present at circa 15m which would require a large scale excavation however in surrounding areas, which is not feasible given the small scale nature of the town.

1.31 In light of the above, it is considered that the proposal meets the criteria of policy M2 by virtue of mineral extraction from the beneath the site and adjoining land being not feasible due to the depth of deposit, particularly once sufficient buffers from residential receptors have been applied. There are also negative environmental impacts associated with mineral extraction which in this location would likely be significant and unacceptable.

CONCLUSION

The application is recommended for approval.

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

Suggested Conditions

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

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Plan Ref	Received On
Proposed Site Layout	N/A	18 April 2017
Proposed Elevations	JM40441PL	18 April 2017

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

3. The external facing materials, detailed on the approved plans and the email dated 2nd August 2017 from Mr. Christopher Bradshaw, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. The building hereby permitted shall be used for agricultural purposes only (as defined in Section 336(1) of the Town and Country Planning Act 1990); in conjunction with the remainder of the holding as identified in the supporting information submitted with the application. It shall be removed and the site reinstated to its original condition by a scheme to be agreed with the Local Planning Authority if at any time it ceases to be used for this purpose.

Reason: To ensure that the building is used solely for agricultural purposes connected with the working of the holding.

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

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents.

6. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans.

Reason: To secure proper drainage and to prevent flooding.

7. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site. This is required to be a pre-commencement condition to avoid any harm to archaeological features from site preparatory works

8. A scheme of landscaping shall be submitted and agreed in writing by the Local Planning Authority prior to the approved use becoming operational. The scheme shall indicate the types and numbers of trees and/or shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped and detail any changes of ground level. Landscaping schemes should also aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

Reason: In the interests of the amenity of the area.

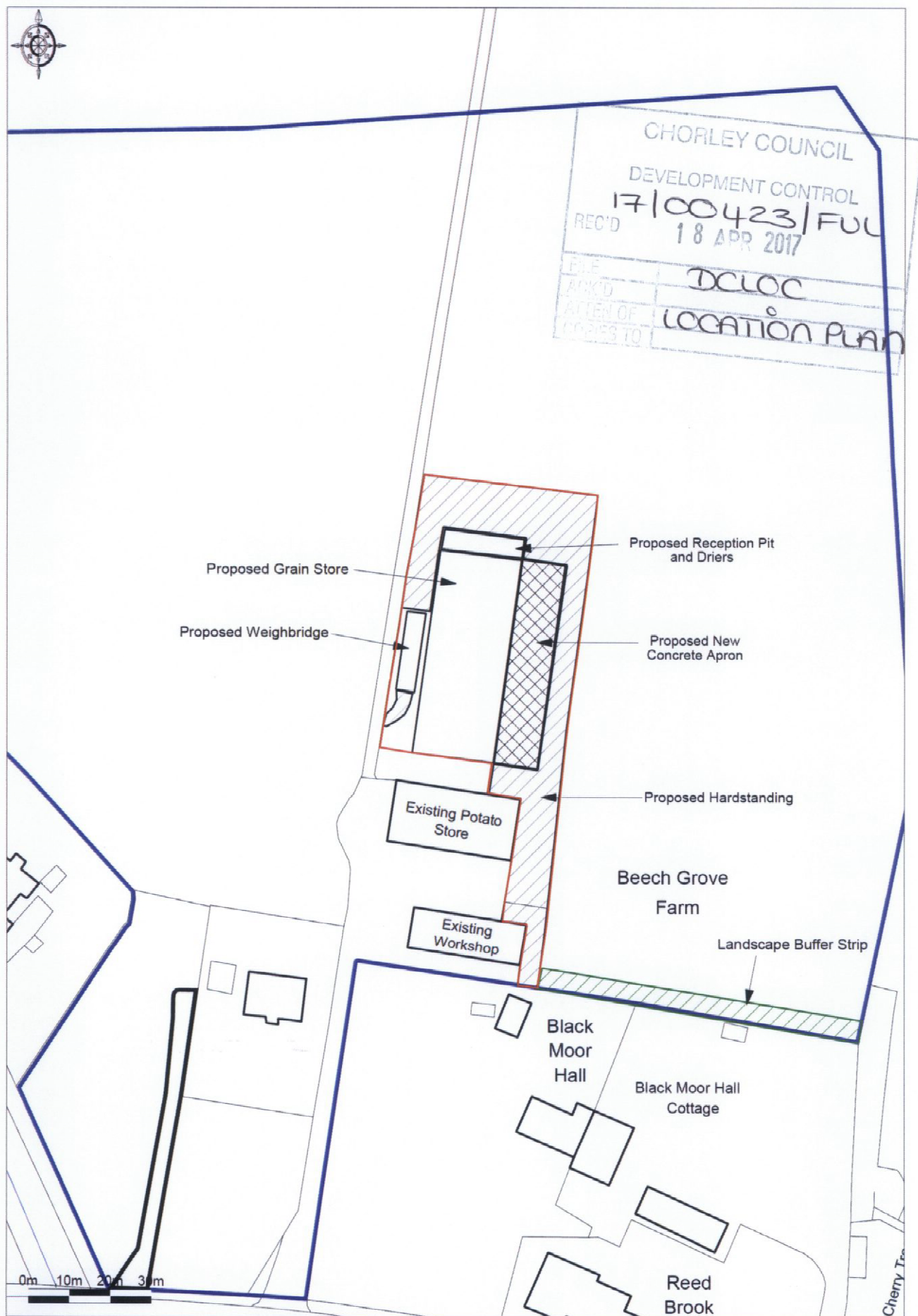
9. The development shall not become operational until details of a passing place on the internal access road has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or brought into use until the approved details have been implemented on site. The approved passing place shall be retained at all times thereafter specifically for this purpose.

Reason: To allow vehicles to safely give way to each and in the interest of highway safety.

10. No part of the development shall be occupied or brought into use until that part of the access extending from the highway boundary for a minimum distance of 10.0m into the site shall be appropriately paved in tarmacadam, concrete, block paviers, or other approved materials.

Reason: In the interest of highway safety.

Beech Grove Farm - Proposed Site Layout



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APPLICATION REPORT – 17/00578/FUL

Validation Date: 2 June 2017

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Change of use from single dwelling to 3no. self-contained apartments and erection of three story rear extension following demolition of existing rear projection

Location: 40 Park Road Chorley PR7 1QU

Case Officer: Mr Iain Crossland

Applicant: Mr Christian Attack

Agent: Mr Kiran Patel

Consultation expiry: 28 June 2017

Decision due by: 28 July 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a mid-terraced dwelling located on Park Road within the core settlement area of Chorley. The building is of traditional design style and is faced in painted render to the front and a combination of render and red brick to the rear, with a roof laid in slates. It has two storeys to the front and is three storeys to the rear. There is a small yard to the rear of the building. The character of the locality is predominantly residential with some commercial and service uses in the vicinity.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Planning permission is sought to change the use of the property from a single dwelling to 3no. self-contained flats. The proposal includes the erection of a three storey rear extension following the demolition of an existing three storey outrigger. The proposed extension would project approximately 4m to the rear of the existing property. It would be approximately 3.1m in width and would have a dual pitched roof with a ridge and eaves height approximately 1.2m lower than the existing ridge and eaves.

REPRESENTATIONS

4. One letter of objection has been received relating to the following issues:
 - The drawings show no dimensions and make it hard to judge the scale.
 - The extension is overly dominant and has a brutal appearance.
 - Parking provision
 - It is also queried how no.42 Park Road be made good following demolition

CONSULTATIONS

5. **Lancashire Highway Services:** Comment that the site is in a town centre location where there are available on-street parking provisions and nearby Local Authority car parks. As such, although the proposed change of use would normally require 4no. car parking spaces more than the existing dwelling, no highway objections are raised to the proposal.

PLANNING CONSIDERATIONS

Principle of the development

6. 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.
7. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
8. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

Impact on character and appearance of the locality

9. The proposed development would result in the erection of three storey rear extension. This would replace an existing brick outrigger with a flat roof. It would have a dual pitched roof with a gable end perpendicular to that of the existing building. The proposed extension would appear appropriately subservient, whilst reflecting the existing form of development in the area. Matching materials would be used.
10. Although the proposed extension would be visible to the rear, its design, scale and siting would be compatible with the appearance of the existing building and would not compromise the appearance of the property or character of the surrounding area.

Impact on neighbour amenity

11. The proposed development would be located immediately adjacent to a residential dwellinghouse at 42 Park Road located to the north of the application site. The dwelling at 42 Park Road has a three storey outrigger with windows to habitable rooms in the side elevation facing the application site. These currently face a blank brick elevation of a three storey outrigger at the application property that would be replaced by the proposed extension. The existing outrigger projects approximately 2.4m from the rear elevation of the existing dwelling and is located immediately adjacent to the boundary with 42 Park Road. The proposed extension would project 4m from the rear elevation but would be positioned approximately 2.2m further from the dwelling at 42 Park Road.
12. Although the windows to habitable rooms in the side elevation of the outrigger at 42 Park Road would face the blank side elevation of the proposed outrigger, at a distance of 5m, it is noted that they are not the sole windows to the rooms they serve, as there are additional windows in the rear elevation. This is other than the ground floor where the windows face a boundary fence and are partially enclosed by a roof structure over the yard. Therefore, although there would be some impact on outlook from the habitable rooms in the outrigger at 42 Park Road, they are not entirely dependent on the windows in the side elevation for outlook and amenity.
13. Furthermore, any impact on light to the habitable room windows in side elevation of the outrigger at 42 Park Road would be mitigated to some extent by the proposed extension being positioned 2.2m further from those windows than the existing outrigger. Even accounting for the additional length of the extension, it is considered that any reduction in light would not be so severe that planning permission should be refused, given the present

circumstances and the fact that there are other windows to the habitable rooms in the outrigger.

14. There are windows to habitable rooms in the rear elevation of the main body of the dwelling at 42 Park Road. The impact on outlook and light from the proposed extension would be similar to the existing situation as the proposed extension would be 1.6m longer but positioned 2.2m further from the boundary than the existing outrigger.
15. The property at 38 Park Road to the south side is a dental surgery and there are no properties to the rear.

Impact on highways/access

16. It is accepted that there is already parking demand generated by the existing dwelling and that this must be considered in relation to the proposed development. The residential parking demand generated by this proposal would result in the need for an additional 4no. car parking spaces. No specific off street parking has been proposed as part of the development. There are, however, available on-street parking provisions and nearby Local Authority car parks.
17. The site is close to a high frequency bus route, supermarkets and is approximately 500m from the town centre. Such good access to public transport and local amenities result in the location being highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026. It is also noted that the proposed development incorporates the provision of covered bicycle storage in the rear yard area.
18. Given the sustainability credentials of the location and existing parking demand already generated, the lack of specific parking provision is considered acceptable in this instance.

Public open space

19. The Development Plan requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
20. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
21. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May 2016 the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
22. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS)

- 23. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
- 24. It is considered that the benefit of securing a public open space contribution on the basis of the two additional dwellings that would be created as a result of the proposed development would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
- 25. Therefore, a POS commuted sum is not requested for this scheme.

Other matters

- 26. The plans have been provided to an accepted scale, which enable measurements to be taken in support of a full planning assessment.

CONCLUSION

- 27. There would be no unacceptable detrimental impact on the character or the appearance of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the development is located in a sustainable location and would not have an unacceptable impact on 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

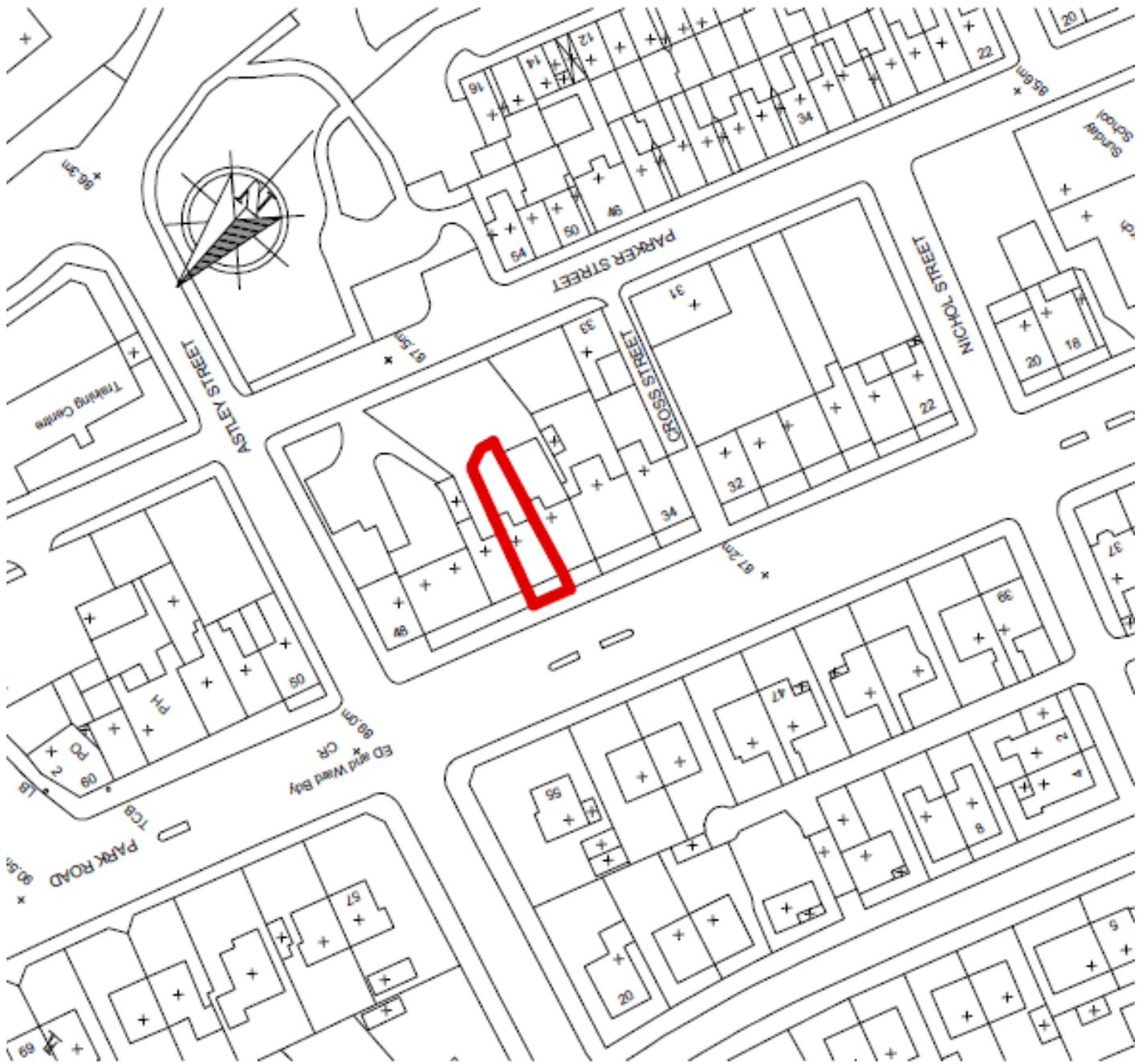
Ref: 88/00208/COU **Decision:** REFFPP **Decision Date:** 3 May 1988
Description: Change of use from private house to office

Suggested Conditions

No.	Condition						
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>						
2.	All external facing materials of the development hereby permitted shall match in colour, form and texture those set out in the application form and approved plans, unless alternatives are submitted to an agreed in writing by the Local Planning Authority. <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i>						
3.	The development hereby permitted shall be carried out in accordance with the following approved plans:						
	<table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Title	Drawing Reference	Received date			
Title	Drawing Reference	Received date					

	Location plan	1715-EX01	02 June 2017
	Proposed plans and elevations	1715-SK01	02 June 2017
	Cycle store details	N/A	12 July 2017
	Cycle store location plan	1715-SK02	13 July 2017
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>			

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Site Location Plan

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APPLICATION REPORT – 17/00663/FUL

Validation Date: 5 July 2017

Ward: Wheelton And Withnell

Type of Application: Full Planning

Proposal: Erection of 4no. dwellings and construction of site access and associated infrastructure

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

Case Officer: Mr Iain Crossland

Applicant: Dr H Khan

Agent: Mr Rashid Mehmood

Consultation expiry: 27 July 2017

Decision due by: 30 August 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises an area of land to the north of the Oak Tree Inn, School Lane, Brinscall and is within the settlement area of the village. The site is bound by Withnell Fold Old Road to the east, established residential properties fronting Queensway to the west and residential properties, the Oak Tree public house and a Post Office to the south. The site is roughly triangular in shape and extends to approximately 0.14 hectares. The topography of the site rises from Withnell Fold Old Road to the east up to the rear of the houses fronting Queensway with a change in levels of up to seven metres between the east and west of the site. The site is covered by ruderal vegetation including self-seeded trees and grasses, and is free of built structures.
3. There is no existing vehicular access to the site, although there is an existing pedestrian access to the site from Withnell Fold Old Road via a set of steps.
4. The site is in an area of mixed character with residential and commercial uses around the site with open spaces nearby. The properties on School Lane are predominately traditional buildings of local sandstone, although there are examples of red brick buildings also. Away from School Lane there are a variety of design styles and material finishes including red brick, brown brick and render.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks planning permission for the erection of four detached dwellinghouses, with associated residential curtilage and vehicular access to Withnell Fold Old Road. The dwellings would be of a simple modern design style, and would be laid out in a linear format facing onto Withnell Fold Old Road.

6. There would be a shared vehicular access from Withnell Fold Old Road providing vehicular access to the rear of the dwellings, where there would be driveway parking at plots 2 and 3 and three detached garages to serve plots 1, 2 and 4. Plot 1 would have an off road parking space with direct access to Withnell Fold Old Road. The stone wall adjacent to Withnell Fold Old Road would be retained and repaired.

REPRESENTATIONS

7. One letter has been received from Cllr Margaret France regarding parking provision and commenting that the allocation of the garages to the properties seems inappropriate - one house has 3 parking options, whilst another only 1.
Officer comment: The allocation of the garages has been revised so that all properties now have at least two off street car parking spaces.
8. Two letters have been received citing the following grounds of objection:
 - Impact on the character of the area
 - Impact on highway safety at junction with School Lane as a result of increased traffic
 - Reduced parking opportunities on Withnell Fold Old Road due to creation of access
 - Risk of subsidence

CONSULTATIONS

8. Withnell Parish Council: No comments have been received.
9. Waste & Contaminated Land: No objection subject to a condition requiring a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.
10. Lancashire Highway Services: No objection subject to appropriate conditions.
11. United Utilities: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

9. 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.
10. Brinscall is identified as one of the Rural Local Service Centres and policy 1(e) of the Central Lancashire Core Strategy states that limited growth and investment will be encouraged in Rural Local Service Centres to help meet local housing and employment needs. The proposed development is considered to be small scale and targeted at meeting local housing needs in line with this policy.
11. The application site is not designated within the local plan and does not appear to have a specific use. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.

Impact on character and appearance of the locality

12. 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.

13. The proposed development comprises four dwellings to be located on land to the rear of 56 School Lane, Brinscall. The dwellings would be of a simple modern design style, and would be laid out in a linear format facing onto Withnell Fold Old Road. The dwellings would be sited at a higher level relative to the highway and would be set back with front garden areas. This arrangement would have a positive impact in terms of creating some form of active street frontage, and the setting back from the highway would prevent them from appearing overly imposing.
14. The density of the development would be low, particularly in the context of the area, and nearby dwellings are largely terraced. The capacity of the site is, however, limited by its topography and the proposed development would provide larger family sized homes, which would make a valuable contribution to the housing stock in Brinscall.
15. It is proposed that the dwellings would be faced in red brick with artstone detailing. Although the properties on School Lane are predominately traditional buildings of local sandstone, there are examples of red brick buildings also. In addition to this, there are a variety of building design styles and material finishes away from School Lane including more modern designs and the use of red brick, brown brick and render finishes. Indeed, it is noted that the existing dwellings to the north west of the site are of a modern design and are faced in brown brick. There is no particular design style along Withnell Fold Old Road itself and, therefore, the use of a modern design and red brick is considered to be acceptable in this instance, subject to a condition requiring details of the actual materials to be used to be approved. Furthermore, the dwellings would not be located in a prominent position within the settlement.
16. There is a stone retaining wall along the boundary of the site with Withnell Fold Old Road that includes a set of steps that provide access. This is the only feature of character at the site, and it is proposed that the wall and steps are repaired and retained within the development. This would help the development to retain the character that does exist and would help the development to blend into the streetscape.
17. There would be a shared vehicular access from Withnell Fold Old Road providing vehicular access to the rear of the dwellings, which is where the majority of the parking would be contained. This would be a sensible solution to parking provision, mitigating the potential clutter of parked vehicles in the street.

Impact on neighbour amenity

18. The proposed dwellings would extend north of the existing dwellings at 46 and 48 School Lane and would be positioned at a higher level to these properties. As the proposed development would be to the north of these dwellings there would be no loss of direct light in relation to them. In addition, there would be no windows to habitable rooms in the proposed dwellings that would face these properties, thereby avoiding any impact on privacy.
19. In relation to any potential impact on the outlook from 46 and 48 School Lane, the nearest proposed dwelling, plot 4, would be located approximately 7m from 48 School Lane at its nearest point. There is one window to a habitable room in this property facing the application site, however, this would not directly face the gable end of plot 4 given its setback from the highway. It is also noted that this is not the sole source of outlook to the room it serves.
20. The proposed dwelling at plot 4 would be located approximately 11m from 46 School Lane. There are windows to habitable rooms in this property facing the application site. Although the proposed dwelling at plot 4 would be visible from these windows, it is noted that the north facing windows in the ground floor of 46 School Lane already face a high stone retaining wall which already impacts on the outlook from this property. Given that there would be no loss of light or privacy, it is considered that the proximity of the proposed dwelling at plot 4 would not be so harmful to the level of residential amenity currently enjoyed by the occupiers of this property to warrant refusal of the planning application.
21. The proposed dwellings would be located approximately 14m, at their nearest point, from the dwellings at 18 to 23 Queensway to the north-west of the site. The application site is

located at a significantly lower level than these properties and the proposed dwellings would be positioned at an angle to them, therefore, there would be no parallel facing windows. Given the difference in levels, the positioning and the degree of separation, it is considered that the proposed development would not result in any detrimental impact on light, outlook or privacy in relation to the dwellings at 18 to 23 Queensway.

Highway impact and access

22. Outline planning permission was granted earlier this year for the erection of 4no. dwellings on the site (16/00714/OUT). The application is a full application for the same number of dwellings, with a shared access in the same position. The Lancashire County Council (LCC) highway officer has no objection to the positioning of the access.
23. All four proposed dwellings would have 4no.bedrooms and, therefore, each require 3no. car parking spaces to be provided. While the standard requirement has been met for proposed plots 1 and 2, the parking requirement for plots 3 and 4 falls short by one space each. Overall, there would be off street parking for approximately 10 cars, which would provide an adequate level of parking provision in this area given the sustainable nature of the location being close to shops, amenities and schools.
24. It is noted that the current junction arrangement between Withnell Fold Old Road and School Lane is narrow and that visibility is not ideal, however, this is an historic arrangement and the junction has operated in this way for many years.
25. 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.

Public open space

26. In line with policy HS4 of the Chorley Local Plan 2012 – 2026, a contribution towards the provision or improvement of public open space (POS) would normally be required to address local needs. However, there is no local evidence of need to outweigh national policy in regards to open space and, therefore, a contribution is not required from this development.

CIL

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

Other matters

28. Risk of potential subsidence: It is recommended that a condition is attached to any grant of planning permission requiring details of the actual ground conditions and any mitigation measures that are required in order to implement the development. Ultimately it is the responsibility of the developer to ensure the safe development and occupancy of the site.
29. Reduced parking opportunities on Withnell Fold Old Road due to creation of access: It is noted that any proposed access to the site from Withnell Fold Old Road would reduce the length of highway that is currently available for on street car parking. There would, however, be remaining opportunities for on street parking following the creation of any vehicular access in this location. Although it is recognised that people currently park on the highway adjacent to the site, the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission.

CONCLUSION

30. There would be no unacceptable detrimental impact on appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an

unacceptable impact on 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:** 5/4/00794 **Decision:** PERFPP **Decision Date:** 2 May 1973
Description: 33 Old person flatlets

- Ref:** 92/00722/FUL **Decision:** PERFPP **Decision Date:** 7 December 1992
Description: Erection of agricultural building

- Ref:** 92/00721/FUL **Decision:** PERFPP **Decision Date:** 1 December 1992
Description: Erection of agricultural building

- Ref:** 82/00198/FUL **Decision:** PERFPP **Decision Date:** 25 May 1982
Description: 3 houses

- Ref:** 78/00851/FUL **Decision:** PERFPP **Decision Date:** 7 November 1978
Description: Conversion of one house into two

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

- Ref:** 16/00714/OUT **Decision:** PEROPP **Decision Date:** 20 January 2017
Description: Outline application for the erection of four dwellings and associated infrastructure (with all matters reserved)

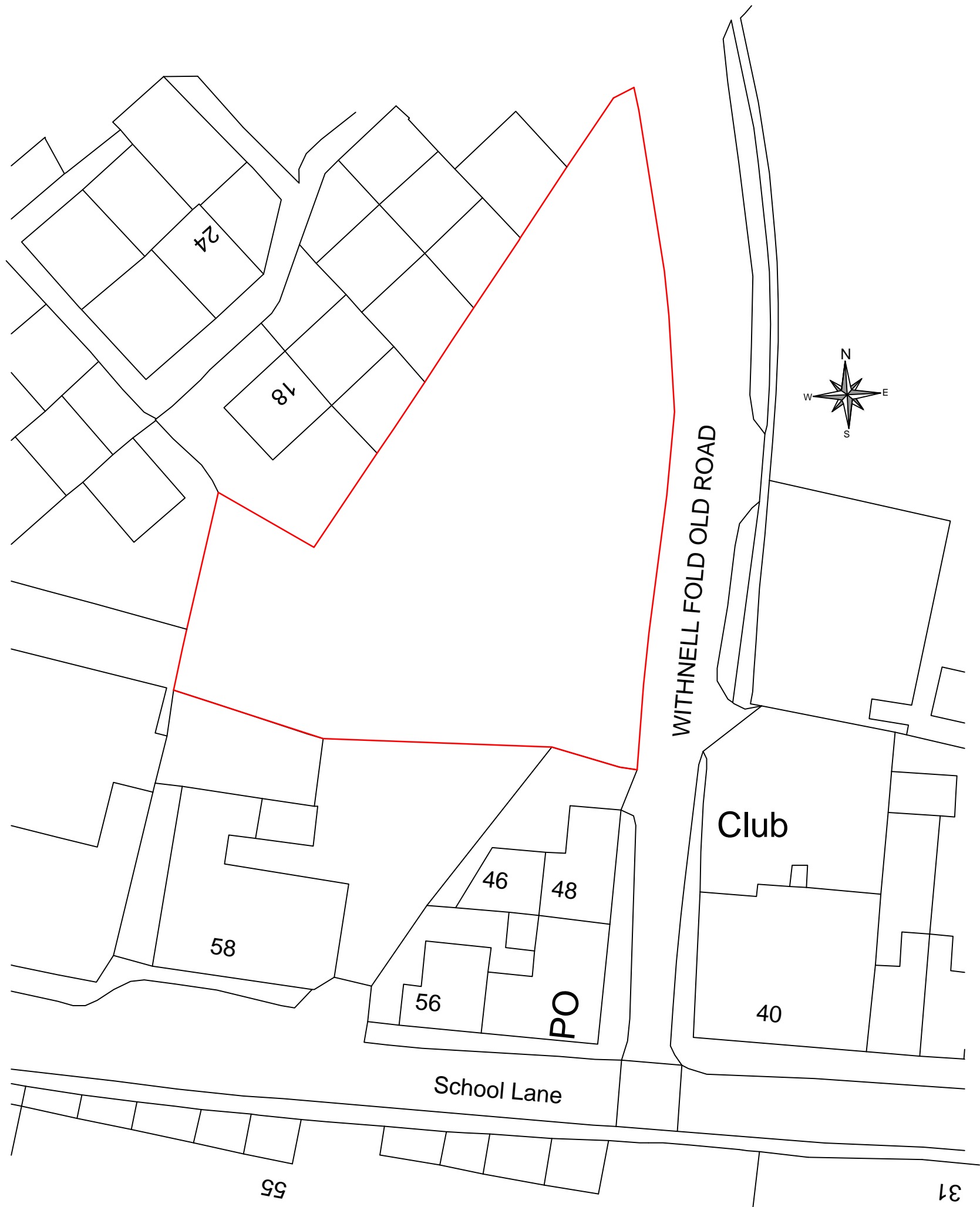
Suggested Conditions

No.	Condition																											
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>																											
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	Reason: For the avoidance of doubt and in the interests of proper planning.
3.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a Phase II ground investigation is recommended to determine more accurately the effect of the identified hazards on the development. Initially, this should include the following along with details of the necessary remediation measures:</p> <ul style="list-style-type: none"> • A window sampling, trial pits and possibly cable percussive borehole investigation to confirm ground conditions and collect samples for analysis. • Chemical analysis of soils followed by risk assessment so that the risk to human health and controlled waters can be determined. • Gas monitoring to assess the risk posed by ground gases. • Geotechnical soils testing of the founding strata to assess its strength and suitable grades of buried concrete. • Confirmation of the presence of existing drainage is required. • Slope stability assessment. • Assessment of existing retaining walls. • Investigation of surface water run-off from adjacent site. <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p>Reason: Please note it is the applicant’s responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</p>
4.	<p>The new estate road/access between the site and Withnell Fold Old Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.</p> <p>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</p>
5.	<p>Before the development hereby permitted becomes operative, the existing vegetation on the highway frontage of the site to Withnell Fold Old Road shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the highway.</p> <p>Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.</p>
6.	<p>Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructures of the dwellings hereby approved. 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</p>

	<p>enclosure, minor artefacts and structures, including the appearance of any retaining 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.</p> <p>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.</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>
8.	<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>
9.	<p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p>
10.	<p>Prior to the erection of the superstructures of the dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
11.	<p>Prior to the erection of the superstructures of the dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
12.	<p>Before the development hereby permitted is first commenced, other than access and enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning</p>

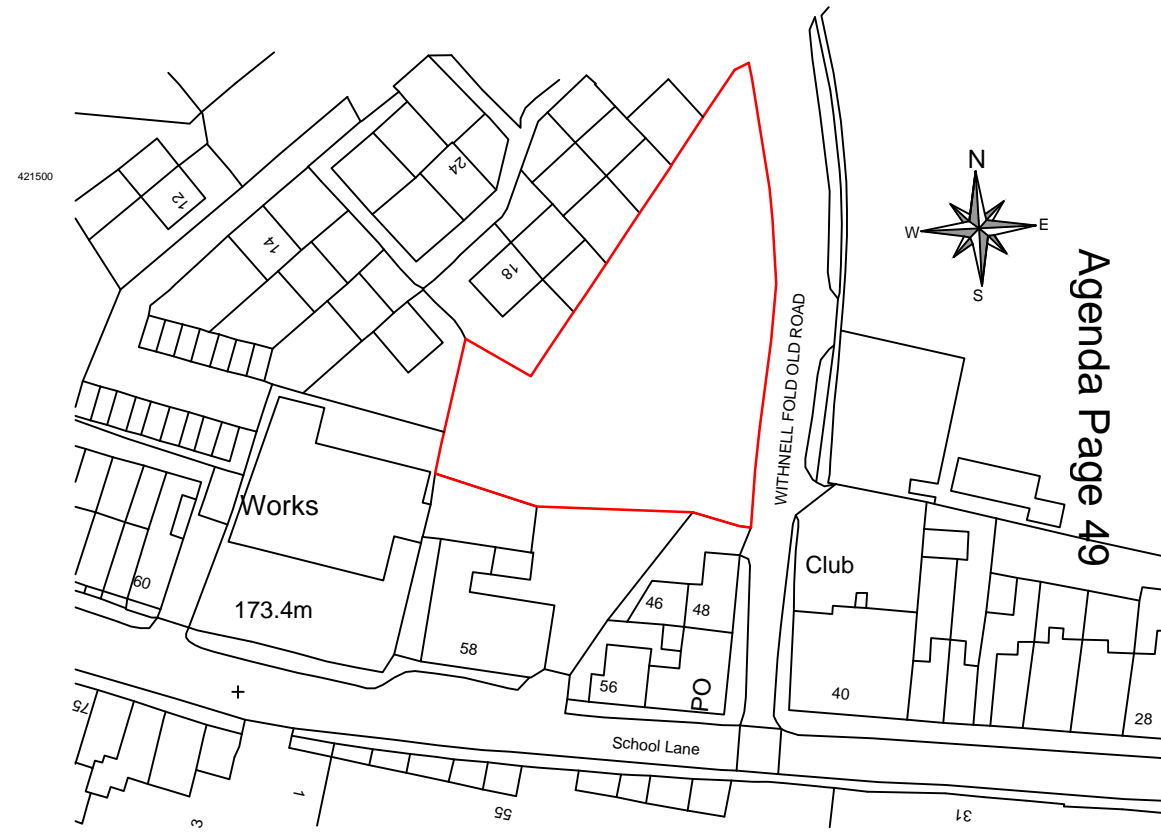
	<p>Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
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Block Plan Scale 1:200



Location Plan Scale 1:1250



Block Plan Scale 1:500

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Do not scale from this drawing.

All dimensions are to be checked on site prior to construction, manufacture of any components and ordering of materials and equipment.

Any discrepancies are to be reported to the architects for clarification.

All materials and workmanship to be accordance with the current British Standards and codes of practice.

This drawing is to be read in conjunction with all relevant Architectural Structural Engineers, Mechanical Engineers, Electrical Engineers and Specialists drawings and specifications.

IPS DESIGN		2 York Street Bury Lancashire BL9 7AR	
Block Plans of Land to the rear of 56 School Lane Brinscall			
Scale :As Stated on A3		All Dimensions in Meters	
Ref: IPS/R/2a/SK81QH		Date : 01/06/2017	
SHT 11 of 11		Existing	

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APPLICATION REPORT – 17/00635/FUL

Validation Date: 7 July 2017

Ward: Chorley South East

Type of Application: Full Planning

Proposal: Change of use from GP Surgery to 5no. flats

Location: 41 Cunliffe Street Chorley PR7 2BA

Case Officer: Mr Iain Crossland

Applicant: Mr Chris Langsden

Agent: Gilling Dod

Consultation expiry: 4 August 2017

Decision due by: 1 September 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located on Cunliffe Street, close to, but outside of, Chorley Town Centre, and lies within the core settlement area of Chorley. The existing property is a mid-terraced property of traditional design style located on a street of mixed character with both residential and commercial properties. The property comprises two stories with a large outrigger and single storey element to the rear. There is also a yard that is currently used for parking and is accessed via an under croft from Cunliffe Street.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use of a former GP surgery building to 5no. self-contained flats with a shared private laundry area. No external alterations have been proposed other than some changes to the fenestration.

REPRESENTATIONS

4. Three letters of objection have been received from the occupiers of two properties. These have raised the following issues:
 - Impact on the safety of local residents from crime and disruption as flats bring in people that potentially cause problems.

CONSULTATIONS

5. Lancashire Highway Services: Have no objection.

PLANNING CONSIDERATIONS

Principle of the development

6. 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.
7. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
8. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

Loss of community facility

9. The application would result in the loss of a doctor's surgery, which could be categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. No representations have been received in relation to the retention of the surgery, and it is noted that the site is close to the centre of Chorley, where there are numerous health care facilities and amenities within a relatively compact catchment area. It is, therefore, considered that the loss of the doctor's surgery as a health facility is acceptable in this instance.

Impact on character and appearance of the locality

10. There would be no external physical alterations to the building other than alterations to the window positioning at the rear. The way in which the property would be used would have little impact on the character of the area, given the extent of existing residential properties in the vicinity, and the comings and goings from five flats would be less than that of a doctor's surgery.

Impact on neighbour amenity

11. The proposed residential use would introduce habitable room windows to the building. Any views from ground floor windows are already mitigated by boundary fencing or face structures or other such blank elevations. The windows at first floor do not achieve all the necessary interface distances, however, it is noted that these windows already exist, albeit serving a different use, and the interface situation is historic to this area in that most properties have yards and gardens that are already overlooked at a distance of less than 10m. In this instance it is considered that the proposed change of use would not result in any harmful overlooking of neighbouring property over and above the existing situation.
12. The application property is located between residential dwellinghouses at 39 and 43 Cunliffe Street, and is surrounded by residential uses to the rear. The change of use to residential accommodation is likely to have lower levels of noise and disturbance from comings and goings than the doctor's surgery. A residential use is a highly compatible use when viewed in the context of adjoining residential uses.

Impact on highways/access

13. The parking requirement generated by this proposal would normally result in the need for 5no. car parking spaces. However, a maximum of 2no. parking spaces can be accommodated within the available area. It is noted that the highway authority have not objected to the proposed change of use as the application site is in a town centre location and has high accessibility in relation to employment, shops, schools, health centres, hospitals, police stations etc. In addition, the site is situated close to bus routes with bus stops within short distances. There are long and short stay local authority car parks within close proximity of the site on Fleet Street and George Street, with on-street parking provision on Cunliffe Street where parking is permitted for an hour between 9am to 5pm Monday to Saturdays.

14. In addition it is accepted that there is already parking demand generated by the existing doctor's surgery and that this must be considered in relation to the proposed development. The doctor's surgery would have generated a need for at least 20no. parking spaces and, therefore, the requirement for 5no. parking spaces represents a significant reduction.
15. The location is considered to be highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026.
16. Given the sustainability credentials of the location and the parking demand already generated by the existing use, the under provision of off street parking is considered acceptable in this instance.

Public open space

17. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. The grant of planning permission would be subject to a condition requiring the applicant to provide details of a scheme for the provision of public open space.

Other matters

18. Impact on the safety of local residents from crime and disruption as flats bring in people that potentially cause problems: There is no evidence to suggest that the proposed flats would result in any impact on the safety of local residents through crime and disruption as a result of future occupants.

CONCLUSION

19. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the development is located in a sustainable location and would not have an unacceptable impact on 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: 96/00758/FUL **Decision:** PERFPP **Decision Date:** 22 January 1997

Description: Extension into former workshop to the rear of 35/39 Cunliffe Street

Ref: 89/00988/COU **Decision:** PERFPP **Decision Date:** 30 January 1990

Description: Change of use from dwelling and office to doctors surgery

Ref: 87/00194/FUL **Decision:** REFFPP **Decision Date:** 5 May 1987

Description: Change of use of offices to taxi base and erection of radio aerial in rear yard

Ref: 84/00056/FUL **Decision:** PERFPP **Decision Date:** 13 March 1984

Description: Change of use of premises to dwelling with rear outbuilding to be used as office and erection of garage on site of former store

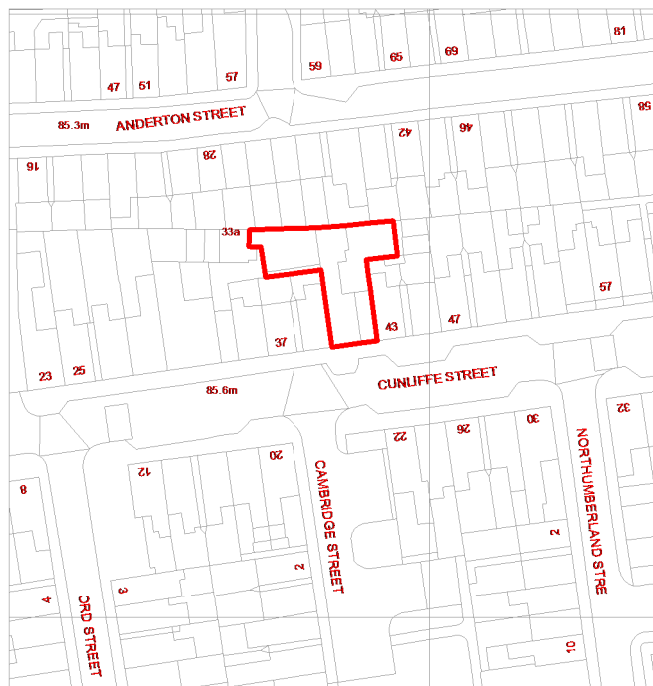
Ref: 84/00055/ADV **Decision:** PERFPP **Decision Date:** 13 March 1984

Description: Display of non-illuminated wall mounted sign above passage access

Ref: 5/1/02531 **Decision:** PERFPP **Decision Date:** 18 October 1965
Description: Covering in of part of yard to form builders store

Suggested Conditions

No.	Condition															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>															
2.	<p>No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwelling(s) hereby approved shall not be occupied until the approved Scheme has been implemented.</p> <p><i>Reason: The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.</i></p>															
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 1084 1321 1368"> <thead> <tr> <th data-bbox="336 1084 730 1113">Title</th> <th data-bbox="730 1084 1023 1113">Drawing Reference</th> <th data-bbox="1023 1084 1321 1113">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 1113 730 1178">Location plan</td> <td data-bbox="730 1113 1023 1178">CUN-GDA-V10-S1-DR-A-10_10-0001</td> <td data-bbox="1023 1113 1321 1178">07 July 2017</td> </tr> <tr> <td data-bbox="336 1178 730 1243">Proposed site plan</td> <td data-bbox="730 1178 1023 1243">CUN-GDA-V1-ZZ-DR-A-05_20-0005</td> <td data-bbox="1023 1178 1321 1243">07 July 2017</td> </tr> <tr> <td data-bbox="336 1243 730 1308">Proposed floor plans</td> <td data-bbox="730 1243 1023 1308">CUN-GDA-V1-ZZ-DR-A-05_20-0001</td> <td data-bbox="1023 1243 1321 1308">07 July 2017</td> </tr> <tr> <td data-bbox="336 1308 730 1368">Proposed elevations</td> <td data-bbox="730 1308 1023 1368">CUN-GDA-V1-ZZ-DR-A-05_20-0002</td> <td data-bbox="1023 1308 1321 1368">07 July 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location plan	CUN-GDA-V10-S1-DR-A-10_10-0001	07 July 2017	Proposed site plan	CUN-GDA-V1-ZZ-DR-A-05_20-0005	07 July 2017	Proposed floor plans	CUN-GDA-V1-ZZ-DR-A-05_20-0001	07 July 2017	Proposed elevations	CUN-GDA-V1-ZZ-DR-A-05_20-0002	07 July 2017
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Proposed elevations	CUN-GDA-V1-ZZ-DR-A-05_20-0002	07 July 2017														
4.	<p>No development shall commence until details of secured cycle storage have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the current Chorley Council Parking standard. The scheme shall be implemented in accordance with the approved details before the first occupation/use of the development. The facilities shall be retained at all times thereafter.</p> <p><i>Reason: To encourage sustainable transport modes.</i></p>															



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Key:

Site Boundary

P02	JS	Issued For Planning	20/06/2017
P01	JKB	Issued For Information	07/10/2016

Rev	By	Description	Date
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The Cruck Barn, Duxbury Park, Chorley, Lancashire. PR7 4AT
t: 01257 260070 f: 01257 260071

Client
Chris Langsden

Project
Conversion of GP Surgery to Self Contained Flats

Title
Site Location Plan

Drawing Status
Shared (Non-Contractual)

Project Number	Drawn By	Checked By	Approved
8091a	JKB	TGR	

Scale	Sheet Size	Suitability	Rev.
1 : 1250	A4	S2	P02

Drawing Number
CUN-GDA-V10-S1-DR-A-10_10-0001

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APPLICATION REPORT – 17/00490/FULMAJ

Validation Date: 8 May 2017

Ward: Chorley North West

Type of Application: Major Full Planning

Proposal: Erection of 5-storey block comprising 18 No. apartments following demolition of existing buildings

Location: Garside and Son Plumbers 5 - 9 Queens Road Chorley PR7 1JU

Case Officer: Mr Iain Crossland

Applicant: 108 Ventures Ltd.

Agent: Design Studio Architects

Consultation expiry: 2 June 2017

Decision due by: 18 August 2017

RECOMMENDATION

1. It is recommended that this application is approved subject to conditions and a S106 agreement.

SITE DESCRIPTION

2. The application site is located on the edge of Chorley Town Centre. It comprises a commercial unit that has previously been used for storage but which appears to have been disused for some time. The building is of traditional design and appearance and lies within a terrace of traditional buildings in commercial uses. The building on the site is notable in that it is of a lower height than the adjacent buildings. The site is located between Queens Road to the north and a Council car park off Farrington Street to the south.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development involves the erection of a 5-storey building of contemporary design comprising 18 No. apartments following demolition of existing buildings.

REPRESENTATIONS

4. Letters of objection have been received from the occupiers of 3no. addresses. These relate to the following issues:
 - Lack of parking
 - Loss of light to nearby properties
 - Impact on character of the area
 - Disturbance caused by future residents
 - The presence of asbestos and a rat infestation will cause disruption and inconvenience
 - There are other better uses for the land

CONSULTATIONS

5. **Conservation Officer:** Considers the proposed development to be acceptable, as it would preserve the appearance of the adjacent listed buildings and the adjacent St. Laurence's Conservation Area and would thus also sustain the significance of these designated heritage assets.
6. **Lancashire County Council (Education):** Based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution for 1 primary school place. However LCC are not seeking a contribution for secondary school places.
7. **Greater Manchester Ecology Unit:** Comment that there are no known ecological reasons why the current application be refused.
8. **Waste & Contaminated Land:** No comments received.
9. **Lancashire Highway Services:** No objection subject to condition.
10. **United Utilities:** No objection subject to condition.
11. **Lancashire County Council Archaeology Service:** No objection subject to condition.

PLANNING CONSIDERATIONS

Principle of the development

12. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
13. The application site is located in the core settlement area of Chorley, close to the town centre. Core Strategy Policy 1 is concerned with located growth and identifies Chorley Town as a Key Service Centre where growth and investment should be concentrated.
14. The application site comprises a building that was previously used for storage but which appears to have been disused for some considerable time. Core Strategy Policy 10 seeks to protect land and premises last used for employment use. Given the amount of time that has elapsed since the buildings were last in use it is not clear what the lawful use of the building is. In addition to this, given the amount of time that the building has remained disused the site would not appear to provide any demand for employment use.
15. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

Impact on the conservation area and heritage assets

16. The site is outside, but close to the western boundary of the St Laurence's Conservation Area and relatively close to a number of listed buildings, the closest being the grade II* listed St. Laurence's Church from which the conservation area takes its name. The listed buildings are clearly separated from the application site by other buildings, highways and landscaping features. The site is currently occupied by a fairly dilapidated and deteriorating building that is beginning to have a negative impact upon the setting of the adjacent conservation area.
17. The proposal seeks to demolish the existing building and replace it with one of a contemporary style to create 18no. apartments. In the main, this design approach works well with this location subject to the use of appropriate materials.

18. It is considered that the proposed development is acceptable as it would preserve the appearance of the St. Laurence's Conservation and the associated listed buildings and would, therefore, sustain the significance of these designated heritage assets.

Design and impact on the character of the area

19. The proposal is for the erection of a five storey building that would contain 18no. apartments. The proposed building would be of a contemporary design style.
20. The local vernacular of the area is largely made up of red brick buildings of tradition design, although there are examples of buildings faced in stone and, to a lesser extent, white render. The existing property on site is part of a series of terraced buildings comprising a two storey height building, with a series of three and four storey properties adjacent to the site. These provide an active street frontage along Queens Road. There is a Council car park to the rear of the site, where character is less defined.
21. The proposed building would be of greater scale and mass than the existing building on site but has been designed to reflect the scale of the buildings adjacent to the site. Although the proposed development would be of greater total height than the adjacent buildings, it has been designed to remain sympathetic to the area and the neighbouring properties. The roof line has been designed by using a dark zinc metal standing seam roof, which would wrap around to the floor below. This gives the impression of the roof line appearing consistent with adjacent building, and the change in materials breaks up the mass. This in conjunction with the roof space being made up of a series of dormers further reduces the massing. The proposed development would result in an improved rhythm of building scale in this location of Queens Road. It is also noted that buildings of larger scale are not uncommon in the wider vicinity with examples at Chorley Town Hall, the Police Station, Bingo Hall and Summer House.
22. The building would be faced in a simple combination of brickwork, white render, cedar cladding panels and metallic cladding, which would add materials that complement and provide contrast with the adjacent properties. This allows the development to tie in with the existing buildings and prevailing character of the area, whilst introducing a suitable level of contrast that would be expected of a modern building. The rear elevation is a continuation of the materials of the front.
23. The proposed building would continue the active street frontage along Queens Road and would be of an appropriate scale and design, close to the town centre, that would not harm the character of the area but would introduce an improvement in design quality.

Impact on neighbour amenity

24. The proposed building would be located approximately 19m from the nearest residential dwelling at no.4 Queens Road. It would not face this dwelling and this distance is taken corner to corner. As such there would be no facing windows and the proposed development would provide no views over the rear garden, which is screened by the dwelling itself. The proposed development would not be directly visible from no.4 Queens Road and would be located to the south west of the front elevation this property. Although the height of the building would be greater than that which exists on site now, and is higher than adjacent buildings, the impact on light in relation to no.4 Queens Road would be limited in relation to the impact that already exists, by virtue of the relative positioning.
25. Other properties near to the site are in commercial uses, and would not be unduly impacted upon. Any other residential properties are located some distance from the site or are screened by other buildings.
26. The redevelopment of the site with residential accommodation is likely to have lower levels of noise and disturbance from that comings and goings associated with an active commercial use. A residential use is a compatible use when viewed in the context of other residential uses nearby, and would provide housing in a sustainable location.

Impact on highways/access

27. The transport issues, including the description of existing site conditions and details of the development proposal have been set out in the submitted Transport and the Design and Access Statements.
28. The proposed development consists of 11no.one-bedroomed and 7no. two-bedroomed apartments. The 5-storey block would have a front entrance facing Queens Road which has 20mph speed limit and 'No-waiting at Anytime' restrictions with good quality footways of adequate width on both sides.
29. The site is within acceptable walking distance of Chorley Town Centre and has high accessibility in relation to employment, retail, schools, health centres, hospitals, police stations etc. In addition, the site is situated close to bus routes with bus stops within short distances and in close proximity to a rail station and off and on road cycle routes. There are two long stay local authority car parks in front of the site on Queens Road and to the rear on Farrington Street. In view of the sustainable location of the site therefore, the proposed development is considered acceptable despite the fact that it includes no provision for off-street parking.
30. The applicant's proposed on-site cycle storage provision is noted and the proposal to procure season parking permits at the Farrington Street car park to cater for the parking needs of residents as indicated in paragraphs 4.2 and 4.3 of the Transport Statement is also noted. However, the procurement of the parking permits cannot be enforced by a planning condition.
31. The site layout shows that the entrance to Queens Road would project beyond the alignment of the building. Whilst LCC Highways have no issue with the design, the applicant should take into account the fact that the footway in front of the site is less than the standard width of 2.0m, therefore, any such projection of the entrance should not encroach the existing footway.
32. The proposed layout of the rear of the property would facilitate bin storage provisions and disabled access. The proposed rear entrance would be accessed from a local authority car park at Farrington Street, which does not form part of the applicant's boundary and would lead to the loss of between 2no. and 4no. spaces. The issue of the access and the loss of the parking spaces must be agreed with Chorley Council, separate to the planning process. Discussions regarding this matter are ongoing.

Affordable housing requirements

33. Policy 7 of the Core Strategy requires 30% affordable housing to be provided on sites of 15 or more dwellings, or 0.5 hectares in size (which this is), in urban areas such as this. No on-site provision has been identified by the applicant. In order to achieve the 30% policy requirement, an off-site contribution equivalent to 6 units would normally be required. Any such off site contribution would need to be secured through a Section 106 legal agreement in consultation with the Council's strategic housing function. However, given the nature of the development and known requirements of registered social housing providers in the area, it is considered that a commuted sum would be acceptable in this instance.

Public open space

34. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD.
35. The grant of planning permission would need to be subject to the applicant entering into a Section 106 agreement to make a contribution towards the requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026. In this instance there is a requirement for off-site contributions toward allotments and playing pitches totalling £29,052.

Education contribution requirement

36. It is noted that Lancashire County Council (LCC) has requested a contribution towards education provision from the application. Based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution for 1 primary school place equivalent to a value of £14,217.31. LCC are not seeking a contribution for secondary school places.
37. The grant of planning permission would need to be subject to the applicant entering into a Section 106 agreement to secure a contribution towards the requirement for the provision of 1 no. primary school place in line with policy 14 the Central Lancashire Core Strategy.

Other matters

38. The presence of asbestos and a rat infestation would cause disruption and inconvenience: These issues would be dealt with by separate legislation.
39. There are other better uses for the land: The Council can only consider the proposals that are brought forward for development, and cannot refuse an application in order to wait for a different development that may be preferable.

CONCLUSION

40. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers or as a result of the proposed development. In addition, the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted subject to conditions and a S106 Agreement.

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: 04/00937/FULMAJ **Decision:** PERFPP **Decision Date:** 21 June 2007
Description: Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors,

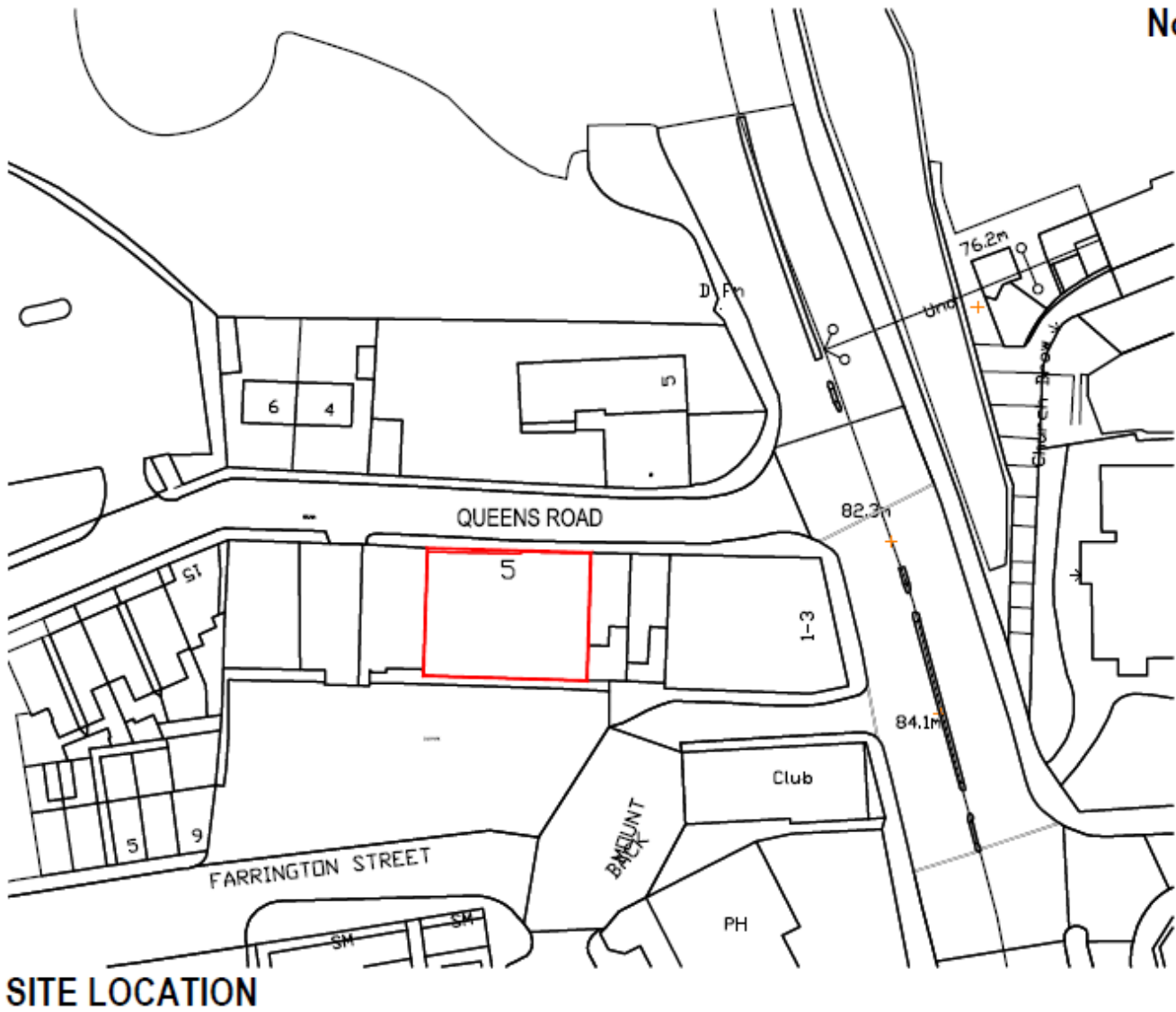
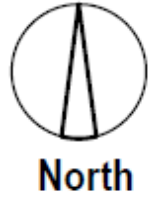
Ref: 10/00202/FULMAJ **Decision:** PERFPP **Decision Date:** 10 June 2010
Description: Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors (Extension to the time limit for implementing planning approval reference 04/00937/FULMAJ)

Ref: 5/1/02600 **Decision:** PERFPP **Decision Date:** 1 February 1966
Description: Alterations to form off street car park, garage accommodation and warehouse storage

Suggested Conditions

To follow

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APPLICATION REPORT – 17/00521/FUL

Validation Date: 19 May 2017

Ward: Heath Charnock and Rivington

Type of Application: Full Planning

Proposal: Retrospective application for the siting of eleven shipping containers to be used for storage purposes.

Location: Cockers Farm Long Lane Heath Charnock Chorley PR6 9EE

Case Officer: Mike Halsall

Applicant: Mr Catterall

Agent: Swift Building Design

Consultation expiry: 26 July 2017

Decision due by: 18 August 2017

RECOMMENDATION

1.1 Refuse full planning permission.

SITE DESCRIPTION

1.2 The application site is located to the south of the main farming/commercial complex at Cockers Farm. The site itself consists of an existing area of hardstanding. The applicant's supporting Planning Statement states that Cockers Farm was a successful farming business until the foot and mouth outbreak when the business collapsed. Since then, the buildings on Cockers Farm have been used for commercial purposes (B1, B2 and B8). There is an approved poly tunnel located to the north, beyond which is a car parking area. There are agricultural fields located to the east and south and a large building to the west which was recently granted planning permission for a change of use from agricultural storage to a livery with ancillary uses.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal seeks retrospective planning permission for the siting of eleven shipping containers to be used for storage purposes, in part by businesses on the adjoining commercial premises. The applicant has planted some tree saplings to the east of the application site with the intention of screening the site from views from residential properties to the north east.

RELEVANT HISTORY OF THE SITE

Ref: 13/01199/FULMAJ **Decision:** PERFPP **Decision Date:** 15 July 2014
Description: Change of use of agricultural buildings to industrial and storage uses (Classes B1, B2 and B8) (Retrospective Application) and reuse of existing residential use as offices (Class B1).

Ref: 11/00807/FUL **Decision:** PERFPP **Decision Date:** 12 October 2011
Description: Application to re-locate existing poly tunnel within farm complex

Ref: 10/00180/FUL **Decision:** PERFPP **Decision Date:** 29 June 2010

Description: Proposed conversion of existing barn in to live/work unit

Ref: 06/01004/FUL **Decision:** REFFPP **Decision Date:** 8 November 2006

Description: Proposed new access road to include bridge over River Yarrow.

Ref: 03/00372/AGR **Decision:** PAAGR **Decision Date:** 8 May 2003

Description: Agricultural determination for the erection of a poly tunnel,

Ref: 98/00761/FUL **Decision:** PERFPP **Decision Date:** 18 February 2000

Description: Extension and alterations to car park, junction improvements and alterations to form

Ref: 98/00709/FUL **Decision:** REFFPP **Decision Date:** 16 December 1998

Description: Erection of agricultural dwelling,
farm access road,

Ref: 98/00486/FUL **Decision:** PERFPP **Decision Date:** 14 October 1998

Description: Erection of agricultural building for housing livestock,

Ref: 98/00059/OUT **Decision:** REFFPP **Decision Date:** 10 June 1998

Description: Outline application for the erection of agricultural worker's dwelling,

Ref: 97/00116/FUL **Decision:** REFFPP **Decision Date:** 30 April 1997

Description: Retention of farm building to accommodate livestock/storage of farm foodstuffs and equipment,

Ref: 96/00680/OUT **Decision:** REFOPP **Decision Date:** 12 March 1997

Description: Outline application for the erection of agricultural worker's dwelling,

Ref: 96/00452/FUL **Decision:** REFFPP **Decision Date:** 28 August 1996

Description: Retention and improvement of existing farm access,

Ref: 89/00396/COU **Decision:** REFFPP **Decision Date:** 7 November 1989

Description: Change of use of building to livery stables together with new farm access road alterations to public house car park and associated landscaping

Ref: 88/00906/COU **Decision:** REFFPP **Decision Date:** 11 April 1989

Description: Conversion of barn to dwelling

REPRESENTATIONS

1.4 Two objections have been received which outline the following concerns:

- Site should be preserved as Green Belt land;
- The entrance to the farm is on a blind bend off Long Lane with no footpath, this is dangerous and is already suffering from too much traffic and is used by cyclists and walkers;
- Single track farm access is not suitable and dangerous. This is used by walkers and horse riders;
- Trees have been removed to make room for the containers;
- The containers will create more noise and traffic;
- Storage of potentially hazardous / toxic / combustible material.

1.5 One letter of support has been received from the adjacent businesses of Alpha Digital Networks PLC, Business Source Solutions Limited and Vii Networks Limited which states the following:

- Having had support and funding from Chorley Borough Council with regards to the moving of our businesses to Cockers Farm, the possibility of us losing our stock overflow shipping containers in the farm compound will have a significant and detrimental impact on us as access to the parts and components stored in them is essential to our daily operations;
- Without this capacity we will be unable to operate effectively and efficiently within the Cockers Farm premises and we would, as a direct result, have to consider relocation to an alternative / suitable location;
- There is limited access to affordable premises of this type within the borough and as a result this may mean the loss of a £2.5M per annum business and an employer of 16 local people to another borough or area.

1.6 One further letter, from a local resident, states that they have no objections to the proposal.

CONSULTATIONS

1.7 Parish Council – responded to state that:

“The Parish Council feels that the application is a 'backdoor' attempt to create an industrial estate in the Greenbelt. This proposal is inappropriate in this location. Access into the Farm, on the bend on a hill in the main road through Limbrick is particularly dangerous. The approval of this retrospective application would lead to a change in the intensity, character of the activities and operations that are carried out on the site. Once this application is permitted, it will be harder to resist future attempts to escalate the industrial/commercial storage nature of the site's activities. On this basis the Parish Council recommends that the application should be refused.”

1.8 CIL Officers – Proposal is not CIL liable.

1.9 Lancashire Highway Services – responded with no objections to the scheme, when asked for clarification by the planning case officer, due to concerns raised by local residents, responded as follows:

“I appreciate the surface condition of the access is currently poor and visibility at its junction with Long Lane is no better, however, although the access is a public right of way, it is not maintained at public expense, but rather privately maintained. So only the owners of the access can carry out improvements to the surface condition. As regards visibility, the site already has similar uses such as B1, B2 and B8, so to object to the proposal on the basis of inadequate visibility would be difficult to sustain.

With regards to the potential increase in traffic movements, the proposal is for B8 storage and distribution involving 11 shipping containers the net additional GFA of which is 158.4m². Based on this, the applicant is only required to provide parking for a single car or at most 2 parking spaces, which as you can appreciate will generate minimal amount of traffic”

PLANNING CONSIDERATIONS

Principle of the development

1.10 The application site is located within the Green Belt. The application is retrospective for the siting of storage containers, which is a use of land.

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

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

80. Green Belt serves five purposes:

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

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 1.12 The development does not fall within any of the forms of development that are not inappropriate in the Green Belt. It is therefore inappropriate and harmful by definition.
- 1.13 Central Lancashire Core Strategy Policy 13: Rural Economy sets out the ways in which economic and social improvement will be achieved in rural areas. The policy concludes as follows:
- "In all cases, proposals will be required to show good siting and design in order to conserve and where possible enhance the character and quality of the landscape without undermining the purposes of the Green Belt, the functioning of the Green Infrastructure and the functioning of the ecological frameworks. Development should also be of an appropriate scale and be located where the environment and infrastructure can accommodate the impacts of expansion."*
- 1.14 A Supplementary Planning Document: Rural Development (adopted October 2013) sets out the approach to development in the rural areas of Central Lancashire. It encourages appropriate growth in the rural economy and aims to ensure rural economic development is supported and encouraged within clearly defined parameters. However, the document identifies the reuse of existing buildings as appropriate, rather than new buildings or the siting of containers.
- 1.15 As previously mentioned, the application site consists of an area of hardstanding and the applicant, in the submitted Planning Statement, states that this land is used partially for car parking. However, the site does not seem to benefit from any planning permission to be used as a car park or for any other use. The application site does not fit within the Framework's definition of previously developed land and has expanded the existing commercial business at Cockers Farm further into the Green Belt, thus encroaching into the countryside. This conflicts with one of the five purposes of the Green Belt, outlined above. The development is causing substantial harm to the openness of the Green Belt in this location. The retrospective proposal is therefore considered to be inappropriate development in the Green Belt for which very special circumstances must be demonstrated to outweigh the harm caused to the Green Belt.
- 1.16 It is appreciated that the storage containers would support the existing commercial businesses at Cockers Farm, as outlined within the supporting representation letter, summarised above. It is also appreciated that the proposal would assist the applicant in further diversifying his business at the site. Although some weight is given in favour of supporting the existing businesses in the planning balance this in itself is not considered to represent very special circumstances sufficient to outweigh the harm caused to the Green Belt.

Design and amenity

- 1.17 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:

- 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.

1.18 The nearest residential receptors to the site are located approximately 90m to the north east. The containers themselves are of a typical shipping container design and as such would have a low profile. Furthermore, the applicant has stated they would accept a planning condition requiring the containers to be coloured green to blend into their surroundings. This, along with a suitable landscaping scheme would ensure no conflict with policy BNE1. It is therefore not considered there is further harm in terms of visual amenity, to be added to the definitional harm of inappropriate development, that cannot be overcome with conditions.

Mineral Safeguarding

1.19 The site is located within a Mineral Safeguarding Area, covered by policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate a number of criteria. However, as the proposal relates to the siting of shipping containers, these are temporary in nature and could easily be removed from the site should the minerals beneath site be required in the future. Should the council be minded to approve the proposed development, a temporary planning permission could be granted to further ensure there is no conflict with this policy. The proposal is therefore considered to be compatible development so there is no conflict with policy M2.

Provision of parking spaces and highway safety

1.20 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 storage and distribution uses as requiring 1 space per 100 sq.m. The site therefore requires 2 parking spaces and there is adequate space within the application site to provide such spaces. Lancashire Highways Services have responded with no objections to the proposal. The proposal therefore accords with Policy ST4 of the Local Plan.

CONCLUSION

1.21 The application is recommending 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.

Reason for refusal

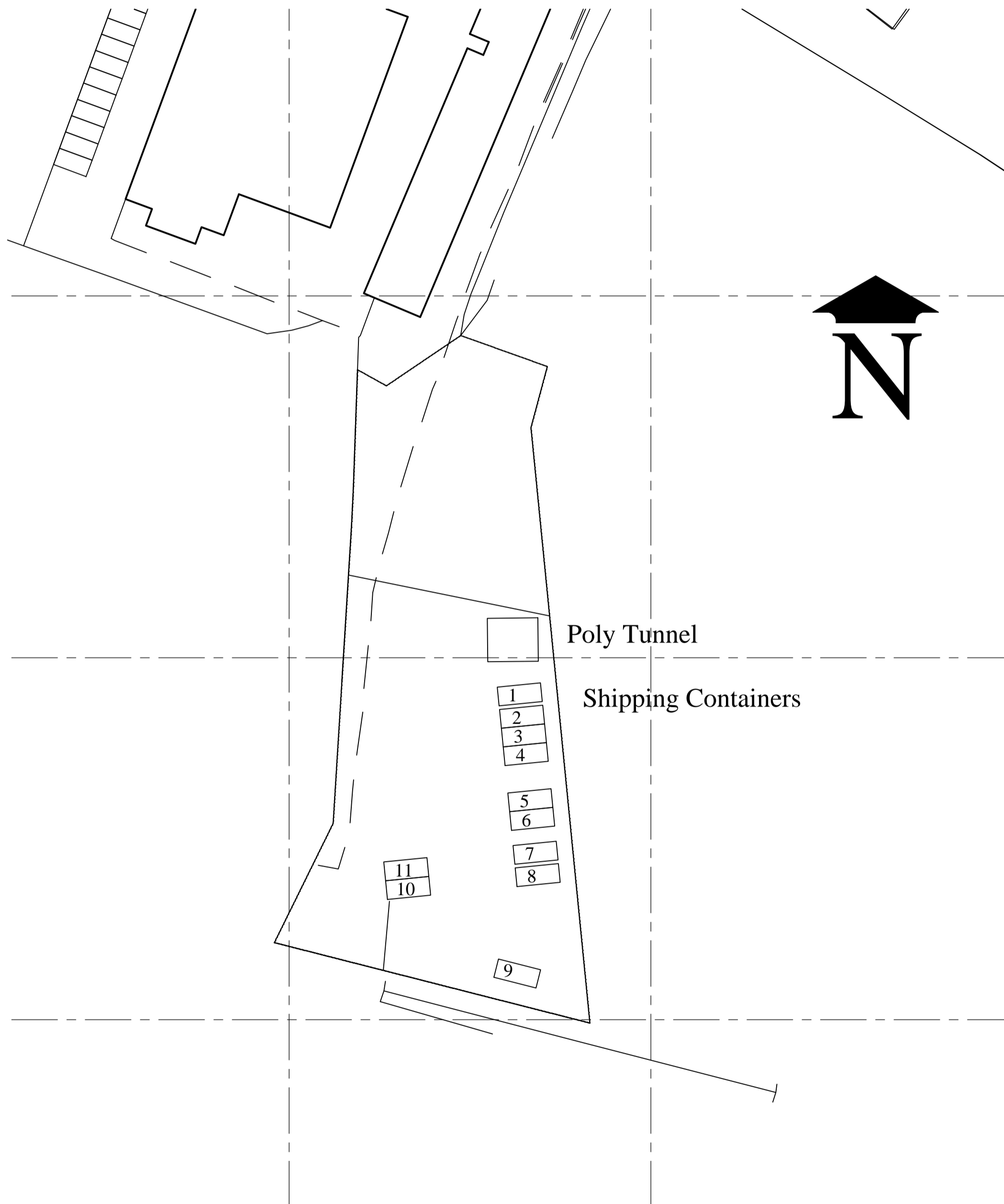
1.22 The proposed development would be located within the Green Belt as defined by the Chorley Local Plan 2012 – 2026. The siting of the containers is inappropriate development in the Green Belt and therefore harmful by definition. It is not considered that there are very special circumstances which outweigh the harm to the Green Belt. As such, the proposed development is contrary to the National Planning Policy Framework.



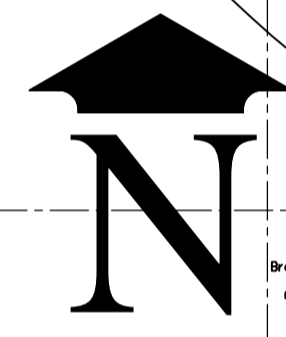
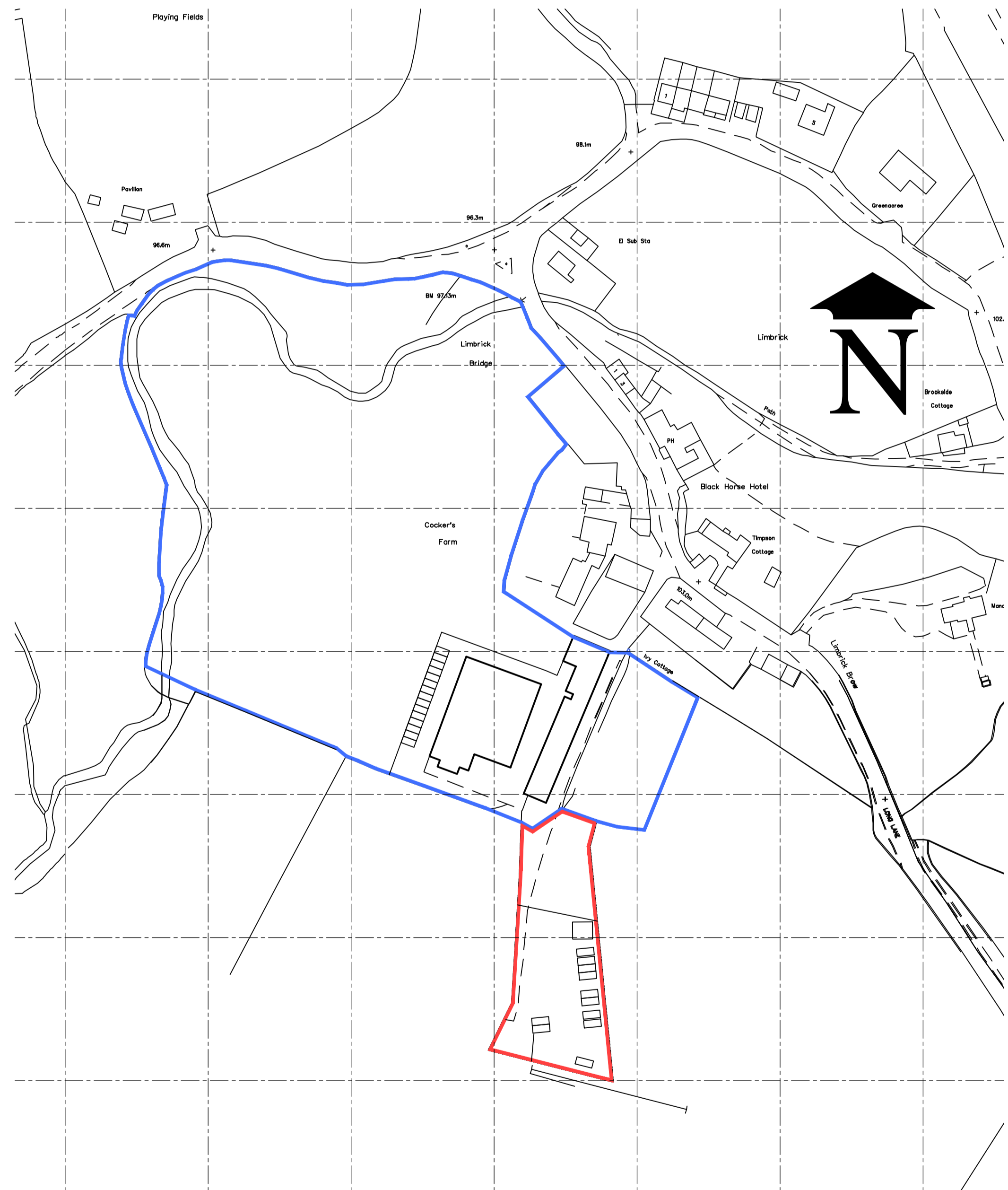
Front Side Rear
0 1 2 3 4 5m 1:100



Plan
0 1 2 3 4 5m 1:100



Site Plan
0 5 10 15 20 25m 1:500



Location Plan
0 10 20 30 40 50 60m 1:1250

A 06/06/14 Car Park added



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Project
Proposed Storage Containers Cocker's Farm, Long
Lane, Limbrick Chorley PR6 9EE
Mr Catterall

Drawn CJW	Date 05/17	Scales at A1 1:500 1:100	Drawing No. 1 of 1 116/PL/01
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APPLICATION REPORT – 17/00625/FUL

Validation Date: 20 June 2017

Ward: Wheelton And Withnell

Type of Application: Full Planning

Proposal: Erection of stables building following removal of existing stables

Location: Laneside Farm Brown House Lane Higher Wheelton Chorley PR6 8HR

Case Officer: Mr Iain Crossland

Applicant: Mr Stephen Nolan

Agent: Mr Chris Weetman

Consultation expiry: 17 July 2017

Decision due by: 15 August 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt and comprises an existing stables and yard area with an associated paddock for the grazing of horses. This has a field access from Brown House Lane that serves the existing stables building. The site forms part of a wider land holding that has fragmented over time and comprises stables buildings to the north and south of Brown House Lane adjacent to the lane itself. There is also a cluster of buildings in what amounts to the farm yard, which comprises a two storey timber clad building, a steel agricultural shed used for agricultural and non-agricultural storage, a timber extension to the rear and a timber stable structure between the storage building and timber clad building. Some of the land appears to be in use as allotments and subdivided small holdings with the remainder used for pasture.
3. The site is located within a rural area characterised by clusters of dwellings of agricultural origins and character, with the village of Higher Wheelton to the south. The area is largely open rural countryside interspersed with agricultural buildings and dwellings.
4. It is noted that an application for the removal of the existing stables building and erection of new stables on the site (ref. 16/00365/FUL) was refused on the basis of the scale and accommodation to be included.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The proposed development involves the erection of a stables building comprising three stable bays and a tack room. The building would be linear in form and would measure approximately 17m by 5m, with a 1m roof overhang on one side. The end of the building that would accommodate the tack room would have a depth of 6m. It would have a dual pitched roof with ridge and eaves height of approximately 4m and 3.3m respectively. The existing timber stables building, measuring approximately 8m by 5m, would be removed.

6. The building would be constructed of blockwork to a height of 1.5m and would be timber clad externally. The roof would be of timber with a felt covering.
7. The applicant owns three Clydesdale horses, which are currently kept on the land to the west side of Brown House Lane for grazing and on the nearby farmyard site utilising a timber structure between the storage building and steel shed to the east of Brown House Lane. Clydesdale horses have been kept by the applicant on the site for a number of years.

REPRESENTATIONS

8. One letter of objection has been received on behalf of the residents at Brown House and Brown House Farm. These relate to the following issues:
 - the scale of the proposed development in the context of policies for the safeguarding of the objectives of the Green Belt; and
 - the absence of the demonstration of need for the development in the context of the existing buildings at Laneside Farm.

CONSULTATIONS

9. Wheelton Parish Council: No comments received.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

10. The application site is located within the Green Belt, The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.

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

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

80. Green Belt serves five purposes:

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

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

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

provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

12. The main use of the site would be for private recreational purposes and falls to be considered as a facility for outdoor recreation, in accordance with the definition in the Framework outlined above.
13. The Central Lancashire Rural Development SPD sets out more detailed guidance in relation to equestrian development, and facilitates an assessment of whether the proposed stables are appropriate, whilst preserving the openness of the Green Belt. In assessing the acceptability of equestrian development in rural areas the SPD sets out matters relating to scale, siting, design, site treatment, highway safety and reinstatement, which should be taken into account. These are assessed below and contribute to an overall assessment of the impact of the proposed development on the openness of the Green Belt.
14. Scale: The stables are for private use and would accommodate three heavy breed Clydesdale horses. There would be three stable bays and a tack room. This is in accordance with the provisions made for private developments involving no more than three horses as set out in the Central Lancashire Rural Development SPD.
15. Siting: The stables building would be positioned within part of a small paddock close to the position of an existing stables building, which would be removed. The proposed stables building would be screened to the south to some extent by an existing boundary fence and to the west by an existing building on the opposite side of Brown House Lane. Although the proposed stables building would replace an existing stables building in a similar position, it would be more visible in the landscape by virtue of its increased size. However, the siting close to the southern boundary of the site is appropriate. The stables building would be located well in excess of 30m from the nearest property at Sitchcroft Farm, and would be screened from this property by the boundary fencing and intervening structures.
16. Design: The proposed stables building would have a ridge height of approximately 4m, which is in excess of the 3.5m high guideline set out in the Rural Development SPD. The applicant states that the ridge height has been determined based on Defra Guidance and the Metric Handbook, Planning and Design Data, 2nd Edition for use with Clydesdale horses. The additional height is considered to be appropriate given that Clydesdale horses would require greater headroom than might normally be required. The stable bays themselves would have an unusually large area measuring approximately 4.7m by 4.8m each. This is larger than normal but again is considered appropriate in this instance on the basis that they are for heavy breed Clydesdale horses. There is an average sized tack room, which is generally accepted for stables. The building would be timber clad and of a traditional outward appearance, with an internal blockwork wall up to 1.5m in height laid on a concrete base. Aside from the slightly larger scale, the stables building is of a standard appearance for private stables.
17. Site treatment: The site treatment would be minimal given that the stables building would replace an existing stables building and would be partially constructed on an existing area of hardstanding.
18. Highway Safety: There is an existing vehicular access from the highway at Brown House Lane, which serves the existing stables. This would be used to access the proposed stables building and associated area of hardstanding. There would be adequate space for the parking and turning of vehicles with trailers following development.
19. Re-instatement: A condition is recommended, which would require the removal of the stables building and restoration of the land to its former condition if the authorised use ceases for a period exceeding one year, in order to protect the appearance of the countryside.
20. On the basis of the above the proposed development is considered to be generally in accordance with the Central Lancashire Rural Development SPD. It is, therefore, considered that the proposed stables are appropriate facilities for outdoor recreation and would not unduly impact on openness.

21. Whilst it is recognised that there are other nearby buildings that are within the same land ownership, these are not within the red edge on location plan and do not form part of the application site. In addition the applicant has stated that none of the existing buildings situated to the north of the site on the east side of Brown House Lane are available to provide stabling or other facilities.

Impact on character and appearance of the locality

22. The main body of the proposed building would measure approximately of 17m by 5m. It would have a dual pitched roof with a ridge and eaves height of approximately 4m and 3.3m respectively. The building would replace an existing timber stables building located on Brown House Lane, although it would be sited close to, and parallel with, the southern boundary of the site, which is considered to be appropriate. The design and facing materials of blockwork, timber cladding and felt roof sheeting would be of an appropriately agrarian character, typical of private stables. Other than the slightly larger scale, which is appropriate in the circumstances of the heavy breed horses that the building would accommodate, the appearance of the building would be appropriate for the proposed use.

Impact on neighbour amenity

23. The proposed stables building would be sited more than 30m from the nearest residential property at Sitchcroft Farm, with intervening structures providing adequate screening. This complies with the 30m guideline set out in the Rural Development SPD. Due to the degree of separation, it is not considered that there would be an unacceptable adverse impact on the amenity of the occupiers of Sitchcroft Farm. Other properties in the area have a greater degree of separation and as a result would experience no unacceptable impact on amenity.

CONCLUSION

24. The proposed stables building is acceptable in principle. The design and scale of the stables building is appropriate in the context of the circumstances and is consistent with a private stables development. The development would not detrimentally harm the openness of the Green Belt and there is a suitable distance between the site and the adjacent residential properties to ensure that living conditions would not be harmed.

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: 09/00457/FUL **Decision:** PRRRTF **Decision Date:** 26 August 2009

Description: Erection of timber stables

Ref: 11/00733/FUL **Decision:** PCO **Decision Date:** 8 November 2011

Description: Conversion of redundant agricultural building to residential use including ground floor rear extension. Demolition of detached agricultural/storage building to rear.

Ref: 14/00672/P3PAJ **Decision:** WDN **Decision Date:** 18 August 2014

Description: Prior approval application under Part 3, Class MB of The Town and Country (General Permitted Development) (Amendment) Order 2013 to change an agricultural building to a dwelling.

Ref: 15/01100/FUL **Decision:** WDN **Decision Date:** 9 March 2016

Description: Removal of existing hen coop and erection of stables with attached hen coop and associated hard standing

Ref: 16/00365/FUL **Decision:** REFFPP **Decision Date:** 27 July 2016
Description: Removal of existing stables and erection of new stables

Ref: 17/00446/FUL **Decision:** WDN **Decision Date:** 22 June 2017
Description: Demolition of existing agricultural buildings and erection of two detached dwellings and associated garages.

Suggested Conditions

No.	Condition															
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>															
2.	<p>All external facing materials of the development hereby permitted shall match in colour, form and texture those set out in the application form and approved plans, unless alternatives are submitted to an agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i></p>															
3.	<p>The stables building hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.</p> <p><i>Reason: To define the permission and in the interests of the visual amenities and character of the area.</i></p>															
4.	<p>If the stables building hereby permitted is not brought into use or the use of it ceases for a period of one year, it shall be removed from the land and the land shall be restored to its former condition.</p> <p><i>Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need and in the interests of the visual amenity of the Green Belt.</i></p>															
5.	<p>No source of external illumination or sound amplification shall be installed on the development hereby permitted.</p> <p><i>Reason: To protect the open and rural character of the locality.</i></p>															
6.	<p>The permission hereby granted is for the use of the land for the keeping and grazing of animals and the riding of horses and ponies only. The land shall not be used for any business purpose in connection with the trading or schooling of horse and pony riders or for the holding of any events, competitions, trials, horse/pony club meetings gymkhanas and does not imply or grant permission for installation of any system of external illumination or sound amplification.</p> <p><i>Reason: To define the permission and in the interests of the amenities of the occupiers of neighbouring properties and highway safety.</i></p>															
7.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="0" data-bbox="347 1883 1294 2031"> <tr> <td>Title</td> <td>Plan Ref:</td> <td>Received on:</td> </tr> <tr> <td>Location Plan</td> <td></td> <td>05 February 2016</td> </tr> <tr> <td>Site Layout Proposed</td> <td>1173-1.01</td> <td>18 March 2016</td> </tr> <tr> <td>Floorplan</td> <td>1173-2.02</td> <td>18 March 2016</td> </tr> <tr> <td>North and east elevations</td> <td>1173-2.03</td> <td>18 March 2016</td> </tr> </table>	Title	Plan Ref:	Received on:	Location Plan		05 February 2016	Site Layout Proposed	1173-1.01	18 March 2016	Floorplan	1173-2.02	18 March 2016	North and east elevations	1173-2.03	18 March 2016
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Floorplan	1173-2.02	18 March 2016														
North and east elevations	1173-2.03	18 March 2016														

	South and west elevations	1173-2.04	18 March 2016
	<i>Reason: To define the permission and in the interests of the proper development of the site.</i>		
8.	No machinery or vehicles of any sort (including horse boxes, trailers and private cars) shall be stored or kept externally overnight on any part of the site.		
	<i>Reason: In the interest of the visual amenities of the Green Belt.</i>		
9.	Notwithstanding any such detail shown on the previously submitted plans any internal block work/brick wall or plinth required in association with the construction of the stables hereby permitted shall not exceed a height of 1.5m above ground level.		
	<i>Reason: To define the permission.</i>		
10.	Prior to the construction of the stables building hereby permitted the existing stables and structures within the red edge of the location plan shall have been demolished in full and removed from the site.		
	<i>Reason: To avoid two stables building in the same paddock area.</i>		



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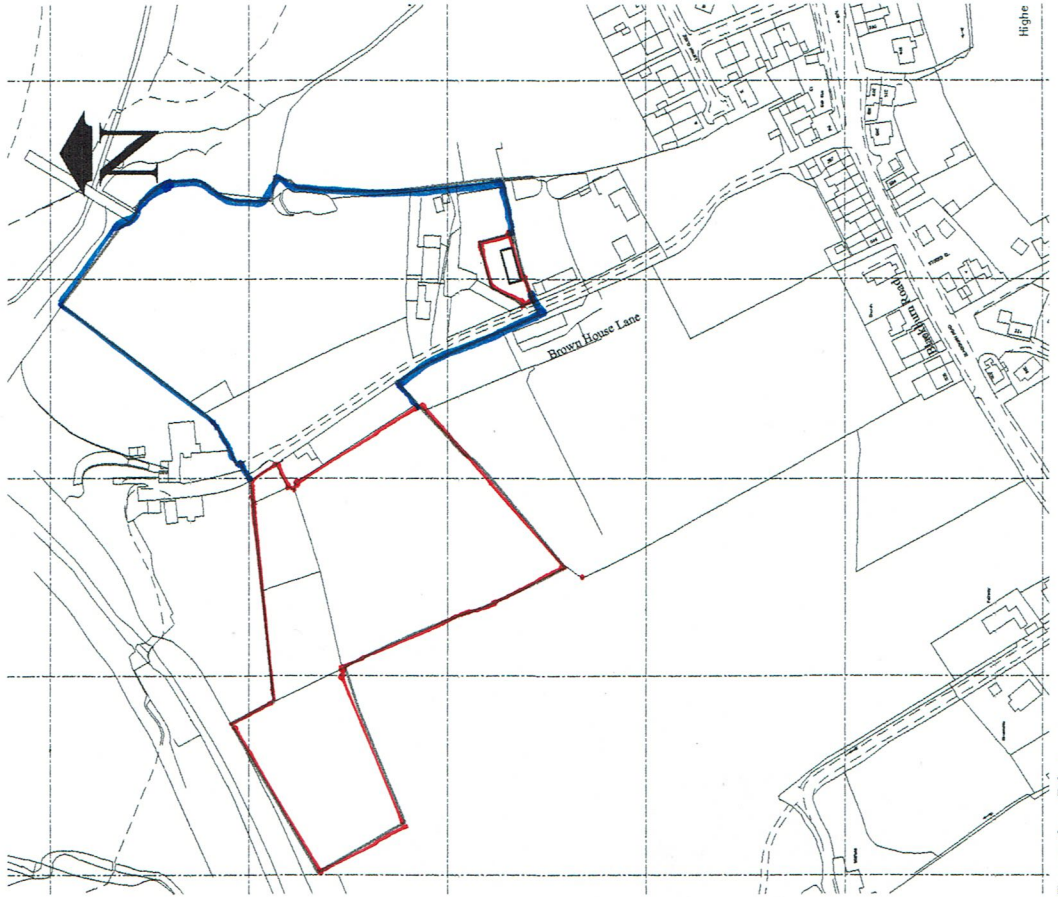
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Proposed Replacement Stables, Laneside
Farm, Brown House Lane, Higher Wheelton,
Chorley PR6 8HR

Drawn
CJW

Date
06/17

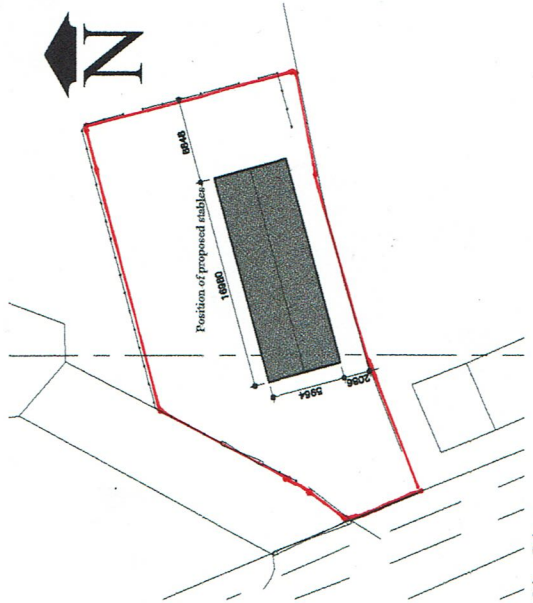
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125/PL/01



Location Plan

0 5m 10m 15m 20m 30m 40m 50m 60m 70m 80m 90m 100m 11250



Site Plan

0 5m 10m 15m 20m 30m 40m 50m 60m 70m 80m 90m 100m 1:500

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APPLICATION REPORT – 17/00546/FULHH

Validation Date: 26 May 2017

Ward: Eccleston And Mawdesley

Type of Application: Householder Application

Proposal: Erection of a first floor extension including dormer above existing detached garage.

Location: 1 Brookfield Mawdesley Ormskirk L40 2QJ

Case Officer: Chris Smith

Applicant: Mrs Sara Boardman

Agent: N/A

Consultation expiry: 23 June 2017

Decision due by: 21 July 2017

1. This application is required to be reported to committee as the property owned by Cllr Boardman and his wife.

RECOMMENDATION

2. Permit Full Planning Permission

SITE DESCRIPTION

3. The application site is located in the settlement area of Mawdesley on the north western side of Brookfield. The site contains a relatively modern detached dwelling with gardens to the front and rear. There are neighbouring dwellings on either side and the site is bordered to the rear (north west) by several properties located on Ashtrees.
4. The immediate locality is predominantly residential in character and neighbouring property types are varied in style although the majority tend to be detached single storey dwellings. There is open and agricultural Green Belt land approximately 65m to the west. The site itself is not within the Green Belt.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the erection of a first floor extension which would be built above an existing flat roof garage. The extension would include a side dormer which would face towards the rear garden of the application site and the extension would facilitate the provision of office space.
6. The garage would have a dual pitched roof with an eaves and ridge height of approximately 3.25m and 5.5m respectively. The existing flat roof garage has an eaves height of approximately 2.3m. It would have a footprint of approximately 5m by 5.6m. The side dormer would project beyond the plane of the roof slope by approximately 2.1m and would have a height of approximately 1.5m.
7. Facing materials would comprise of brick, painted blockwork and render.

RELEVANT HISTORY OF THE SITE

8. There is no recent relevant site history.

REPRESENTATIONS

9. None received.

CONSULTATIONS

10. **Mawdesley Parish Council** – Stated that the proposal would be a sympathetic development in keeping with the area.

11. PLANNING CONSIDERATIONS

12. It is considered that the main issues for consideration in this application are as follows:

- Design and impact on the dwelling and street scenes
- Impact on the amenity of neighbouring occupiers

Design and Impact on the Dwelling and Street Scene

13. *Policy BNE1 of the Chorley Local Plan 2012 - 2026 outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.*
14. *The Householder Design Guidance SPD requires that outbuildings should be constructed in a style that reflects the original building, in terms of materials, detailing and proportion.*
15. *It also states that proposed dormers shall be contained well within the body of the roof, by being well set back from the party/end walls, below the ridge of the roof and above the eave gutterline.*
16. The extension would be built above an existing detached garage which is set back from the public highway located to the front (south east) of the site by approximately 19m. Despite the increase in height which would occur as a result of the extension, it is not considered that the resultant structure would be an incongruent feature within the streetscene.
17. In addition, it is considered that the height, scale and massing of the proposed extension would be consistent with the application dwelling. With regards to siting, this would be considered acceptable given that the extension would be built above an existing detached garage which is located to the side and rear of the application dwelling. The surrounding area lacks an overall uniformity with regards to the siting and layout of outbuildings and properties.
18. The proposed dormer would be built into the north east facing side elevation and would be contained well within the body of the roof as it would be set down from the main ridge and set well in from the party/end walls.

Impact on the Amenity of Neighbouring Occupiers

19. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.*

20. *The Householder Design Guidance SPD states that proposals should respect the design, materials and form of the original building, its setting and the residential amenities of neighbours.*
21. The proposed development would be built along the boundary with the neighbouring property located to the south west – no. 4 Smithy Lane. The rear elevation of this neighbouring property (which is currently having three dormers inserted in its rear roof slope (planning permission 16/01164/FULHH)).
22. The Council's Householder Design Guidance states there should be 12m separation distances between first floor windows and blank gable walls. In this instance there would be approximately 7m from the first floor dormer windows being constructed in no. 4 to the blank side elevation of the proposed development. The new blank wall would not however, be a full two storey blank gable but rather would have raised eaves with a pitched roof hipped away from this property. In addition the proposal would be sited to the north east of no. 4 so would not result in unacceptable shadowing to this property or its garden. Due to this orientation and that the proposal would not be a full two-storey height, it is not considered that the proposed development would not lead to any unacceptably adverse impact on no. 4 Smithy Lane.
23. The extension would contain a first floor dormer window in its north east facing side elevation. This would face towards the rear garden of the application site and would be located approximately 12.5m from the common boundary with the neighbouring dwelling no. 3 Brookfield which exceeds the guideline in the Householder Design Guidance. This boundary is formed by mature foliage and hedging which would ensure that there would be no unacceptable adverse impact on the amenity of the occupiers of no. 3 Brookfield.
24. The site is bordered to the north by three properties located on Ashtrees, however, the separation distance of approximately 18m to the rear elevation of the nearest of these properties, and the oblique angle of the dormer window would be sufficient to ensure that there would be no unacceptable adverse impact on the amenity of the occupiers of these properties.

CONCLUSION

25. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents. It is, therefore, considered that the development accords with policy BNE1 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

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

Suggested Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning

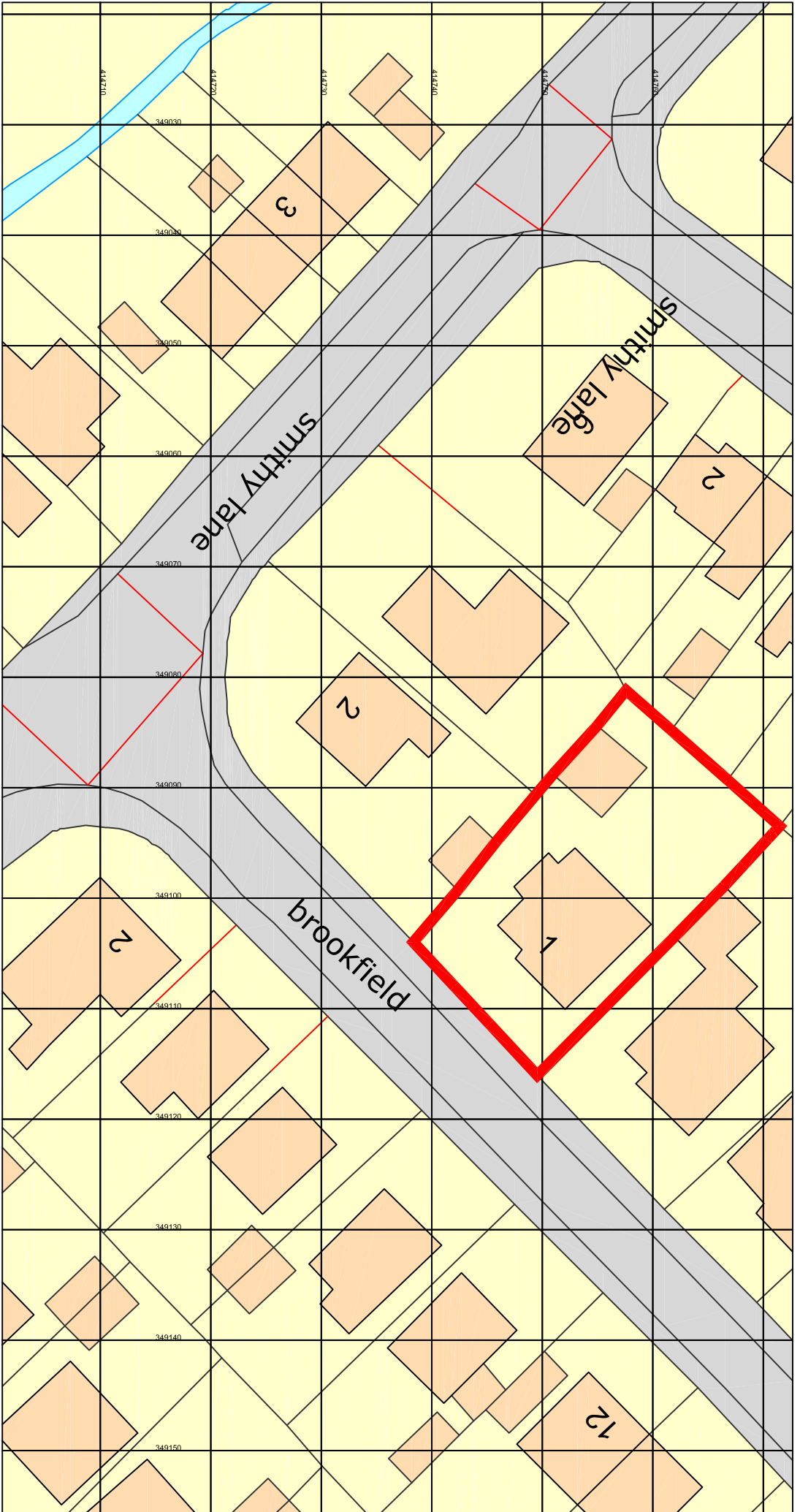
Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

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

Title	Plan Ref	Received On
Location Plan	1BR-006	26 May 2017
Site Plan	1BR-002	26 May 2017
Proposed Rear and Side Elevations	1BR-005	26 May 2017
Proposed Floor Plans Proposed Front and Side Elevations	1BR-004	26 May 2017

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



EXISTING ORDNANCE SURVEY PLAN @ 1:500



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L40 2QJ

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no:	description:	rev:	date:
1BR	MRS BOARDMAN		
1 BROOKFIELD	OS PLAN		25/05/2017
1/50@A3	PLANNING		
MWB			
1BR-006			

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Report of	Meeting	Date
Director of Policy and Governance	Development Control Committee	15 August 2017

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PART OF PUBLIC FOOTPATH NO. 23, COPPULL) PUBLIC PATH DIVERSION ORDER 2017

PURPOSE OF REPORT

1. To consider the making of a Public Path Diversion Order, in order to divert Public Footpath No.23, Coppull as shown on the attached plan to facilitate the development on land west of Coppull Enterprise Centre at Coppull consisting of the erection of seventy five dwellings with associated access arrangements applied for under planning application reference 16/00656/FULMAJ. Development Control Committee approved the application on 8 November 2016 although the permission has not yet been issued due to ongoing consideration of the draft of the associated Section 106 agreement.

RECOMMENDATION(S)

2. That the Chief Executive be authorised to make the Chorley Borough Council (Part of Public Footpath No 23 Coppull) Public Path Diversion Order 2017 pursuant to Section 257 of the Town and Country Planning Act 1990, in order to permit the development to be carried out in accordance with the planning permission approved in principle, namely the erection of seventy five dwellings on land west of Coppull Enterprise Centre.
3. That, subject to issue by the Council of a Decision Notice in respect of 16/00656/FULMAJ in the event that no objections are received to the making of the order or where an objection is received by the last date for objection and it is subsequently withdrawn then the Chief Executive be authorised to confirm the making of the Chorley Borough Council (Part of Public Footpath No 23 Coppull) Public Path Diversion Order 2017.
4. The Chief Executive is authorised to arrange advertisements in the local press, to serve notice on site and on prescribed persons and to certify the order as being complied with having regard to any representations from the Public Rights of Way Team (PROW) at Lancashire County Council (LCC) or to confirm the order in the absence of representations from PROW and certify its terms as being complied with.
5. That in the event Lancashire County Council's PROW team propose (before the order is made) any amendments to the plan attached to this report and these are agreed by Chorley Council officers, the amended plan shall replace the existing plan and be appended to the order and advertised accordingly.

EXECUTIVE SUMMARY OF REPORT

6. A planning application under reference 16/00656/FULMAJ for the erection of seventy five dwellings was approved on 8 November 2016 by Development Control Committee. In order to facilitate the development the landowner has submitted an application to divert the existing public right of way.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

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

BACKGROUND

8. The application for the erection of seventy five dwellings was approved by members on 8 November 2016.
9. There is a section of an existing right of way (Footpath No 23 Coppull) that runs just within the northern boundary of the application site, therefore the developer Miller Homes Limited have now submitted an application for the diversion of the current footpath.
10. The section of the current footpath to be diverted runs from point A in a north easterly direction for a distance of about 230 metres as shown by a bold black line on the plan attached as “Appendix A” to Point B.
11. It is proposed that the footpath is diverted to run north from point A for a distance of 15 metres to point C and thence from point C in a generally north easterly direction for a distance of 225 metres so as to run roughly parallel to the route of the existing footpath but on the raised embankment that is located slightly to the north, to join the existing bridleway at point B. The total distance of the new section of footpath will be 240 metres as shown by a bold black dashed line on the plan attached as “Appendix A”. The width of the new route will be two metres.
12. The diversion of the footpath is necessary to facilitate the development. The Public Rights of Way Team (PROW) at Lancashire County Council state that a comparison of the development plan layout and the Definitive Map (of public rights of way) reveals that some of the gardens of the yet to be built residential development would obstruct the current legal footpath. The proposed diverted route is not substantially different to the existing legal route in terms of distance so will not inconvenience users.
13. The proposed Order requires some remedial work identified by PROW. Some areas of the proposed diverted route are waterlogged and will need a suitable hard core base layer and a surface layer of compacted stone with a camber either side to shed water. The gate located on the approach to point B, subject to paragraph 14 cannot remain in place as it would obstruct a new public right of way if and when the proposed diversion order takes effect.
14. A gate of some kind on the approach to Point B might remain provided that the developer applies to Lancashire County Council under Section 147 of the Highways Act 1980. This application can only be made if and when the diversion order made by Chorley Council is confirmed i.e. made permanent. The gate would need to conform to BS5709:2006
15. In the event that members are minded to approve the making of the Order, a public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order plan must also be placed at each end of

the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make representations within 28 days from the date of notice.

- 16. In the event that no objections are received or any objections so received are subsequently withdrawn the Council may confirm the Order as an unopposed order.
- 17. On confirmation of the order similar steps to those outlined above must be repeated enclosing a copy of the confirmed order. Objectors may challenge the validity of the Order in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion order does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with. It is reasonable to take into account the views of LCC because the County will be responsible for maintaining the newly diverted route and ensuring that it remains unobstructed. However the decision to certify is ultimately one for Chorley Council as the order making authority.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 19. Chorley Council will incur costs in advertising the proposed order in the local press and officer time must be spent in drafting and sending out notices. The applicant will meet the costs of the application and also the costs of placing the notices in the local press.
- 20. Maintenance responsibility of public footpaths rests with Lancashire County Council as part of the wider public footpath network.

COMMENTS OF THE MONITORING OFFICER




- 21. The statutory power to make and confirm the order and the procedural requirements are addressed within the body of the report.

Background Papers			
Document	Date	File	Place of Inspection
Correspondence and plans from Miller Homes	Various from May 2017 onwards	4283	Town Hall
Correspondence with Public Rights of Way at Lancashire County Council	Various from June 2017 onwards		

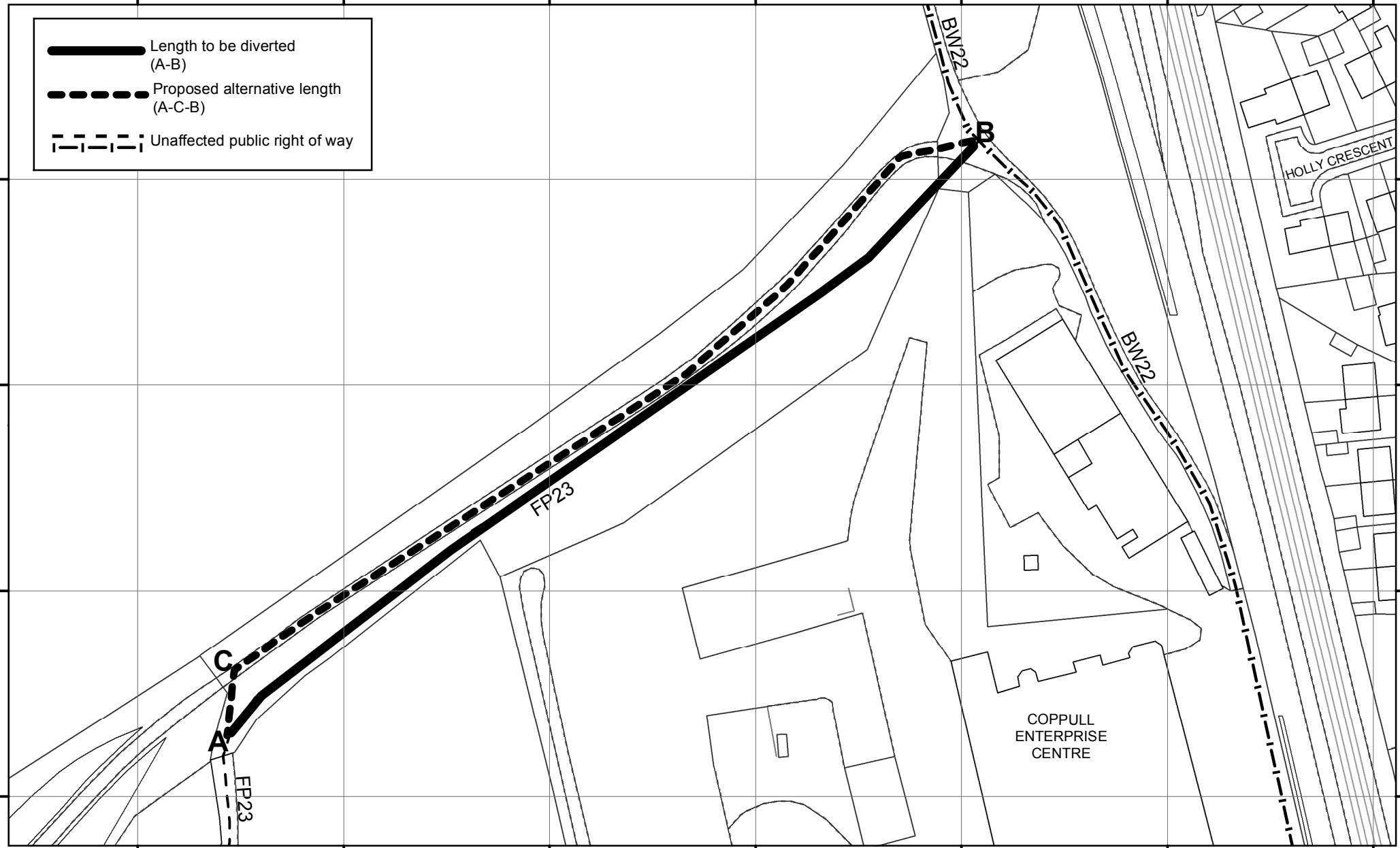
Report Author	Ext	Date	Doc ID
Alex Jackson	5166	4 August 2017	***

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356100 000000 356150 000000 356200 000000 356250 000000 356300 000000 356350 000000 356400 000000

 Length to be diverted (A-B)
 Proposed alternative length (A-C-B)
 Unaffected public right of way

414900 000000
414850 000000
414800 000000
414750 000000



414900 000000
414850 000000
414800 000000
414750 000000

356100 000000 356150 000000 356200 000000 356250 000000 356300 000000 356350 000000 356400 000000



Town and Country Planning Act 1990 - Section 257
 Chorley Borough Council (Public Footpath No.23 Coppull) Public Path Diversion Order 2017.

Drawing No:
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Report of	Meeting	Date
Director of Policy and Governance	Development Control Committee	15 August 2017

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO.19, EUXTON) PUBLIC PATH DIVERSION ORDER 2017

PURPOSE OF REPORT

1. To consider the making of a Public Footpath Diversion Order, in order to divert public footpath No.19, Euxton as shown on the attached plan to facilitate the reserved matters planning application reference 17/00356/REMMAJ which is pursuant to outline planning permission reference 16/00380/OUTMAJ for the erection of 140 number dwellings at Land surrounding 89 Euxton Lane, Euxton dated 10 April 2017.

RECOMMENDATION(S)

2. That the Head of Legal, Democratic and HR Services be authorised to make the Chorley Borough Council (Public Footpath No. 19, Euxton) Public Footpath Diversion Order 2017 pursuant to Section 257 of the Town and Country Planning Act 1990, in order to permit the development to be carried out in accordance with the reserved matters planning application namely the erection of 140 dwellings at Pear Tree Lane, Euxton.
3. That in the event that no objections are received to the making of the order or where an objection is received and it is subsequently withdrawn by the statutory deadline then the Head of Legal, Democratic and HR Services be authorised to confirm the making of the Chorley Borough Council (Public Footpath No 19 Euxton) Public Footpath Diversion Order 2017.
4. The Head of Legal, Democratic and HR Services is authorised to arrange advertisements in the local press, to serve notice on site and on prescribed persons and to certify the order as being complied with having regard to any representations from the Public Rights of Way Team (PROW) at Lancashire County Council (LCC) or to confirm the order in the absence of representations from PROW and certify its terms as being complied with.
5. That in the event Lancashire County Council's PROW team propose any amendments to the plan attached to this report, the amended plan shall replace the existing plan and be appended to the order and advertised accordingly.

EXECUTIVE SUMMARY OF REPORT

6. An outline planning application under reference 16/00380/OUTMAJ for means of access to up to 170 dwellings and community allotments with all other matters reserved was approved on 17 March 2017 and a reserved matters application under reference 17/00356/REMMAJ for the erection of 140 number dwellings was made on the 10 April 2017. In order to facilitate the development the Landowner has submitted an application to divert the existing public right of way.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

7. This report relates to the following Strategic Objectives:

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

BACKGROUND

8. The outline planning application 16/00380/OUTMAJ for means of access to up to 170 dwellings and community allotments with all other matters reserved was approved on 17 March 2017 and a subsequent reserved matters application 17/00356/REMAJ for the erection of 140 number dwellings was submitted on 10 April 2017.
9. There is an existing right of way (Footpath No. 9 – 14 – FP 19, Euxton) that currently runs in a north – south direction across the western side of the development site known as Pear Tree Lane and the Landowners have now submitted an application for the diversion of the current footpath.
10. The current footpath connects Euxton Lane to the North with School Lane to the South as shown as a broken red and blue line on the appended plan.
11. It is proposed that the existing footpath indicated as a broken blue line is diverted to the new footpath location indicated as a broken green line on the appended plan.
12. The diversion of the footpath is necessary to facilitate the development.
13. In the event that members are minded to approve the making of the Order, a public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order plan must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make objections within 28 days from the date of notice.
14. In the event that no objections are received or any objections so received are subsequently withdrawn the Council may confirm the Order as an unopposed order.
15. On confirmation of the order similar steps to those outlined above must be repeated enclosing a copy of the confirmed order. Objectors may challenge the validity of the Order in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council’s powers or that there has been a procedural defect. The diversion order does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with. It is reasonable to take into account the views of LCC because the County will be responsible for maintaining the newly diverted route and ensuring that it remains unobstructed. However the decision to certify is ultimately one for Chorley Council as the order making authority.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

17. The cost of the Footpath Diversion Order will be met from existing base budget resources. The applicant has agreed to and paid the costs of the application.
18. Maintenance responsibility of public footpaths rests with Lancashire County Council as part of the wider public footpath network.

COMMENTS OF THE MONITORING OFFICER

19. The legal basis for the making and confirmation of the order and the procedural requirements are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Simon John	5169	01 August 2017	

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Key:

- Existing Public Right of Way to Remain
- Existing Public Right of Way to be Diverted
- Proposed Public Right of Way Diversion

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drawn	LCW	issued	22-05-17
checked	ME	date	
created	May 17	drawing no.	J32-2958-PS-001
		rev	remarks



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client Rowland Homes
 job title Pear Tree Lane PROW

drawing title PROW Diversion Plan

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