

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 10TH OCTOBER 2017, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 12 SEPTEMBER 2017 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 5 - 8)

- 2 **DECLARATIONS OF ANY INTERESTS**

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

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

- 3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted fourteen 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 **17/00621/FUL - BACK HOUSE FARM, HALL LANE, MAWDESLEY, ORMSKIRK, L40 2QY**

(Pages 9 - 20)

- B **17/00854/FUL - BACK HOUSE FARM, HALL LANE, MAWDESLEY, ORMSKIRK, L40 2QY**

(Pages 21 - 24)

- C **17/00441/REMAJ - GROUP 1, EUXTON LANE, EUXTON (TO FOLLOW)**

- D **17/00767/REMAJ - PARCEL H1B GROUP, EUXTON LANE, EUXTON (TO FOLLOW)**

E	17/00792/OUTMAJ - LAND SOUTH OF PARR LANE, ECCLESTON (TO FOLLOW)	
F	17/00377/OUTMAJ - LAND ADJACENT TO LADY CROSSE DRIVE, LADY CROSSE DRIVE, WHITTLE-LE-WOODS, CHORLEY, PR6 7DR	(Pages 25 - 38)
G	15/00162/OUTMAJ - EUXTON MILL, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EB (TO FOLLOW)	
H	17/00625/FUL - LANESIDE FARM, BROWN HOUSE LANE, HIGHER WHEELTON, CHORLEY, PR6 8HR	(Pages 39 - 48)
I	17/00483/FUL - LIPTROT FARM, GILBERTSON ROAD, HEATH CHARNOCK	(Pages 49 - 62)
J	17/00688/CB4 - FAIRVIEW YOUTH AND COMMUNITY CENTRE, HIGHFIELD ROAD NORTH, ADLINGTON	(Pages 63 - 68)
K	17/00642/FUL - LAND ADJACENT TO 46 CROSS KEYS DRIVE, CROSS KEYS DRIVE, WHITTLE-LE-WOODS	(Pages 69 - 78)
L	17/00638/CB4 - 5 WORCESTER PLACE, CHORLEY, PR7 4AP	(Pages 79 - 86)
M	17/00816/CB4 - UNIT 12 COMMON BANK INDUSTRIAL ESTATE, ACKHURST ROAD, CHORLEY	(Pages 87 - 92)
N	17/00815/FUL - LAND ADJACENT TO 26/28 SPRING CRESCENT, WHITTLE-LE-WOODS	(Pages 93 - 102)
4	TREE PRESERVATION ORDER NO. 4 (CHORLEY) 2017	(Pages 103 - 108)
5	APPEALS AND OTHER DECISIONS	
	Report of the Director of Customer and Digital (to follow).	
6	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors 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

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 12 September 2017

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

RESERVES: Councillors Aaron Beaver and Jean Cronshaw

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

APOLOGIES: Councillors Henry Counce, Gordon France and Tom Gray

OTHER MEMBERS: Councillor Adrian Lowe

17.DC.302 Minutes of meeting Tuesday, 15 August 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 15 August 2017 be approved as a correct record for signature by the Chair.

17.DC.303 Declarations of Any Interests

There were two declarations of interests received:

Councillor Martin Boardman declared an interest on item 3d 17/00549/FUL – 267b The Green, Eccleston, Chorley, PR7 5PB and item 3f 17/00621/FUL – Back House Farm, Hall Lane, Mawdesley, Ormskirk, L40 2QY and left the meeting for consideration of these items.

17.DC.304 Planning applications to be determined

The Director of Customer and Digital submitted six 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

Registered speakers: Darren Maw (objector), Colin Grunstein (parish councillor), Cllr Adrian Lowe (ward councillor) and Mr Hibbert (applicant)

RESOLVED (8:4:2) – That outline planning permission be refused for the reasons in the report as outlined below;

- 1) The claimed Prescriptive right of access to the site has not been proven and the Local Planning Authority cannot, therefore be satisfied that on the balance of probabilities access can be gained to the site via the route proposed.**
- 2) The applicant has failed to demonstrate that the proposed access route located between Higher Healey House and Higher Healey Farm Cottage can be implemented without causing harm to a designated heritage asset or the ecology of the immediate area contrary to the provisions of policies 16 and 22 of the Central Lancashire Core Strategy and policies BNE8, BNE9, BNE10 and BNE11 of the Chorley Local Plan 2012 – 2016.**

b 17/00411/OUTMAJ - Land at Carrington Road, Adlington

Registered speakers: Christine Houghton (objector) and Paul Sedgwick (agent)

RESOLVED (unanimously) – That outline planning permission be refused for the reasons in the report as outlined below;

- 1) The proposed development would be located within an area of Safeguarded Land as defined by the Chorley Local Plan 2012 – 2026. The Council has a five year housing land supply as required by the National Planning Policy Framework. The proposal therefore conflicts with policy BNE3 of the Chorley Local Plan 2012 – 2026. It is not considered that the material considerations put forward in favour of the development are sufficient to outweigh the presumption against it.**

c 17/00438/FULMAJ - Calder House and Rydal House, Highfield Road North, Chorley, PR7 1PH

Registered speaker: Chris Weetman (agent)

RESOLVED (13:1:0) – That full planning permission be approved, subject to conditions in the addendum and a Section 106 agreement securing a public open space financial contribution. It was agreed that there be a formal amendment to correct Condition 9 regarding opening hours restrictions.

d 17/00549/FUL - 267b The Green, Eccleston, Chorley, PR7 5TF

Cllr Martin Boardman left the room for consideration of this item.

Registered speaker: Matthew Wedderburn (agent)

RESOLVED (unanimously) – That full planning permission be refused for the reasons in the report as outlined below;

- 1) The proposed outside drinking area would result in people congregating to consume alcohol and intoxicating spirits outside of an enclosed building that would result in noise and disturbance, which would be harmful to the amenity of neighbouring occupiers contrary to Policy BNE1 of the Chorley Local Plan 2012 – 2026.**
- 2) The proposed outside drinking area would result in unacceptable reduction in parking availability in the area that would lead to more haphazard parking practices and parking along the highway to the detriment of pedestrian safety and the amenity of local residents contrary to Policy BNE1 of the Chorley Local Plan 2012 – 2026.**

e 17/00539/FUL - High Heys Farm, Langton Brow, Eccleston, Chorley, PR7 5PB

Cllr Martin Boardman returned.

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

f 17/00621/FUL - Back House Farm, Hall Lane, Mawdesley, Ormskirk, L40 2QY

Cllr Martin Boardman left the room for consideration of this item.

Registered speakers: Craig Reid (objector) and Chris Weetman (agent)

RESOLVED (12:1:0) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

17.DC.305 Appeals and Other Decisions

Cllr Martin Boardman returned.

A verbal update was provided informing Members that there had been no planning appeals and decisions received since 7 August 2017.

Chair

Date

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APPLICATION REPORT – 17/00621/FUL**Validation Date: 19 June 2017****Ward: Eccleston And Mawdesley****Type of Application: Full Planning****Proposal: Demolition of existing storage buildings and erection of one detached bungalow****Location: Back House Farm Hall Lane Mawdesley Ormskirk L40 2QY****Case Officer: Mike Halsall****Applicant: Mr Ian Austin****Agent: Mr Chris Weetman****Consultation expiry: 16 August 2017****Decision due by: 13 October 2017**

UPDATE REPORT**The recommendation remains to approved the application.**

1. The application was deferred at the planning committee of 12 September 2017 to allow time for Members to visit the site and for the applicant to submit further details with regards to the lawful use of the site. The original committee report from 12 September can be found below.
2. Since the previous planning committee, correspondence has been received from the former owners of the property who occupied Back House Farm from 2006 to 2010 to state that the buildings at the application site were used for parking a car and tractor and the storing of garden tools and equestrian equipment associated with the stables.
3. The applicant has submitted a statement with regards to the lawful use of the site as there has been some debate as to whether this is agricultural (not previously developed land) or equestrian/domestic storage (previously developed land). In summary, the statement explains the following:
 - Definition of Agriculture Sec336 (10 of the 1990 Planning Act) *“agriculture’ includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly”;*
 - Definition of Agricultural unit *“Paragraph D.1 in Part 6 of the GPDO clearly states that, “for the purposes of Part 6, “agricultural land” means land which, before development permitted by this part is carried out, is land in use for agriculture for the purpose of a trade or business” (i.e. there must be an existing agricultural use and this must be a business, not a hobby).*
 - In order for a building to be considered to be for the purposes of agriculture it is necessary to determine whether the site qualifies as agricultural land. Support for this proposition is to be derived from the judgment of May J in R. v. Sevenoaks DC ex p Palley [1994] E.G. 148 (C.S.). This was a case that concerned development that was

allegedly permitted agricultural development under Part 6. The council had confirmed that their prior approval of siting and design would not be required (and so, it was argued, had accepted as matter of law and of fact that the development in question qualified as permitted development (PD)). However, a neighbour successfully applied to the High Court to quash that determination on the grounds that the development did not in fact qualify as PD under Part 6. The case turned on whether the site qualified as “agricultural land”, but the Court first had to consider whether this question was a matter of precedent fact or whether it was a question for consideration by the council in determining whether their prior approval would be required.

- The parties agreed that the question whether the relevant land is “agricultural land” [and so whether it qualifies for PD under Part 6] has to be considered before the development is carried out.
- The definition of “agricultural land” includes that the land is “in use for agriculture” and that it is so used “for the purposes of a trade or business.”
- In the event, May J found that the council’s determination that the site in question was agricultural land was legally flawed (due to only the most perfunctory consideration having been given to the site’s actual status), and it was for this reason that their determination was quashed. It is clear, however, that absent of this legal flaw, it was for the council to determine, as a matter of fact and degree, whether the land in question was “agricultural land” so as to qualify for PD under Part 6, as part of their determination as to whether their prior approval would be required in respect of the siting and design of the proposed development. As noted above, this would have reflected the ministerial guidance in Annex E of PPG7 [or the equivalent guidance that would have been applicable in 1992].
- It would therefore appear from the judgment in ex p. Palley, following the judicial authorities cited in that judgment, that the question as to whether proposed development qualifies as PD (in those cases where the council has to determine whether their prior approval will be required, and if so whether or not it will be given) is not “a matter of precedent fact”, but is a matter of fact and degree to be determined by the council as part of their determination of the prior approval application. In particular, in the case of permitted changes of use under Part 3, the provisions of paragraph W(3) clearly envisage this approach.
- Arguably, therefore, where a prior approval has been given, the council must be taken to have confirmed that the proposed development complies with the conditions, limitations or restrictions specified in Part 3 as being applicable to the development in question, so that it duly qualifies as PD. It will not thereafter be open to the council to argue that the development does not in fact qualify as PD for any reason. The only exception to this would be deliberate deceit on the part of the applicant, whereby they had misled the authority as to the true factual position, in which case (in accordance with the Connor principle, as applied in the planning context by the Supreme Court in Welwyn Hatfield) the applicant’s deceit would prevent them in those circumstances from relying on the benefit of the planning permission granted by Article 3(1) of the GPDO.
- Therefore for the objector’s position (that the building and its surrounds are used for agriculture and are not previously developed land to have any credibility there must be clear evidence to the council that they are used in connection with an agricultural business.
- No such evidence exists, and the reason no such evidence exists, is that the applicant is a lawyer by profession, and undertakes no agricultural activity or trade or business, primary or secondary.
- Reference has been made to housing a tractor and that he has fields. Both are correct, however, neither in themselves or taken together constitute agriculture in the form of a trade or business. The applicant has no horses of his own, he therefore does not ‘graze’ the fields. Even if he did have horses for riding, the fact that they grazed occasionally would not constitute ‘agriculture’ if they were mainly kept in the adjacent stables.
- Even the existence of grazing fields as the objectors have stated, does not in itself mean the buildings and hardstandings in question are associated with agriculture. Indeed as there is no physical barrier between them and the stables and training arena next door it is clear that they are one planning unit, and one that is used for D2 outdoor sport and recreation purposes. Following the principles established by Burdle, the position of the land is one of a mixed use of outdoor sport and recreation and storage.

4. The applicant also provided the following statement:

The definition of “agriculture” in UK planning law (see section 336 Town and Country Planning Act 1990) has idiosyncrasies which might be of relevance in this context. “Rural” land holdings may not in all cases be synonymous with “agricultural” land holdings. For example,

- the breeding and keeping of livestock is an agricultural use. ‘Livestock’ is defined as including any ‘creature’ kept for the production of food etc. This has been held, for the purposes of the tied cottage legislation, not to include pheasants and other game birds raised for sporting purposes (see Lord Glendyne v Rapley[1978] 1 WLR 601, CA; Earl of Normanton v Giles (1978) 248 E.G. 869) . Horses, however, cannot be regarded as livestock (Hemens v Whitsbury Farm and Stud Ltd [1988] 1 All ER 72, HL.) and keeping them is not “agriculture”.
- Grazing land. The use of land as grazing land is an ‘agricultural’ user within section 336(1), even if the animals grazed are not livestock e.g. horses. It will not suffice to turn animals onto the land for the occasional ‘snack’ of grass; they must be turned onto the land with a view to feeding them from the land(Sykes v Secretary of State for the Environment [1981] 1 WLR 1092). Land and buildings used solely for the purpose of keeping animals (such as racehorses), and not primarily for grazing, is not used therefore for “agriculture” (Belmont Farm Ltd v Minister of Housing and Local Government (1962) 13 P & CR 417).

ORIGINAL APPLICATION REPORT – 17/00621/FUL

RECOMMENDATION

5. The application is recommended for approval.

SITE DESCRIPTION

6. The application site is located on land to the west of Back House Farm. It currently contains two storage buildings of wooden construction, one of which is open fronted. The existing buildings do not benefit from planning permission but have been clearly demonstrated to have been in situ for long enough to be immune from enforcement action. However, during the course of the determination period for this application, there has been some debate as to the established use of the buildings with neighbours claiming an agricultural use, prior to the current owners occupying the buildings in 2010. The applicant claims the buildings have been in an uninterrupted mixed use for a minimum period of 10 years for equestrian and general domestic storage. This issue is addressed later in the report.
7. To the south of the application site is a stable block granted planning permission by virtue of decision ref. 05/00833/FUL. The land to the west consists of agricultural fields. Access to the site is provided off Hall Lane to the north.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. The proposal relates to the demolition of the existing buildings and the erection of a detached bungalow in their place.

RELEVANT HISTORY OF THE SITE

Ref: 05/00833/FUL **Decision:** PERFPP **Decision Date:** 17 November 2005
Description: Erection of a stable block

REPRESENTATIONS

9. There was initially an administrative error with the planning application and the initial neighbour notification letters were not posted, despite the system showing that they had been. This was later rectified and the letters were posted and the consultation period extended to account for this error.
10. Objections have been received from five individuals on the following grounds:
 - More and more buildings are being erected in the Green Belt
 - A recent approval at Willowfield has resulted in more cars using the access track
 - The stables have been rented out meaning more horse boxes are using the track
 - The access track has no passing places and has deteriorated, more collisions have been taking place
 - Emergency vehicles using the track is a concern
 - Parking outside the proposed dwelling would cause an obstruction on the road.
 - The track is unsafe for pedestrians
 - The proposal is contrary to Green Belt policy of the National Planning Policy Framework and policies BNE5 and HS9 of the Local Plan
 - The proposal is contrary to policy BNE1 in terms of noise generated by the use of the new property and other issues.
11. One of the five individuals is a former resident of Backhouse Barn, located opposite the application site, from 1997 until 2013. They state that when they moved in the building was actually part of a working agricultural holding and remained in that vein until the previous owners, who used it to store their tractor and associated implements, sold the property in 2010.
12. All of the above issues raised by representors, where relevant to the current planning application, are addressed within the Planning Considerations section below. It is worth noting here that policy HS9 which relates to the conversion of rural buildings in the Green Belt is not relevant to this proposal.

CONSULTATIONS

13. Parish Council – the Parish Council objects to the planning application on the following grounds, (summarised):
 - The form and design would be materially different to the current buildings, not in keeping with the surrounding area and would be out of character
 - The proposal would have greater impact than the present use with permanent human occupation, car movements and the general noise and activity of daily life
 - The site is not brownfield as it is in the Green Belt and has full utility as a hay store and tack room for the adjacent stable which is what it should be used for
 - The proposal would bring substantial change which would degrade the current rural stables setting
 - Loss of visual amenity
 - Increase in noise pollution
 - Increased vehicle movements
 - Approval of this could create a precedent for building on agricultural land in the Green Belt.
14. The above concerns are addressed within the Planning Considerations section below.
15. CIL Officers – responded to state that this is a CIL Liable Development.
16. Greater Manchester Ecology Unit – no response has been received.
17. Lancashire Highway Services – responded with no objections to the scheme due to the addition of two vehicles, which would likely arise from the approval of the proposed

development, using the access being negligible. Highway Services have recommended a condition be attached to any grant of planning permission requiring the submission of car parking details.

PLANNING CONSIDERATIONS

The principle of the proposed development

18. The application site is located within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
19. 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.
20. Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:
 - buildings for agriculture and forestry;
 - 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;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - 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.
21. Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:
22. 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.

23. The construction of the new dwelling 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 than the existing development; and
 - Which would not have a greater impact on the purposes of including land in the Green Belt than the existing development.
24. 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. It is therefore necessary to determine the established use of the site to see if meets the Framework’s definition of previously developed land.
25. As noted earlier in this report, there has been some debate as to the established use of the buildings to which this application relates. For a use to become established it must have been in continued use for 10 years or more. The evidence before the council is as follows:
- Case for previously developed land (i.e. the site having been in equestrian/residential use):

From the site visit by the case officer, the buildings appear to be currently in use as storage associated with the nearby stables and also for domestic purposes as outbuildings for general storage purposes. The buildings are also identified as outbuildings within the case officer report for application ref. 05/00833/FUL in 2005 (for the erection of stables to the south of the application site) in 2005. There is also photographic evidence of this use from that time. The applicant has confirmed this to be the case.
 - Case for agricultural use at some point in the past 10 years (i.e. the site not previously developed land):

Neighbouring residents opposed to the proposal have provided evidence in the form of historic photographs and statements which they claim demonstrate that the buildings were used for agricultural purposes prior to the current owners purchasing the property in 2010. This is by virtue of tractors being parked within the buildings and the use of the buildings to store implements used to maintain the land.
26. It is understandable that someone seeing a tractor and other associated tools/implements within a building would form the assumption that the buildings were in use for agricultural purposes. However, for a use to be classed as agricultural it needs to be tied to an agricultural use. There is no evidence in front of me which suggests the buildings in question have been used in support of an agricultural use during the past 10 years. The parking of a tractor within a building and other industrial grass cutting equipment does not demonstrate an agricultural use and on the balance of probability, it is determined that the application site has an established mixed use associated with the nearby stables and as residential outbuildings. Equestrian uses fall within the definition of previously developed land. Furthermore, the application site sits within a planning unit of mixed use, namely residential and equestrian. The application site is therefore considered to be previously developed land, as defined within the Framework.
27. As it has been established that the site is previously developed land, to be considered appropriate in the Green Belt, it must be determined whether the proposed use would have

a greater impact on the openness of the Green Belt than the existing use. 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'. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.

28. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. It is important to note that merely the presence of existing buildings on the application site does not justify new buildings.
29. The proposal has an identical footprint to the existing buildings. Given the decrease in overall volume of built development which would be realised by the implementation of the proposed development, from 315 cu.m to 233 cu.m, it is considered that the proposal would not have a greater impact upon the openness of the Green Belt than what currently exists on site. This is despite an overall increase in height of 200mm which is considered to be outweighed by the overall reduction in volume of built development.
30. Finally, it is necessary to establish whether the proposal would have a greater impact on the purposes of including land in the Green Belt than the existing development. Paragraph 80 of the Framework lists the purposes of including land within the Green Belt, as follows:
 - 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.
31. The proposed development is located on a previously developed site and would be on the same footprint of an existing building of a larger scale. The proposal would therefore have no greater impact upon the five purposes of including land within the Green Belt, listed above.
32. In light of the above, the proposal is not considered therefore to represent inappropriate development in the Green Belt.

Access and Parking

33. There has been concern raised by representors and the Parish Council in relation to highway safety with the additional cars which would be using Hall Lane should the proposal be approved and also parking outside the application site causing an obstruction.
34. 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 proposed dwelling would include two bedrooms and so the provision of two parking spaces would be required to comply with Policy ST4. It is considered that there is sufficient room on-site for the provision of two parking spaces and their provision could be required by planning condition.
35. Lancashire Highway Services has responded to state it has no objection to the proposals due to the negligible impact of an additional two cars using Hall Lane. The Framework is clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is far from the case in this instance. The proposal is considered to be acceptable in terms of access and parking.

Design and amenity

36. 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;*
 - 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, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction;*
 - e) *The proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas;*
 - f) *The proposal would not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site;*
 - g) *The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses;*
 - h) *The proposal includes measures to help to prevent crime and promote community safety.*
37. The proposed dwelling is of a modest scale, being a two bedroom bungalow on the same footprint as the existing buildings. The design is considered appropriate for the location, having a simplistic design with a porch extending to the front which creates visual interest. The construction materials can be controlled by planning condition to ensure these are suitable.
38. There is a substantial separation distance of 25m between the proposed dwelling and the nearest other residential dwelling, Back House Farm, meaning there would be no unacceptable impacts upon residential amenity from overlooking, overbearing or overshadowing. This accords with the Council's minimum recommended separation distances set within the Householder Design Guidance Supplementary Planning Document (SPD).
39. There are trees adjacent to the application site to the north and west which the applicant has confirmed would remain in-situ. As such, their protection during construction works can be controlled by planning condition.
40. Noise has been raised as an issue of concern by local residents and the Parish Council. There is nothing to suggest the proposed residential use of this site would have any greater noise impact than the existing comings and goings associated with the existing use of the buildings. As stated above, there is a substantial separation distance between site of the proposed dwelling and the nearest residential dwelling. Noise is not considered to be a material consideration in the determination of this planning application.
41. With regards to crime and community safety, the replacement of storage buildings with a residential dwelling which would bring additional residents to the area would likely have a positive impact upon community safety and crime.
42. In light of the above, it is considered that there is no conflict between the proposed development and policy BNE1 of the Local Plan.

CIL

43. 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

44. The proposal is considered to represent an appropriate redevelopment of a previously developed site (brownfield land), 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. Furthermore, the proposal would have no unacceptable impacts upon the environment or the amenity of occupiers of residential dwellings in the local vicinity. The proposal demonstrably accords with the requirements of the Framework and the policies of the Development Plan and is therefore 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:

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

Title	Plan Ref	Received On
Location Plan	N/A	19 June 2017
Site Plan	N/A	19 June 2017
Proposed Cottage	143-011	19 June 2017
Proposed Site Layout	143-014	25 August 2017

3. Prior to the commencement of development 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.

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

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

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

efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

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

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

6. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

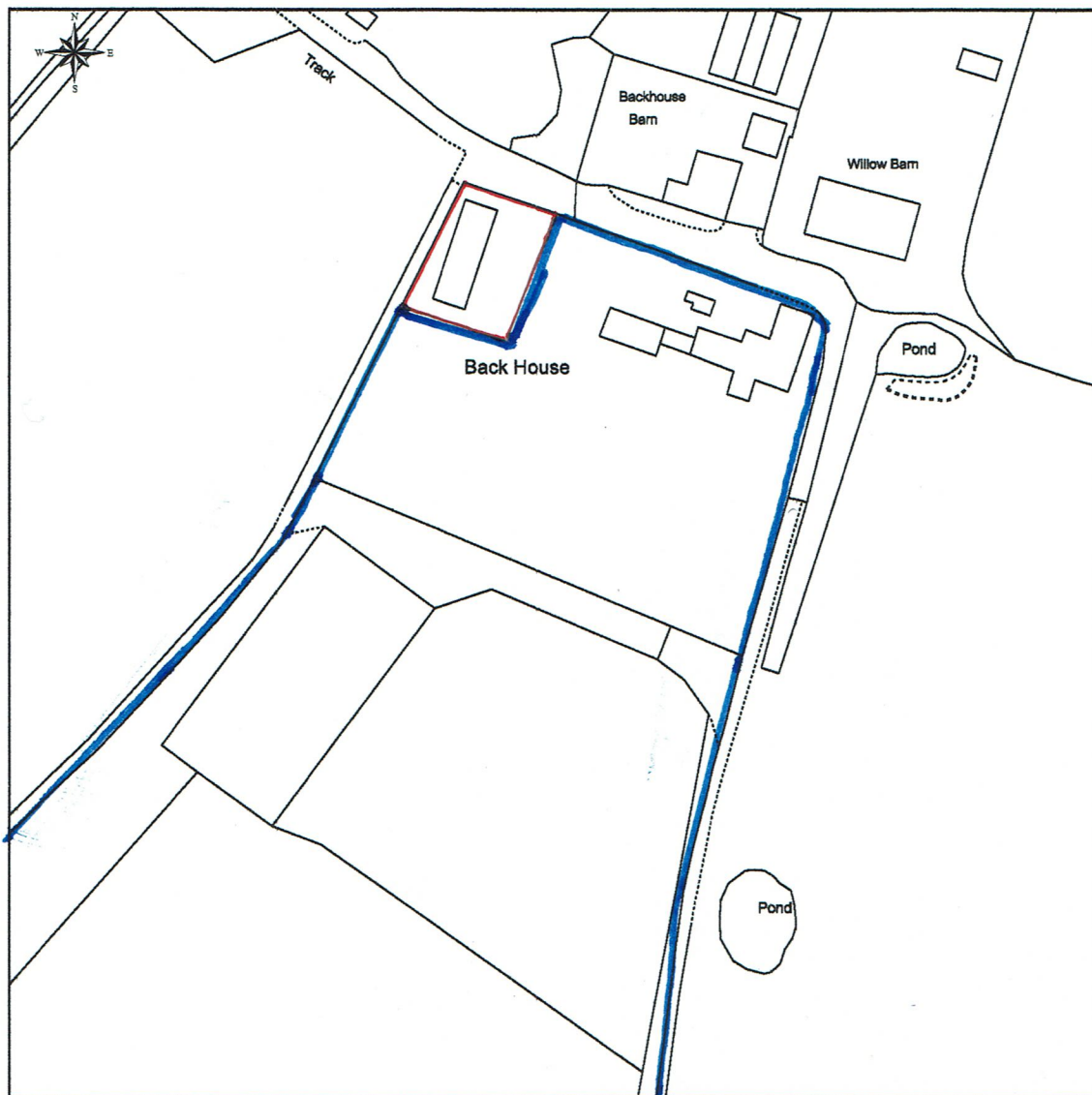
Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent.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

7. No part of the development shall be occupied or brought into use until details of the car parking provision has been submitted to and agreed in writing by the local planning authority. The details shall accord with the Chorley Council Parking Standards. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.

Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.

8. During the construction period, all trees on or adjoining the site shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.



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Prepared by: chris Weetman, 19-06-2017

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APPLICATION REPORT – 17/00854/FUL

Validation Date: 23 August 2017

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Section 73 application to vary condition 3 (business use restriction) attached to planning approval 05/00833/FUL to enable the stables to be rented out as a single block

Location: Back House Farm Hall Lane Mawdesley Ormskirk L40 2QY

Case Officer: Mr Iain Crossland

Applicant: Mr Ian Austin

Agent: Mr Chris Weetman

Consultation expiry: 20 September 2017

Decision due by: 18 October 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a stable building that gained planning permission under application reference 05/00833/FUL in 2005. The site is located in the Green Belt and is accessed via a lengthy single track private driveway from Hall Lane, Mawdesley. The stables are sited within a yard area close to a sand paddock, grassed paddocks and other equestrian facilities. The character of the area is rural with open land sporadic dwellings and other buildings associated with agricultural or equestrian uses.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks to vary condition 3 (business use restriction) attached to planning permission ref: 05/00833/FUL (which was for the erection of a stable block) so that the stables building can be rented out as a single block.

REPRESENTATIONS

4. 3 letters of objection have been received relating to the following issues:
 - The access track is narrow and long – not suitable to support commercial activity;
 - Object to any commercial activity whatsoever - a commercial use would certainly have a materially greater impact than a non-commercial use;
 - It should be made clear than no commercial or business use whatsoever can operate from the stables;
 - No objection to the stables being rented out to one person to privately stable their own horses;
 - The use of the track by large vehicles is dangerous to pedestrians and cyclists;

- An advert has been placed on Facebook stating that the stables are to be used for breaking packages, difficult horse packages and sales liveries along with additional full livery and injury rehabilitation services from October 2017;
- Impact on the surfacing of the access road.

CONSULTATIONS

5. Mawdesley Parish Council: No comments received.

PLANNING CONSIDERATIONS

6. This application seeks to vary condition 3 (business use restriction) attached to planning permission ref: 05/00833/FUL (erection of a stable block) so that the stables building can be rented out as a single block. Condition 3 was attached to define the planning permission and in the interests of visual amenity and the character of the area and was set out as follows:
3. The stables 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.
7. The intention of the condition was to prevent the stables from being used for commercial equestrian uses such as a livery stables, training facility or riding school, which would result in the more intensive use of the site.
8. Since the stables were developed they have been rented out to private individuals as a whole building for use other than by the owners of Back House Farm. This has resulted in the identification of some ambiguity within the wording of condition 3 attached to planning permission 05/00833/FUL. The applicant wishes to address this ambiguity so that they are able to rent the stables out to an individual as a whole building without restriction.
9. The condition does not limit the use to be solely in connection with the use of the dwelling with which it is associated with. The ambiguity arises around the question of whether renting the whole stable block out to one individual constitutes a trade or business operating from the buildings.
10. The impact of renting the stables out as a single block rather than for the sole use of the owners of Back House Farm in itself would be fairly limited. The stables would be used in the same way as if the owners of Back House Farm were to use them, the only difference being that the tenant would need to travel to the site to tend to horses and enjoy the use of the facility. This would result in a limited number of additional journeys along the private access road, the impact of which is considered would be negligible upon the amenity of nearby residents and highway safety.
11. It is therefore considered that the wording of the condition should be varied to clarify the terms of the consent, whilst controlling elements that would lead to the more intensive use of the site. The following wording is proposed in this regard:
- The stables building shall only be used for the stabling of horses by one person at any one time, and shall not be used for any training, sub-letting, shows, competitions, the trading of horses or other commercial enterprises.*
Reason: To define the permission and in the interests of the character of the area.
12. A number of comments have been received from local residents reporting information that suggests the eventual end user / tenant would use the stables to facilitate the delivery of services such as training, sub-letting, trading of horses and the breaking of unruly horses. The condition proposed would continue to preclude these activities and would merely allow the stable to be rented to an individual other than the owner. If the stables were to be used for any of the commercial activities referred to then these may be subject to enforcement action.
13. Given that the access track is some 620m approximately from Hall Lane to the stables site and is a narrow single track it is considered that this is unsuitable to support commercial activities on the site. More intensive commercial use of the site would result in a detrimental

impact on the amenity of the nearby occupiers and on the amenity of users of the access track, which is a public right of way and is used by pedestrians and cyclists.

14. The reworded condition would clarify the situation with regards to how the stables can be used, whilst providing the owner with the flexibility to rent the building out to an individual, where they do not require the use of the stables for themselves. This has the benefit of preventing the stables from being unused due to a technicality, whilst meeting a demand for stables, which might otherwise generate the need for a stables building in some other location.

Other matters

15. Impact on the surfacing of the access road: The road is unadopted and any impact on the surfacing of the track is not something that could be controlled by the council.

CONCLUSION

16. It is recommended that condition 3 is varied for the reasons set out above.

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: 05/00833/FUL **Decision:** PERFPP **Decision Date:** 17 November 2005
Description: Erection of a stable block

Ref: 09/00013/FUL **Decision:** REFFPP **Decision Date:** 6 May 2009
Description: Erection of garden room extension to the rear.

Ref: 11/00050/FUL **Decision:** PERFPP **Decision Date:** 16 March 2011
Description: Demolition of utility room and erection of identical replacement

Ref: 17/00621/FUL **Decision:** Under consideration **Decision Date:**
Description: Demolition of existing storage buildings and erection of one detached bungalow

Ref: 93/00018/FUL **Decision:** PERFPP **Decision Date:** 4 March 1993
Description: Construction of front extension to form disabled persons toilet

Ref: 80/00138/FUL **Decision:** PERFPP **Decision Date:** 17 March 1980
Description: Extension to farmhouse

Ref: 5/5/03845 **Decision:** WDN **Decision Date:** 14 March 1963
Description: Farm worker's house

Suggested Conditions

- The stables building shall only be used for the stabling of horses by one person at any one time, and shall not be used for any training, sub-letting, shows, competitions, the trading of horses or other commercial enterprises.
Reason: To define the permission and in the interests of the character of the area.
- No system of external illumination or sound amplification shall be installed at any time in connection with the development hereby permitted.
Reason: To define the permission and in the interests of the residential amenities if the adjacent property.

3. Where the use of the stables for the authorise purposes ceases for a period exceeding 6 months they shall be removed from the land and the land shall be restored to its former condition.

Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.

APPLICATION REPORT – 17/00377/OUTMAJ

Validation Date: 5 April 2017

Ward: Pennine

Type of Application: Major Outline Planning

Proposal: Outline application for up to 12 dwellings (with all matters reserved save for access)

Location: Land Adjacent To Lady Cross Drive Lady Crosse Drive Whittle-Le-Woods Chorley PR6 7DR

Case Officer: Mr Iain Crossland

Applicant: Messrs Dugdale

Agent: Mr Darren Muir

Consultation expiry: 28 August 2017

Decision due by: 5 July 2017

RECOMMENDATION

1. It is recommended that outline planning permission is approved subject to conditions and a section 106 legal agreement.

SITE DESCRIPTION

2. The application site is located within the settlement area of Whittle le Woods on land allocated for housing development in the Chorley Local Plan 2012 – 2026.
3. The site comprises a rectangular shaped field in a corridor of land bounded by residential development to the north, south and west and open fields to the east, which are also allocated for housing. The site is approximately 1.2 ha in size and located in the south east of Whittle-le-Woods.
4. In terms of topography the application site has quite a significant slope from south to north, sloping down towards the properties on Moss Lane.
5. Groups of trees are located in the south west and north east corners of the site, with a number of mature trees on the southern boundary and one mature tree on the eastern boundary. A number of these groups and individual trees are protected under Tree Preservation Order No.19 (Whittle-le-Woods) 2011.
6. The planning application site is adjacent to the adopted estate road of the housing development to the immediate west at Lady Crosse Drive. A public right of way runs along the western boundary of the site.
7. The character of the area is largely residential on the fringes of the urban area. The dwellings located on Moss Lane to the north are stone built cottages of traditional agrarian

design style. The rear of these properties face the application site. To the west is the more modern housing estate at Lady Crosse Drive, comprising of bungalows, dormer bungalows and standard houses.

8. To the south of the application site is a development known as 'Lucas Green', which is being developed by a national housebuilder for 121 dwellings (12/01244/REMMAJ). This comprises of recently built dwelling of traditional design style.
9. There is a Biological Heritage Site is located to the immediate east of the site.

DESCRIPTION OF PROPOSED DEVELOPMENT

10. This application seeks outline planning permission for up to 12 dwellings with all matters reserved for subsequent approval aside from access. The proposed access would be a continuation of Lady Crosse Drive and would effectively result in an extension to the cul-de-sac. No through route would be created.
11. An indicative site layout has been provided to demonstrate how 12 houses could be arranged on the site, however, this is indicative only and would not form part of any approved plans.

REPRESENTATIONS

12.36 letters of objection have been received from 24 addresses. These relate to the following issues:

- Impact on privacy of properties at Town Lane;
- Impact on outlook from properties at Town Lane;
- Impact on the character of the area;
- Development should be for bungalows only;
- The potential levels difference is too great;
- Impact from surface water run-off and flood risk;
- Additional traffic created would be a risk to highway safety;
- Lady Crosse Drive and Town Lane not suitable for increased traffic;
- Impact on amenity of residents from increased traffic;
- Any through route to the Lucas Green development would be unacceptable;
- Dwellings should be angled or offset to avoid impact;
- Any dwellings should be finished in stone;
- The proposed development would be overlooked from Snape Drive;
- Impact on the Biological Heritage Site;
- Impact on wildlife;
- Loss of trees;
- The capacity of the culvert would not be able to cope with additional demand;
- Potential from structural impact from ground works;
- It would be disappointing to lose such a valuable green space for only 12 dwellings;
- Erosion of the Green Belt;
- The balance has now been struck between the housing needs of Chorley and the ongoing needs of the potential and existing residents;
- Need for affordable housing;
- Who would maintain the slope between the development and Town Lane properties?;
- How would the possibility of land slip be assessed;
- Who will protect and manage the Biological Heritage Site;
- Impact from construction traffic on amenity and highway safety;
- Impact on property values;
- The surface water pond would create a flood risk;
- Contamination risks.

13. An objection has also been received from Whittle-le-Woods Flood Action Group setting out the following concerns:

1. *The assessment appears to be quite detailed for the site itself, however the surrounding area assessment is lacking in detail and is incorrect, not reflecting recent events.*
2. *Despite the scope of the report extending to 'impact on flood risk elsewhere' the report does not mention or take account of pertinent flood events - or refer to the recent section 109 investigation.*
3. *The error in the assessment - as in above point - led WaterCo to determine that an exception test would be unnecessary - we disagree and believe an exception text should be applied.*
4. *The report determines the [this point is blank in the e-mail].*
5. *United Utilities have decided in principle 'Surface water from this site should drain to either soak away or directly to watercourse.' The report recognises that soils are 'clayey with impeded drainage'. So it would seem reasonable to conclude the main route for water drainage will be directly to watercourse.*
6. *The 'unnamed watercourse' referred to in the report, is expected to absorb the surface water run-off. We have previously spoken of the pressure on this natural drain since the creation of the Redrow housing estate and we would like the impact on this watercourse to be analysed further. The decision in principle provided by UU is concerning - we would expect LCC to have a view.*
7. *We note the report does not reference records of surface water or groundwater flooding. Does PFRA not have records of, at least, the most recent floods (June 2012 and Dec 2015)? We understood LCC and the EA were developing an assessment of the area post Dec 15 flooding - is this available?*
8. *We were unable to determine on the maps provided where the proposed site would access the sewer.*
9. *Have the EA reviewed the 'likelihood to flood' ratios?*

We conclude it is likely the proposed site itself will be low risk from flooding - it is on the side of a hill - however the impact of the development will occur further down from the site. As the local community is still recovering from the most recent flood - 25th Dec 2015 - and are proactively working to improve our resilience (in partnership with CBC, the EA, LCC, the PC) we ask that particular consideration is given to these concerns.

We would expect a more thorough and thoughtful assessment be made of the flood risk resulting from the site - and to include the appropriate area. We would like other agencies commenting on the feasibility of the site and the factors relating, to make themselves aware of wider discussions and not in isolation - the consideration should not just be made of the site but the community surrounding it.

14. A petition has also been received with 145 signatures objecting to the development on the following grounds:

- Impact on highway safety and the increase in traffic without supporting investment
- Impact on school capacity
- Impact on medical services
- Flood risk and surface water run off
- Impact on trees and wildlife.

CONSULTATIONS

15. Whittle le Woods Parish Council: The application to build 12 dwellings on the land adjacent to Lady Crosse Drive, attracted a very large number of concerned residents to our Parish Council meeting on Monday 12th June. The comments here written reflect not only the Parish Councillors' opinions, but also the concerns of residents.
16. There are a number of concerns with this planning application. These include flooding, the loss of a biological heritage site, the lack of monitoring of planning conditions, the possibility of a connecting road, access onto Town Lane, and the overlooking of existing properties.

There is also much concern that previous well founded objections to the Redrow estate were ignored and that the same might occur again.

Flooding

17. There are major issues with flooding as water levels in this area are already extremely high. Though there are plans to install a holding tank, it is not definite that this would occur. A development on this site would alter the rainwater run-off, and wide-scale tarmac would make the brook flood even more badly than it does at present. We feel the flooding issue is so serious that this proposal should be refused on the flooding issue alone. There was no real depth to the flooding report provided, and Lancashire County Council had not been part of this report. Many residents of Ladycrosse Drive already experience flooding issues, especially in their rear gardens, where sinking patios are common. The culvert installed is not large enough even for current requirements, and neither is the underground tank. It was believed that the drains would all back up onto Town Lane. Given that many of the existing homes in this area are build on soil rather than clay, and haven't got massive foundations, residents are worried that future developments of this type could damage these.
18. It is crucially important that Chorley Council pay heed to these flooding issues now. No longer do serious floods occur once every hundred years, they have occurred twice in five years very close to this site. That cannot be ignored and the problem needs properly prioritising. Putting cures in place is useful, but prevention of flooding is key.

Biological heritage site

19. An existing biological heritage site would be affected by these proposals. As these sites are not protected by law, they can only be protected by the planning process, so we ask that you bear this in mind. Other recommendations made regarding previously built developments in the village, seem to have been disregarded by contractors. If this application is passed, it will definitely be to the detriment of this site, and the biological heritage status will almost certainly be lost. The nearest proposed house would be positioned right on the edge of the heritage site. For past developments, a buffer zone has been recommended, but has often been ignored. This is all of major concern.

Connecting road

20. Councillor Bell expressed that Lancashire County Council are keen to open up access from this site onto the Redrow site, though it was agreed at planning stage that the Redrow estate must only feed off the A6. Residents attending our Parish Council meeting felt that a connecting road would be overkill for such a small development. Apparently, Redrow was given reassurance that there will be no break through from one estate to another. There is no need for this development, and certainly is no need for the connecting road, which would turn Ladycrosse Drive into a rat run. The number of pedestrians using this area have increased recently, so the cars will increase too. Redrow have apparently told residents that adequate facilities for Snape Drive have only been put in place to serve the 12 existing houses, so this could make the connecting road uneconomical.

Distances

21. Regarding the distances between proposed and existing properties, it is clear that the privacy of existing properties would be affected as many would be significantly overlooked. Chairman Bell is particularly concerned about the window distances, and felt that the application could be refused on this issue alone. Also, in the proposal, the levels of the existing houses are marked wrongly. The three houses are 4 metres lower than the plan states. Any new properties must be the same level as existing properties.

Traffic

22. Such a development will inevitably increase Town Lane traffic near the busy Town Lane junction which is peppered with pot holes already.
23. Greater Manchester Ecology Unit: The information submitted with the application includes an Ecological Assessment. The assessment has been undertaken by an experienced ecological consultancy whose work is known to the Ecology Unit. The report identifies a number of ecological issues associated with the proposal. The Ecology Unit advise that a

buffer zone should form part of the eventual landscaping scheme for the site and should be designed to prevent unauthorised access/incursion into the Biological Heritage Site. The Ecology Unit raise no objection subject to recommended conditions.

24. Waste & Contaminated Land: raise no objections and recommend conditions
25. Lancashire Highway Services: raise no objections and recommend conditions
26. Lead Local Flood Authority: no objection to the proposed development subject to the inclusion of conditions.
27. Natural England: No comments to make on this application.
28. Council's Tree Officer: comments that trees within the site comprise a mix of young through to mature. The majority of trees offer screening value around the boundary of the site with others providing habitat value within the local area. A number of trees are graded as low quality or limited merit due to their condition. There is a sycamore and an oak that are good examples.
29. United Utilities: raise no objections and recommend conditions
30. Lancashire County Council (Education): comment that based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution £113,933.09 for 5 primary school places and 2 secondary school places.

PLANNING CONSIDERATIONS

Principle of the development

31. 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.
32. The application site is located in the core settlement area of Whittle-le-Woods, and is part of an allocated housing site covered by Policy HS1.43A of the Chorley Local Plan 2012 - 2026. The development of housing on this site is therefore considered acceptable in principle.

Access and Highway Safety

33. The proposed development is for up to 12 dwellings to be accessed from Lady Crosse Drive. Lady Crosse Drive is an unclassified road that is a cul-de-sac. The application site is located at the head of the hammerhead to the cul-de-sac and it is proposed to continue the highway from Lady Crosse Drive into the application site to serve up to 12 dwellings. This would effectively extend the cul-de-sac, but the development would not link through to any other roads.
34. LCC Highways consider that this is acceptable in principle as the indicative layout appears to conform to current standards. The proposed connection of the site access to Lady Crosse Drive as shown on plan, SCP/17138/F01 is considered to be acceptable.
35. If the proposed development is to be accepted for highway adoption under the Section 38 agreement of the Highways Act 1980, it would be required to be constructed to the Lancashire County Council Specification for Construction of Estate Roads. The connection of the proposed site access to the existing Lady Cross Drive will be undertaken through Section 278 agreement of the Highways Act 1980 with the full cost borne by the applicant. The development south of the proposed site includes providing a footpath to link Lady Crosse Drive at the same turning head where the proposed site access connection is to be made. The applicant should therefore take the footpath link into account when designing the access connection.

36. LCC Highways advise that parking for the proposed development should be provided in accordance with the current Chorley Council Parking Standard and the layout design should incorporate sufficient speed control measures to ensure safety.
37. They advise that given the relatively small number of domestic vehicle movements associated with 12 dwellings, it is not considered that there would be any harmful impact on the amenity of the occupiers of Lady Crosse Drive as a result of the proposed scheme. In addition it is not considered that the additional traffic generation would result in any material change to traffic flows in the area or the efficient functioning of the highway network.

Flood Risk and Water Resources

38. The entire site is located within Flood Zone 1 on the Environment Agency's Flood Map, indicating a low risk of flooding from fluvial and tidal sources. The site is shown to be located outside of the extreme 0.1% annual probability flood extent.
39. The site is not formally drained and is therefore considered to be 100% permeable drainage at present. The proposed development would introduce approximately 2400m² of hardstanding in the form of buildings and access roads. The increase in hardstanding area would result in an increase in surface water runoff rates and volumes. In order to ensure the proposed development would not increase flood risk elsewhere, surface water discharge from the site would be controlled.
40. A flow rate of 5 l/s is proposed for this site to ensure the drainage system is self-cleansing. This has been confirmed as an adequate flow rate by the Lancashire Lead Local Flood Authority (LLFA). Surface water runoff would be discharged to an unnamed watercourse located immediately north-west of the site at a rate of 5 l/s. Surface water runoff up to the 1 in 100 year plus 40% climate change allowance event would be attenuated on site. A total attenuation volume of 128m³ would be required to achieve the discharge rate and could be provided in the form of a pond located in the lower north western extent of the site, as identified on the indicative layout plan. Other methods for reducing run off rates that may be practical on this site include permeable materials to areas of hard surfacing and underground attenuation tanks.
41. The LLFA agrees with the proposed run-off rate of 5 l/s and considers the proposed run-off destination to be acceptable subject to the applicant providing evidence that infiltration is not possible. The LLFA has no objection to the proposed development subject to the inclusion of conditions requiring a fully detailed and evidenced surface water drainage scheme, management and maintenance arrangements for such a scheme, and the construction of any ponds or attenuation basins prior to the commencement of development.

Ecology

42. The ecology surveys and assessments that have been carried out to inform the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys need to be carried out before determining the application.
43. This ecological appraisal demonstrates that a residential development at the site is feasible and acceptable in accordance with ecological considerations and the National Planning Policy Framework. It also provides evidence and recommendations that would make it possible to implement reasonable actions for the protection and long-term conservation of fauna such as nesting birds and commuting/foraging bats associated with the site. The appraisal also identifies measures to conserve the habitat connectivity through the site that are feasible.

Biological Heritage Site

44. The site lies directly adjacent to a Biological Heritage Site (BHS): Lucas Lane Pasture. The assessment identifies both direct impacts from construction and indirect impacts during the occupation of the houses on the BHS.

45. With regard to protection of the BHS during construction, the only measure put forward is fencing along the boundary during the works. However more detailed protection measures should be required to avoid any accidental damage to the BHS such as tool box talks and appropriate storage of materials. A condition is recommended to this effect that should be attached to any permission, should it be granted.
46. Although the proposed development would be outside the BHS the design of the proposals appear to show plot 12 being directly adjacent to the BHS, making the BHS vulnerable to activities such as garden encroachment and damage from activities such as dumping of garden waste into the site. It is therefore recommended that the design of the development should differ from the indicative site layout to create a buffer between the BHS and the new housing. The details of the buffer zone should form part of the eventual landscaping scheme for the site and should be designed to prevent unauthorised access/incursion into the BHS. It is recommended that a condition be attached to control this.

Other issues Construction Issues

47. The Ecological Assessment also makes recommendations for protection measures for the trees, shrubs and ditch on the site together with the use of sensitive lighting during the construction and protection of nesting birds. These measures should be incorporated into a construction environmental management plan.

Net Gain for Biodiversity

48. The Assessment makes a number of recommendations for biodiversity enhancement measures. It is recommended that these measures be required by condition should permission be granted, with full details submitted with any reserved matters application.
49. Other recommendations have been made for the grassland outside of the residential area and the proposed pond. It is recommended that full details of the design and long term management of these features be required by condition, should permission be granted, to be submitted with any reserved matters application.

Trees

50. There are a number of trees across the site and as such the application is supported by a tree survey report. The trees are mostly confined to the periphery of the site, some of which are protected by group and individual tree preservation orders (TPOs). Of particular note is a Goat Willow protected by a TPO close to the proposed access road. The tree survey identifies this as a category C tree, which demonstrates that it is low quality. This is verified by the council's tree officer, who confirms the tree is of low quality. It is therefore considered that if the removal of this tree were necessary to gain access to the site then this should not prevent the development progressing. Other trees close to the proposed access point are of lesser quality or are small self-seeded trees not worthy of protection.
51. It is not anticipated that works to any other significant trees would be required to facilitate the development of 12 houses on the site.

Design, layout and impact on neighbouring occupiers

52. The application seeks outline planning permission and the only matter not reserved is access. It is proposed that access to the site would be gained via Lady Crosse Drive. As only access is being applied for, the design and layout aspects of the proposals cannot be considered in detail, however the council need to be satisfied at this stage that the number of dwelling applied for could be satisfactorily achieved on site at any reserved matters stage. However, the application is supported by an indicative site layout and indicative site sections. The indicative layout demonstrates that Lady Crosse Drive would be extended with 12 detached dwellings positioned to the north side of an estate road.
53. Development frontages are indicated to overlook the highway and an area of open green space to the south, between the estate road and development at Lucas Green. Orientating dwellings to overlook the estate road and green space would help to enhance levels of natural surveillance and improve the visual aspect of the development.

54. Whilst matters of siting are not for consideration at this stage, it is noted that the dwellings at 44, 46 and 48 have a very clear view of the application site and are located at a lower level to it. As such, any development of the site would impact upon the occupiers of these properties, and for this reason it is understandable that objections have been received from the occupiers of all three properties, particularly given that they have enjoyed uninhibited views and relative isolation up to this point.
55. The indicative layout plan shows the proposed dwellings with rear elevations facing the rear of existing properties at Town Lane, with an indicative levels difference of approximately 5m. The site layout plans show a minimum of 32m between the proposed dwellings at plots 3 to 5 and the existing dwellings at 44 to 48 Town Lane. It is noted that the Council's guideline standards for facing windows is 21m, but with a need to increase the distance by 1m for every 0.25 increase in difference between slab levels. This would result in the need for a 41m separation. The indicative layout plan shows a separation of 32m, which falls below this standard, however, the height difference shown on the indicative levels demonstrate that if this relationship were to be created then there would be parallel facing windows between the ground floor windows at plots 3 to 5 and the first floor windows at 44 to 48 Town Lane. It would be expected that such a development would include a boundary fence to the proposed dwellings that would screen any views from the ground floor windows of the proposed dwellings.
56. Any windows at first floor in the proposed dwellings as shown on the indicative plans would not be parallel with any windows to dwellings at Town Lane due to the height differential. With regards to the views that would be created from the proposed dwellings over the rear gardens to properties on Town Lane, on the basis of the indicative layout, these would again be at an angle due to the height difference and would be positioned 21m from the boundary. The council's guideline standard for habitable room windows to boundaries is 10m. Given the angle of any views from first floor windows and degree of separation it is not considered that there would be any harmful impact on privacy from this relationship.
57. If the degree of separation alone were not considered sufficient to overcome privacy concerns then the layout of any proposed dwellings could be positioned at an oblique angle relative to the dwellings at Town Lane (similar to plots 1 and 2).
58. With regards to the impact on outlook any proposed dwellings would undoubtedly be visible, particularly given the difference in levels. In addition to this any cut and filling to alter levels and boundaries as shown on the indicative layout would result in a material impact on outlook. The plan indicates that the top of any such slope and boundary would be positioned approximately 13m from the rear windows to dwellings on Town Lane, with the proposed dwellings themselves approximately 32m away. Although this would impact on the outlook of the occupiers of dwellings at Town Lane it is not considered that the impact would be so harmful that such an impact would be unacceptable and the application could be refused.
59. Although the dwelling would be positioned to the south of those at Town Lane the degree of separation is such that there would be no unacceptable loss of light.
60. It is not considered that the indicative layout provided would have any unacceptable impact on the amenity of the occupiers of Lady Crosse Drive to the west, Snape Drive to the south of the amenity of potential future occupiers, due the degree of separation.
61. In relation to the indicative layout the dwelling at plot 6 would ideally be positioned further from the boundary to with the dwellings on Town Lane, and / or angled, to avoid any unacceptable impact on privacy. A landscape buffer should also be defined between plot 12 and the BHS that does not form part of any domestic ownership or curtilage.
62. Given the scale of dwellings shown on the indicative layout plan and low density of the site it is considered that there would be a degree of flexibility in relation to the details of any future scheme to be considered. It is considered that on the basis of the indicative layout a sufficient degree of separation between the existing properties at Town Lane, Lady Crosse Drive and the recent development to the south can be achieved so as to ensure that there

would be no harmful impact on the amenity of neighbouring occupiers. As such it is considered that the proposed development of 12 dwelling can be designed without causing any unacceptable loss of amenity for existing residents and the future residents within the proposed development.

Public Open Space

63. The Open Space and Playing Pitch SPD was adopted for development control purposes at the Council meeting on 17th September 2013. Therefore, based upon the standards within the Local Plan Policies HS4A and HS4B and the approach in the SPD, the various open space typologies will be required as follows:

Amenity greenspace

64. The Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a surplus of provision in Whittle-le-Woods in relation to this standard; a contribution towards new provision is therefore not required from this development. However, there is an area of amenity greenspace within the accessibility catchment (800m) that is assessed as low quality in the Open Space Study (site 1428 – Orchard drive Play Area, Whittle-le-Woods). A contribution towards the improvement of existing provision is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

65. There is currently a surplus of provision in Whittle-le-Woods in relation to this standard; a contribution towards new provision is therefore not required from this development. However, the site is within the accessibility catchment (800m) of an area of provision for children/young people that is identified as being low quality in the Open Space Study (site 1535.1 – Delph Way, Whittle-le-Woods). A contribution towards improvement of existing provision is therefore required from this development. The amount required is £134 per dwelling.

Parks and gardens

66. No contribution is required.

Natural/semi-natural greenspace

67. No contribution is required.

Allotments

68. There is no requirement to provide allotment provision on site within this development. A new allotment site within the accessibility catchment (10 minutes' drive time) is proposed at Land at Sylvesters Farm, Euxton (ref HW5.2), so a contribution is therefore required from this development. The amount required is £15 per dwelling.

Playing pitches

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

70. These contributions would be secured through a section 106 agreement.

Sustainable resources

71. Policy 27 of the Core Strategy currently requires dwellinghouses to be built to meet Code for Sustainable Homes Level 4 which increases to Level 6 on 1st January 2016. However the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

72. *“For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until*

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

73. *"Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."*
74. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions.

Community Infrastructure Levy (CIL)

75. 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.
76. Lancashire County Council have requested a contribution of £113,933.09 towards 5 primary school places and 2 secondary school places. Although the comments of the Education Authority are noted, this is an allocated housing site in the Local Plan and education is covered by CIL and the developer will pay CIL on the residential properties. As a result a request for further information justifying their request has been made, including with how the request meets the legal tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). No further evidence has been provided, so it is not considered that the request can be sought from the development.

Other matters raised

77. With regard to the potential from structural impact from ground works: The safe development of the site rests with the developer.
78. It would be disappointing to lose such a valuable green space for only 12 dwellings: The site is currently a green field that does provide a degree of amenity to local residents through some informal usage and the visual amenity that it provides. It is clearly valued for these purposes by local people, however, the site is allocation for housing within the Chorley Local Plan 2012-2026 and therefore the principle of developing the land for housing has been established.
79. Erosion of the Green Belt: The site is not in the Green Belt.
80. The balance has now been struck between the housing needs of Chorley and the ongoing needs of the potential and existing residents: The site has been identified within the Chorley Local Plan 2012-2026 for housing and is therefore required to help meet the identified housing need for the Borough within the plan period.
81. Need for affordable housing: No affordable housing has been specified within the application as the total number of dwellings proposed falls below the policy threshold (15 Dwellings). It is not considered that the number of dwellings proposed has been artificially reduced to avoid this threshold as the topographical constraints of the site are clear, and larger detached dwellings that take up more space are in keeping with the character of the area.
82. Who would maintain the slope between the development and Town Lane properties?: The applicant's agent has proposed that any slope or retaining structure would be deeded to

future occupiers and would become the responsibility of future occupiers, although as the application is in outline only it is unknown what, if any, retaining structures or slopes may be incorporated at this stage.

83. How would the possibility of land slip be assessed: The safe development of the site rests with the developer.
84. Who will protect and manage the Biological Heritage Site (BHS): The management and protection of the (BHS) is the responsibility of the land owner.
85. Impact from construction traffic on amenity and highway safety: Although it is noted that construction traffic would need to access the site through unclassified estate road this is a temporary impact that can be controlled through a construction management plan (CMP). It is recommended that a CMP be required by condition of any grant of planning permission.
86. Impact on property values: This is not a material planning consideration.
87. The surface water pond would create a flood risk: the surface water pond has been designed to mitigate the effects of surface water run-off and reduce the risk of flooding.

CONCLUSION

88. This is an allocated housing site within the Adopted Local Plan and as such the principle of housing on this site is acceptable. The Highway Authority are satisfied with the proposed access arrangements and all other detailed matters will be assessed at reserved matters stage. As such the scheme 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.

RELEVANT HISTORY OF THE SITE

Ref: 11/00795/SCE **Decision:** PESCEZ **Decision Date:** 21 September 2011
Description: EIA Screening Opinion for Land west of Lucas Lane, Whittle-le-Woods

Ref: 11/00992/OUTMAJ **Decision:** REFFPP **Decision Date:** 14 February 2012
Description: Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access.

Ref: 12/00362/OUTMAJ **Decision:** REFFPP **Decision Date:** 13 June 2012
Description: Outline planning application for the development of land to the north and west of Lucas Lane for the erection of up to no. 135 dwellings with all matters reserved, save for access (resubmission of previous application 11/00992/OUTMAJ)

Ref: 12/01244/REMMAJ **Decision:** PERFPP **Decision Date:** 6 March 2013
Description: Reserved Matters application for residential development comprising of 121 dwellings and associated works (pursuant to outline permission ref: 11/00992/OUTMAJ).

Ref: 13/00124/TPO **Decision:** PERFPP **Decision Date:** 28 March 2013
Description: Application to remove two trees covered by Tree Preservation Order 7 (Whittle-le-Woods) 1996: 1) an oak adjacent to 36 Dunham Drive, 2) an oak adjacent to 31 Dunham Drive, and crown raising of a sycamore tree to a height of 5.5m adjacent to number 47 Dunham Drive, all to facilitate two access points into new development.

Ref: 13/00804/OUTMAJ **Decision:** PEROPP **Decision Date:** 25 November 2013

Description: Section 73 application to vary condition 11 (Code for Sustainable Homes) attached to outline planning approval 11/00992/OUTMAJ

Ref: 14/00563/REMMAJ **Decision:** PERFPP **Decision Date:** 8 August 2014

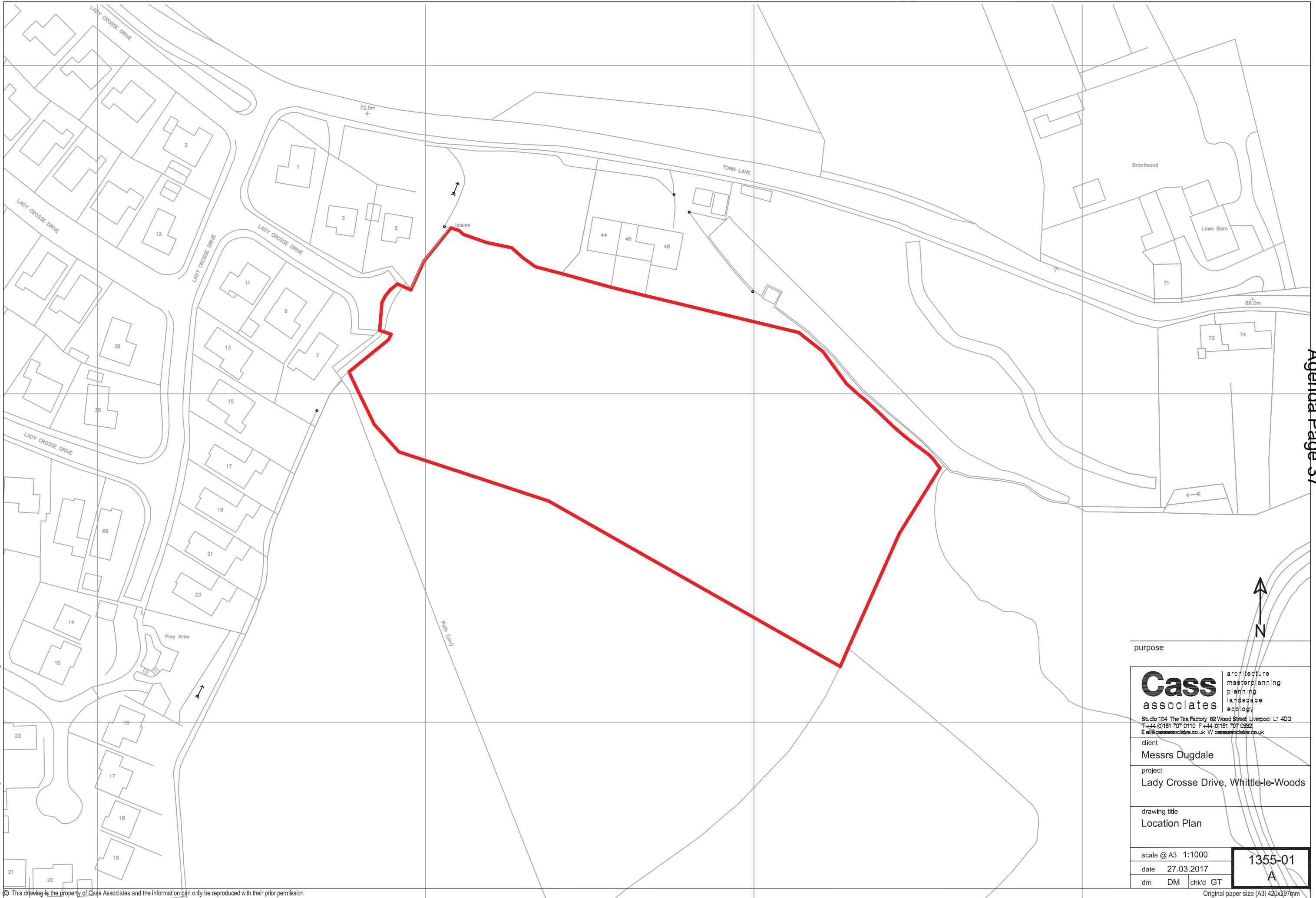
Description: Reserved Matters planning application for residential development comprising of 34 dwellings and associated works (re-plan of north part of the site).

Ref: 14/01107/TPO **Decision:** PERTRE **Decision Date:** 15 December 2014

Description: Application to fell tree No. 131 (Mature Oak) covered by TPO 19 (Whittle le Woods) 2011 to be replaced with 12 heavy standard trees within this part of the site

Suggested Conditions

To follow.



purpose

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project

Lady Crosse Drive, Whittle-le-Woods

drawing title

Location Plan

scale @ A3 1:1000

date 27.03.2017

dm DM chkd GT

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Original paper size (A3) 420x297mm

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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 refused.

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 and an appeal dismissed.

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. Three letters of objection has been received from a representative acting 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:

- *buildings for agriculture and forestry;*
- *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;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
 - *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.*
12. The use of the site would be for private recreational purposes for the keeping of horses and falls to be considered as a facility for outdoor recreation, in accordance with the definition in the Framework outlined above, and is identified as an exception to inappropriate development in the Green Belt under bullet point two of paragraph 89. However, bullet point two states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
13. A recent High Court case *R. (on the application of Boot) v Elmbridge Borough Council* [2017] concludes that paragraph 89 of the Framework does not permit any harm at all to the openness of the Green Belt. A development that would have any adverse impact on openness would not comply with a policy that required openness to be maintained or preserved. The decision-maker therefore has no latitude to find otherwise. There would have to be very special circumstances to justify a grant of planning permission.
14. It is noted that a very recent appeal decision of *Mr G Clennell versus West Lancashire Borough Council* [2017] for private stables in the Green Belt was allowed with the Inspector effectively reading into paragraph 89 of the Framework discretion to permit limited harm to openness. The *Elmbridge* case states quite clearly that there is no latitude to justify any harm to openness. It is considered the *Elmbridge* case carries more authority than the appeal decision as it is a High Court case.
15. Any harm to the openness of the Green Belt therefore means that the test in bullet point two of paragraph 89 cannot be met. A new building in this location would inevitably have an impact on openness and therefore could only be considered inappropriate in relation to bullet point two.
16. The proposed stables building would replace an existing stables building on the site and therefore has the potential to engage with bullet point four of paragraph 89, which allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Given that the site is in equestrian use currently there is also the potential to engage with bullet point six of paragraph 89. This allows for 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.
17. Whether the proposed building has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings 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. 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.
18. The proposed stables building would be significantly larger than the existing stables building that it would replace both in terms of its volume and footprint. As such it is considered to be materially larger, and therefore it must be concluded that the proposed building has a greater impact on openness than the existing development. On this basis it would not be an exception under bullet point four or six of paragraph 89 and would therefore be inappropriate development in the Green Belt.

19. As it has been established, that the redevelopment of part of the site with a stables building of the scale proposed is inappropriate development in the Green Belt, which result in definitional harm to the Green Belt, any other harm caused by the development must also be considered and added to the definitional harm.
20. There are five purposes of the Green Belt as set out in the Framework:
80. Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
21. Considering each in turn:
22. Purpose 1 (to check the unrestricted sprawl of large built-up areas)
The application site is located approximately 90m from the settlement area of Higher Wheelton, and is a considerable distance from any large built up areas. It is not considered the application proposals represent unrestricted urban sprawl as the site is bound by development to the north and to the south lies the yard and buildings of Laneside Farm. The development of the site would not therefore result in development 'sprawl'. It would be contained within the existing site.
23. Purpose 2 (to prevent neighbouring towns merging into one another)
The development of the site would not result in neighbouring towns merging into one another.
24. Purpose 3 (to assist in safeguarding the countryside from encroachment)
The site is considered to be previously developed land, as it is already developed with a stable building and some hardstanding. The development of the application site would, however, result in development encroaching into the countryside as the proposed building is larger and is positioned further into the site from the lane, whereby it would result in an incursion of built form within the undeveloped part of the paddock area in the Green Belt.
25. Purpose 4 (preserve the setting and special character of historic towns)
The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.
26. Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)
This purpose does not apply as it is not considered that derelict or urban land is suitable for the siting of stables.
27. On the basis of the above it is considered that there would be other harm to the Green Belt caused by the harm to purpose 3 of including land in the Green Belt, as the proposed development would result in a degree of encroachment into the countryside.
28. As the proposed development would result in definitional harm to the Green Belt and other harm through encroachment there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Green Belt balancing exercise

29. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and there is considered to be other harm to one of the purposes of including land in the Green Belt caused by encroachment into the countryside.

30. It is considered that there would not be any further harm in terms of visual impact or in terms of other technical matters (discussed below).
31. In terms of the very special circumstances the applicants agent has set out the following;
32. The applicant owns three Clydesdale horses, which are significantly larger animals than standard horses. The existing stables building on the site was originally built as one stable and tack room. The stable was originally for a very small pony which was 11 hands in size so although it was very small it was adequate for this size of horse. The structure of the existing stable is entirely made of wood with a wood floor built on railway sleepers with little stability to the whole structure. The Clydesdale horses are predicted to grow up to 19 hands and 1 ton in weight. They are significantly larger and more powerful than the horses that the stables were designed to accommodate.
33. It is advised currently, one horse is being left outside due to there not being sufficient stables for all of them. He is suffering from mud rash due to the muddy conditions of the wet muddy land in winter so new stables are very much a priority.
34. It could well be argued that the current situation could well bring the attention of the RSPCA. The well-being of the animals is at risk and fundamentally the proposed development is both necessary and proportionate.
35. Other buildings within the overall site are not suitable or are not within the applicant's ownership and serve other current and future purposes.
36. It is recognised that the stables have been designed to reflect the size of the Clydesdale horse breed that are the specific subject of this application, and that the accommodation included is the typical minimum associated with private stables. This is largely in line with the Central Lancashire Rural Development Supplementary Planning Document (SPD). This document is a guide for development in rural areas and does not specify what is acceptable in the Green Belt, and nor does it override national policy on Green Belts. The existence of such an SPD cannot be considered a very special circumstance.
37. It is understandable and logical that the applicant would wish to place their horses in appropriately sized and suitable stables. However, it is considered that this is a circular argument because the applicant would therefore always be able to justify additional stabling merely by taking on additional horses.
38. Although there is sympathy with the applicant's case, in that he wishes to provide new accommodation to provide greater comfort and improved welfare for his animals, it is not considered that these matters amount to the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment, which must be accorded substantial weight in line with the Framework.

Technical Matters

Details of the proposed development

39. The Central Lancashire Rural Development SPD sets out more detailed guidance in relation to the type of equestrian development that would be suitable in rural areas. The SPD sets out matters relating to scale, siting, design, site treatment, highway safety and reinstatement. These are assessed below:
40. 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.
41. 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.

42. 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 stable building is of a typical appearance for private stables.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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

48. 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

49. 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

50. The proposed stables building would be inappropriate development in the Green Belt and would result in other harm to the Green Belt through the degree of encroachment into the countryside. The design and scale of the stables building is appropriate in the context of the circumstances of the horse breed involved (Clydesdales) and is consistent with a private stables development, however, this does not overcome the harm to the Green Belt. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. It is therefore recommended that the application be 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: 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 Appeal Dismissed **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.

Reason for Refusal

The proposed stable building would be inappropriate development in the Green Belt and therefore harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.

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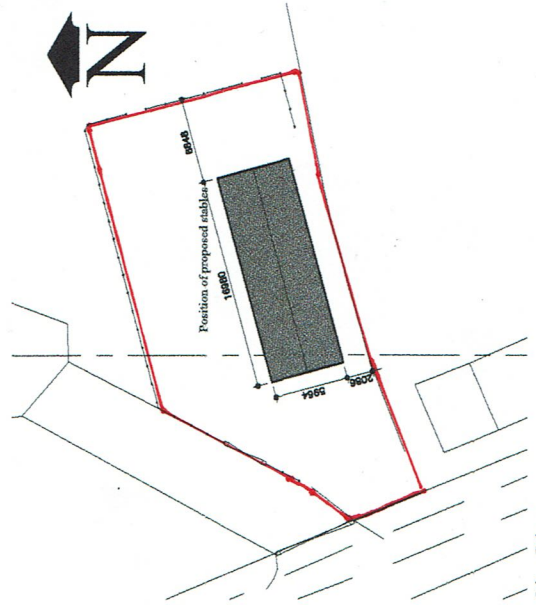
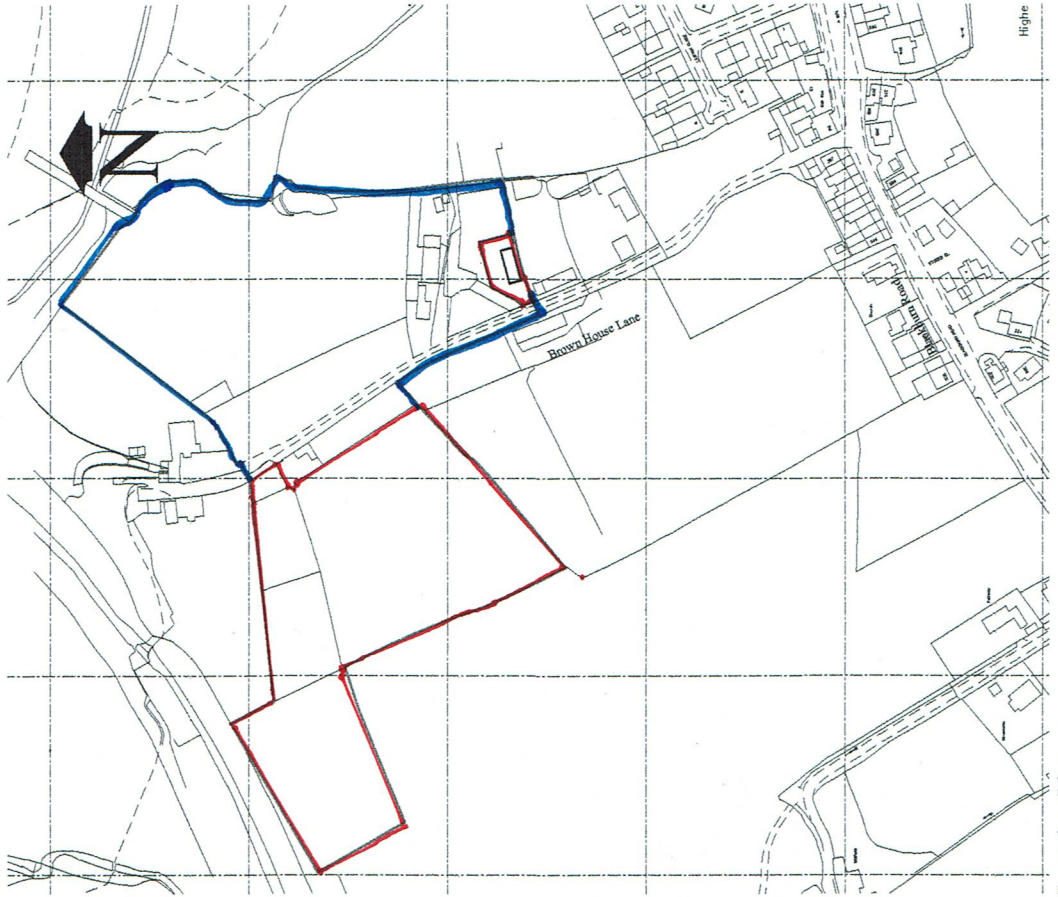


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Project
Proposed Replacement Stables, Laneside
Farm, Brown House Lane, Higher Wheelton,
Chorley PR6 8HR

Drawn	CJW	Date	06/17	Scale @ A1	1:50 1:500	Drawing No.	125/PL/01	1 of 2
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APPLICATION REPORT – 17/00483/FUL**Validation Date: 5 May 2017****Ward: Heath Charnock And Rivington****Type of Application: Full Planning****Proposal: Demolition of existing equestrian centre and replacement with three dwellings****Location: Liptrot Farm Gilbertson Road Heath Charnock Chorley PR7 4DJ****Case Officer: Mike Halsall****Applicant: Mr & Mrs Mason****Agent: SDA Architecture Ltd****Consultation expiry: 31 May 2017****Decision due by: 12 October 2017**

RECOMMENDATION

1.1 The application is recommended for approval.

SITE DESCRIPTION

1.2 The application site is located in Heath Charnock, accessed off Rawlinson Lane to the west. The site is surrounded by agricultural land with sporadic housing along Rawlinson Lane. The site currently houses a number of interconnecting stable buildings with associated hardstanding and exercise areas.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the demolition of the existing stable buildings and the erection of three detached dwellings. The originally submitted proposal was for the erection of four dwellings, however, the case officer requested the removal of one of the dwellings as it was considered to impact upon the openness of the Green Belt.

RELEVANT HISTORY OF THE SITE

Ref: 11/01041/AGR **Decision:** WDN **Decision Date:** 12 December 2011
Description: Agricultural Prior Notification application for the levelling of existing depressions using top soil, sub soil, demolition waste and rubble to make the land safe for horses.

Ref: 5/1/01662 **Decision:** PERFPP **Decision Date:** 15 February 1961
Description: Residential development.

Ref: 93/00307/FUL **Decision:** PERFPP **Decision Date:** 6 July 1993
Description: Erection of conservatory and extension to house swimming pool

Ref: 91/00538/FUL **Decision:** REFFPP **Decision Date:** 29 October 1991
Description: Conversion of barn to form three tourist cottages in association with horse riding facilities

Ref: 90/00343/FUL **Decision:** PERFPP **Decision Date:** 4 September 1990
Description: Alterations etc. to former agricultural buildings to form stables and indoor riding facilities

Ref: 90/00342/FUL **Decision:** REFFPP **Decision Date:** 8 January 1991
Description: Conversion of barn into 3 tourist cottages to use in association with horse riding facilities

Ref: 90/00238/FUL **Decision:** PERFPP **Decision Date:** 29 June 1990
Description: Erection of detached garage

Ref: 89/00509/FUL **Decision:** PERFPP **Decision Date:** 7 November 1989
Description: Demolition of existing farmhouse and construction of a new house

Ref: 78/00184/FUL **Decision:** PERFPP **Decision Date:** 11 April 1978
Description: Extensions and alterations

Ref: 77/00007/OUT **Decision:** REFOPP **Decision Date:** 1 March 1977
Description: Outline application for dwelling

REPRESENTATIONS

- 1.4 Two letter of representation were received which neither object nor support the proposed development but request that the impact from the removal of trees be taken into consideration in terms of privacy, setting and openness of the Greenbelt, and in conjunction with the Governments National Planning Policy Framework.
- 1.5 There has been five letters of objection received in relation to the proposed development which highlight the following issues:
- The scale of this development and its impact on the area are too overwhelming in the Green Belt location
 - The proposal would constitute a small housing estate which would not meet the conditions of Green Belt or use of land for agricultural purposes
 - Other houses would be allowed to be built in the future
 - Such developments would also bring about light pollution
 - Road safety from additional vehicles turning onto Gilbertson Road
 - More houses will be built there if this proposal gets permission
- 1.6 All of the above issues, where considered to be a material planning consideration, are dealt with below within the Planning Considerations section.

CONSULTATIONS

- 1.7 Parish Council – initially responded to state that *“the Parish Council does normally try to protect sites within the greenbelt from development as a matter of principle to maintain its character, openness and to protect the countryside. As discussed at last night's Parish Council meeting which the applicant attended, the proposed 4 dwellings will be within the foot print of the current buildings of the farm site. Once these are demolished, the site is technically a brownfield site. The Parish Council notes that there are no objections on highway grounds from Lancashire County Council. The Parish Council concluded that in determining this application, Chorley Council as the Planning Authority should be guided by the response of local residents to this proposed development.”*
- A second response was then received to state that *“Some of the Parish Councillors have now had chance to study in more detail the proposals. Some concern has been expressed about the size and scale of the proposed 4 properties and whether the development might be 'overbearing'. However as stated previously the Parish Council believes that the views of Residents and the Local Planning Authority should be taken into account to determine the application.”*

- 1.8 CIL Officers – responded to state that the proposal is CIL liable.
- 1.9 Lancashire County Council Archaeology Service – responded to note that one of the buildings to be demolished is of some historical interest, probably dating from the first half of the 19th century, having undergone a number of changes in response to changes in agricultural practices and economics throughout the late 1800s and early years of the 20th century. As a result, LCC Archaeology Service suggest a condition be attached requiring the recording of the building prior to its demolition.
- 1.10 The Coal Authority – responded with standing advice. This involves a requirement for the Council to include an informative on the planning decision.
- 1.11 Canal & Rivers Trust – responded to state that it has no comments to make.
- 1.12 Environment Agency – responded to state that it has no comments to make.
- 1.13 Greater Manchester Ecology Unit – responded to the consultation to suggest planning conditions be attached to control lighting, protect nesting birds, Great Crested Newts and provide biodiversity enhancements. With regards to bats, the ecology unit outlined to duties of the Local Planning Authority with regards to ensuring compliance with nature conservation legislation. This resulted in additional information being requested from the applicant. This is explained in more detail beneath the Ecology heading of the Planning Considerations section below.
- 1.14 Lancashire Highway Services – responded to state that the proposal is acceptable in principle from highways point of view, however, given the narrow width of the existing site access, two passing places should be provided at suitable locations along the access. Highway Services has suggested a planning condition be attached accordingly.
- 1.15 Health & Safety Executive – responded to state that it has no comments to make.
- 1.16 Lead Local Flood Authority – did not respond to the consultation. It is considered that a sustainable drainage condition could be attached to any grant of planning condition.
- 1.17 Tree Officer – responded to recommend that the mature and semi-mature oak trees along the southern boundary of the access road, outside the site, are protected during construction works. A condition can therefore be attached requiring this.
- 1.18 United Utilities - Suggests that; should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction commences 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.

PLANNING CONSIDERATIONS

Principle of the proposed development

- 1.19 The application site is located within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
- 1.20 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.

1.21 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:

- buildings for agriculture and forestry;
- 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;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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.

1.22 Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:

The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:

In the case of re-use

- a) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;
- b) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.

In the case of 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.

1.23 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:

1.24 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.

1.25 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. The application site includes a number of existing buildings in use as stables and garage/storage buildings. It is considered that the proposed development falls within the definition of previously developed land.

1.26 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'.

1.27 In terms of scale, given the site is in the Green Belt, the starting point is what exists on the site at the present time. Whether the proposed dwelling has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.

1.28 The proposed dwellings would have a combined reduced volume of approximately 2,600 cubic metres compared to that of the existing buildings to be demolished. The floor area, in terms of buildings, would be increased by approximately 500 square metres. It is therefore considered that, on balance, the proposal would have no greater impact upon the openness of the Green Belt than what currently exists. The proposal is therefore not considered to be inappropriate development in the Green Belt.

Mineral Safeguarding Area

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 As this site is already developed, any mineral resource which located beneath the site will have already been sterilised. There is therefore no conflict with policy M2 of Lancashire County Council's Site Allocation and Development Management Policies document.

Ecology

1.31 The applicant has submitted an ecological assessment in support of the proposed development which includes a number of site surveys and proposed mitigation measures for any disturbance caused to protected species. The surveys of the buildings to be demolished found a small common pipistrelle roost and a day roost for brown long-eared bats. All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. Since bats have been found on this site, under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), which enacts the Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats. Before a licence can be granted three tests must be satisfied. These are:

- i) That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- ii) That there is "no satisfactory alternative";
- iii) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

- 1.32 In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered. All three tests must be satisfied before planning permission is granted on a site. During the licence application process Natural England will ask the local planning authority for evidence that the above three tests were properly considered during the determination of the planning application. The first two tests are essentially land-use planning tests. As regards the third test, the Greater Manchester Ecology Unit (GMEU) has stated that the roosts found are small, of a relatively common bat species and compensation for any possible disturbance to bats should be straightforward.
- 1.33 The applicant submitted further information in order to demonstrate compliance with the three tests. In summary, this stated the following:

Public Interest

- The whole application site falls within Green Belt. The demolition of the tall equestrian buildings which create a “large bulk” will reduce the volume of the existing built form on site and increase separation. This is thought to provide a public benefit by improving the aesthetics of the site and creation of open spaces, including grassed areas, within the Green Belt. The enhancement of the appearance of the site is regarded as a primary benefit which overrides and outweighs the already determined and accepted low scale harm to roosting bats.
- The amended proposals comprise development on previously developed land and are therefore compliant with the NPPF (paragraph 89 and associated definitions).
- The construction of new dwellings on the previously developed area of the Green Belt is an appropriate alternative use for the site, in this case, to meet the needs of Mr and Mrs Mason.
- The site has operated as an equestrian centre and stud since 1990s. However, there has been a national decline in the demand for riding stables. As reported by the National Equestrian Survey 2015, whilst there have been some stable figures in relation to younger riders, “The overall number of those who ride has fallen, from 3.5 million in 2011 to 2.7 million in 2015. There has been a decline in regular riders, from 1.6 million in 2011 to 1.3 million in 2015”.
- The operating business at Stepol Stud has not been immune to these declines and the business is not projected to be commercially viable. Mr and Mrs Mason have operated the business successfully but the combination of demise in demand and increasing costs are becoming prohibitive in the long-term.
- The redevelopment of the equestrian centre area of the site provides an alternative use that is appropriate for the setting / location, satisfies the requirements of the Green Belt policies and is acceptable to Mr and Mrs Mason (as they will continue to reside at the site).
- The proposal meets the need for Mr and Mrs Mason to continue to reside at the site and be absolved of the increasingly burdensome concerns with regard to the decline in the equestrian business.

Alternatives

- The redevelopment of the equestrian centre area of the site to low density housing is the most appropriate option to meet the identified need
- To satisfy the requirements for this test, the following reasonable alternatives have been considered as part of this assessment.
 - Conversion of the buildings to dwellings (rather than demolition) would not achieve the benefits to the aesthetics of the Green Belt as outlined above. Conversion would also have the same impact on bats as demolition and redevelopment.
 - The access, location and size of the site does not lend itself to use by any other type of business. In addition, owing to the Green Belt status at the site it may not be possible to obtain planning permission for a change of use. Similarly, Mr and Mrs Mason wish to continue to reside at the site so the alternative use of

the site by another business would have to be compatible and acceptable to them.

- The current proposed site design satisfies the requirements of the relevant Green Belt planning policies and will achieve an attractive residential site that is complementary to the surrounding rural area and existing properties. The proposals are the most appropriate design for the site.
- The do-nothing option is not viable. Mr and Mrs Mason wish to retire from the equestrian business. Sale of the business is not a financially viable option. Similarly, as Mr and Mrs Mason wish to continue to reside at the site, the operation of the business by others is not an acceptable prospect.
- If the equestrian business was closed but the vacant buildings were retained, Mr and Mrs Mason would continue to have the liability of the vacant buildings. In the absence of any business at the site to finance repairs, the buildings would become derelict and possibly dangerous. In the long-term the conservation of bats at the site could not be guaranteed as the buildings may become too draughty and dilapidated and unsuitable for use by roosting bats.
- The controlled demolition and redevelopment outlined in the proposed scheme will secure the long-term provision of opportunities for use by roosting bats at the site.
- In addition, in the absence of the proposals, the benefits of improving the aesthetics in this local area of the Green Belt would not be achieved and the site is likely to become unsightly.

1.34 The applicant's arguments for the proposals being in the public interest and there being no suitable alternative are considered to be finely balance in terms of the test. However, in appraising the proposals compliance with the three tests, it is a key consideration that the roosts found are small and of a relatively common bat species and the Ecology Unit has stated that compensation for any possible disturbance to bats should be straightforward. Natural England's guidance note on this issue states that "*Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned.*" The Ecology Unit has also stated that it is likely Natural England would grant a license for the proposed development. It is therefore considered that, on balance, the tests have been met and the proposal is acceptable in terms of its ecological impacts, subject to the implementation of mitigation measures, to be controlled by planning condition. The applicant has submitted revised drawings which identify the location for bat roosting features to be incorporated into the proposed development.

Open Space

1.35 The Development Plan requires affordable housing / public opens space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

1.36 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 (i.e. 11 or less) 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).

1.37 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 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.

1.38 The Councils agreed approach for developments of 10 dwellings or less is to only seek contributions towards provision for children/young people. There is a deficit of provision of this typology in Heath Charnock therefore a contribution towards new provision would

normally be required however there are no identified schemes for new provision in the settlement/ward. A contribution is therefore not required from this development.

- 1.39 There are no sites within the accessibility catchment (800m) of this site that need improving therefore a contribution towards improvements is also not required.

Design and Amenity

- 1.40 Policy BNE1 of the Chorley Local Plan states 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.

- 1.41 The proposed dwellings, in terms of their design, are considered acceptable. The final appearance of the dwellings and use of materials can be controlled by condition to ensure they are consistent with the setting.

- 1.42 The orientation and positioning of the dwellings would ensure there would be no harm from overlooking, overshadowing or overbearing between the three properties. In light of the above and the remote location of the site, there would be no conflict with policy BNE1 of the Local Plan.

Highway Safety and Parking

- 1.43 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 which would be parking for four cars for each dwelling. It is considered that there is adequate space within the site for the parking of 12 cars. As such, it is considered there would be no conflict with this policy.

- 1.44 Lancashire Highway Services has responded with no objections to the planning application and so it is considered that the effects upon highway safety and parking would be acceptable.

Community Infrastructure Levy

- 1.45 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

- 1.46 The proposed dwelling is not considered to have a greater impact upon the openness of the Green Belt, compared to what currently exists. As such, the proposal does not represent inappropriate development in the Green Belt. The proposal is considered to be of an appropriate scale and design and would not unacceptably impact upon the amenity of neighbouring occupants or the environment. The proposal is therefore 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
Site Plan as Existing	(S)2-01-PP	4 May 2017
Site Plan as Proposed	(S)2-02-PP	26 September 2017
Granary Site Plan as Proposed	(P)4-04-PP	4 May 2017
Granary Site Plan as Proposed	(P)4-05-PP	4 May 2017
Granary Site Plan as Proposed	(P)4-06-PP	4 May 2017
Granary Elevations as Proposed	(E)5-04-PP	26 September 2017
Hayloft Site Plan as Proposed	(P)4-01-PP	4 May 2017
Hayloft Elevations as Proposed	(E)5-01-PP	26 September 2017
Barn Site Plan as Proposed	(P)4-03-PP	4 May 2017
Barn Elevations as Proposed	(E)5-03-PP	26 September 2017

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

3. Prior to the commencement of development 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.

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

4. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological recording and analysis. 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 building.

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

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

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

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

7. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate,

has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

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

8. No part of the development shall be occupied or brought into use until details of the passing places have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the approved details have been implemented on site. The approved passing places 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.

9. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements or other approved materials.

Reason: To prevent loose surface materials from being carried on to the public highway thus causing a potential source of danger to other road users.

10. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of the development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

11. 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. This is required to be pre-commencement as drainage systems typically are required to be integrated with the groundworks

12. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. This shall include those located to the south of the access road.

Reason: To safeguard the trees to be retained.

13. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly

demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect a European Protected Species.

14. A biodiversity enhancement plan shall be submitted to and approved in writing by the LPA, prior to the first occupation of the dwellings. The content of the plan should include details of the proposed pond. The approved plan will be implemented in accordance with the approved details.

Reason: In order to enhance the site's biodiversity value.

15. No works to or demolition of buildings or structures or clearance of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to prevent any disturbance to nesting birds.

16. Prior to the commencement of the development hereby permitted, a method statement detailing the Reasonable Avoidance Measures (RAMs) to be adopted in order to avoid and/or minimize any unforeseen disturbance impacts on local Great Crested Newt populations during the course of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the RAMs detailed in the approved method statement.

Reason: In order to protect a European Protected Species. This is required to be a pre-commencement condition as disturbance is most likely to occur during the construction phase.

17. Prior to the commencement of the development hereby permitted, a method statement including full details of the compensation and mitigation measures for the site, including alternate bat roost provision. The development shall only be carried out in accordance with the approved method statement.

Reason: In order to protect a European Protected Species. This is required to be a pre-commencement condition as disturbance is most likely to occur during the construction phase.

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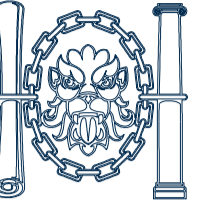
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PR16 7HE



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Web: www.sdaarchitecture.co.uk

Company Registration: 6331867

VAT Registration: 183 9667 63

Project Information:

Client: Mr. Mason

Project Title: New Dwelling Homes

Project Address: Seppel Farm

Project Stage: Planning Permission

Date of Drawing: 30.11.2016

Drawn By: SW

Checked By: SLP

Drawing Sheet Size: A1 (841 x 594)

Drawing Scale: 1:500

Site Area Hectare: 0.93

Extension Area CE (m²):

Drawing Title:

Site Plan, as 'Surveyed Existing'

Job Number: Drawing Number: Revision:

0270 (S)2-03-PP -

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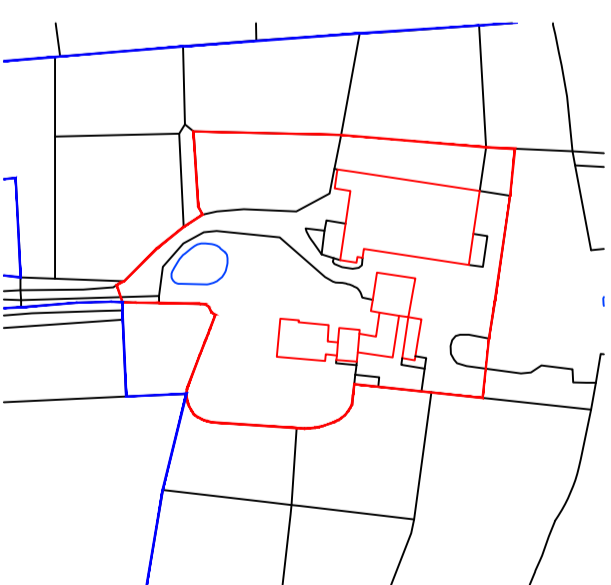
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Drawing Revisions

Rev. Date Description

Agenda Page 61

Site Ordinance Survey: 1:2500



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Agenda Item 31



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APPLICATION REPORT – 17/00688/CB4

Validation Date: 19 July 2017

Ward: Adlington And Anderton

Type of Application: Chorley Regulation 4

Proposal: Extension of existing car parking facility for Fairview Youth & Community Association. Provision of 22 parking spaces on land adjacent to the Centre.

Location: Fairview Youth And Community Centre Highfield Road North Adlington Chorley PR6 9RN

Case Officer: Mike Halsall

Applicant: Mrs Andrea Barnard

Agent: N/A

Consultation expiry: 14 September 2017

Decision due by: 13 October 2017

RECOMMENDATION

1.1 The proposal is recommended for approval.

SITE DESCRIPTION

1.2 The application site is located on an area of grassland which surrounds Fairview Youth & Community Centre, located off Highfield Road North, Adlington.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the installation of an area of hardstanding to provide an additional car parking area to serve the community centre. An additional 22 standard parking spaces and 2 disabled spaces would be provided, bringing the total on-site to 43 and 4, respectively.

RELEVANT HISTORY OF THE SITE

Ref: 04/01061/FUL **Decision:** PRRRTF **Decision Date:** 19 November 2004

Description: Retention of two 6m lighting columns in car park

REPRESENTATIONS

1.4 One objection email has been received which raises the following concerns:

- Waste of tax-payers money, existing car park is never full;
- The car park would not be used by residents;
- The site is an old landfill and no building work is allowed due to potential release of noxious gases;
- Money could be spent more wisely on retaining green space.

- 1.5 Whether or not the proposal is the best use of public money is not a material consideration of this planning application. The issue of the loss of public open space is considered below.

CONSULTATIONS

- 1.6 CIL Officers – On approval, this development would not fall CIL Liable.
- 1.7 Lancashire Highway Services – no response received.
- 1.8 Environment Agency – responded to state that the previous use of the proposed development site as a waste landfill presents a risk of mobilising contamination during construction that could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is on a Secondary B aquifer.

Given the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the National Planning Policy Framework.

- 1.9 Lead Local Flood Authority – has responded to state it has no comments to make.
- 1.10 Lancashire County Council Public Rights Of Way – include an informative.

PLANNING CONSIDERATIONS

- 1.11 The site falls within the settlement boundary of Adlington 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.
- 1.12 The proposed car park would be located within the grounds of a community centre which it would serve and amenity impacts would be minimal. Surface water management could be controlled by a suitably worded planning condition requiring the construction materials to be permeable to prevent surface water flooding.
- 1.13 The site is located within an area of existing open space, controlled by policy HW2 of the Local Plan. The policy seeks to protect land currently or last used as open space unless alternative provision is made. The proposal is for an additional area of car parking which would support the wider use of the site as open space and there would therefore be no conflict with policy HW2.
- 1.14 In light of the above, it is considered that there would be no conflict with policy V2 or HW2 of the Local Plan providing that a commuted sum is provided by the applicant through a legal agreement. The proposal is therefore acceptable.

CONCLUSION

- 1.15 The proposal 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
Site Location and Layout Plan	1226-01	19 July 2017

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

3. Notwithstanding the details shown on the submitted plans, the proposed car park shall be constructed using permeable materials on a permeable base.

Reason: To prevent flooding.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

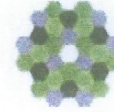
1. A preliminary risk assessment which has identified:
 - a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors; and
 - d. potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 109 of the National Planning Policy Framework. This is required to be pre-commencement as initial site works could give rise to pollution risks

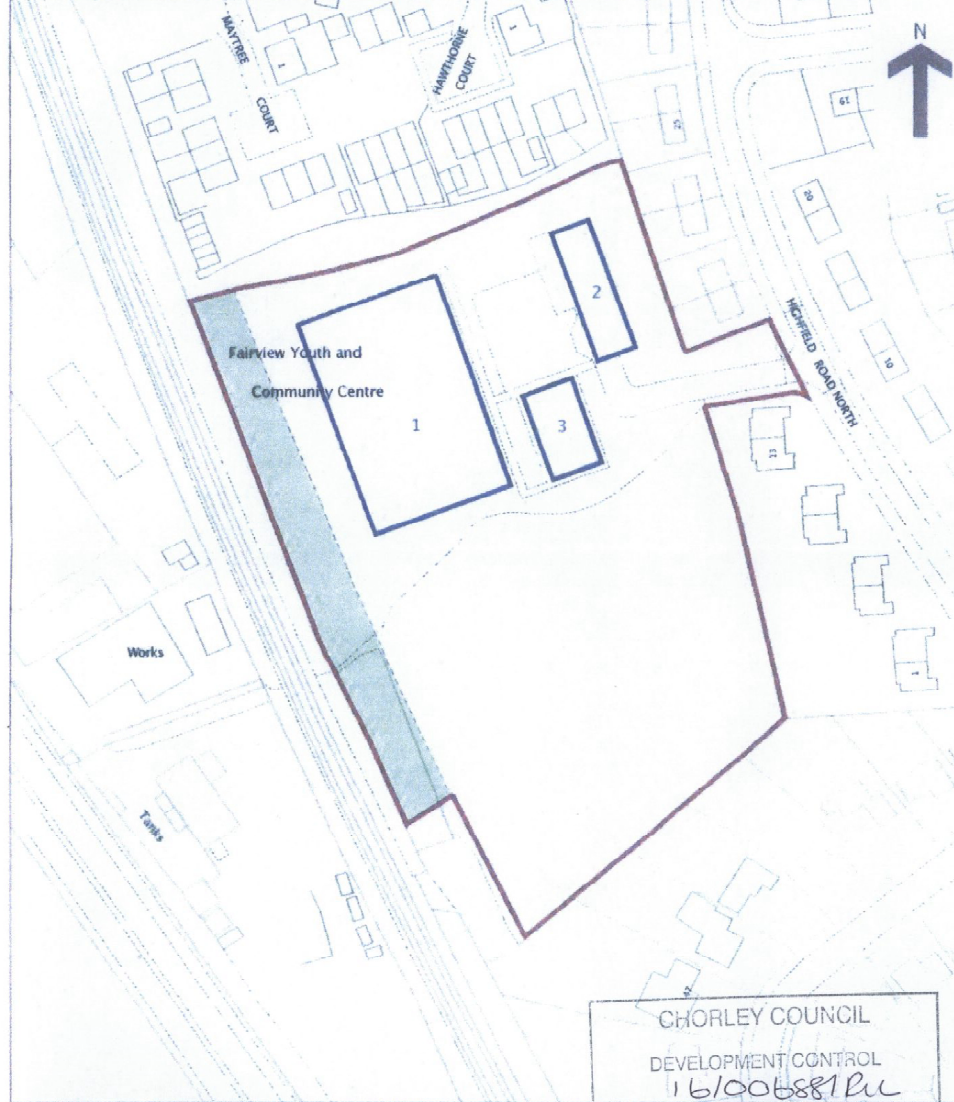
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Land Registry
Official copy of
title plan

Title number LAN15580
Ordnance Survey map reference SD5913NE
Scale 1:1250
Administrative area Chorley



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CHORLEY COUNCIL	
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APPLICATION REPORT – 17/00642/FUL

Validation Date: 3 July 2017

Type of Application: Full Planning

Proposal: Demolition of existing garage, sheds and stables and erection of a new detached house

Location: Land Adjacent To 46 Cross Keys Drive Cross Keys Drive Whittle-Le-Woods

Case Officer: Mike Halsall

Applicant: Mr David Rothwell

Agent: N/A

Consultation expiry: 17 August 2017

Decision due by: 13 October 2017

RECOMMENDATION

1.1 Approve full planning permission.

SITE DESCRIPTION

1.2 The application site forms a corner plot between No. 46 Cross Keys Drive to the south and No. 48 to the west, within Whittle-le-Woods. The site is bound by a Public Right of Way located between the site and No. 46 Cross Keys Drive. The site is flanked by trees to the north, east and west. The land slopes upwards to the east and there is a historic quarry face to the north. The site currently contains a stables building, garage and storage sheds.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the demolition of existing buildings and the erection of a two storey, 4 bedroom dwelling. The initial planning application submission was for a 5 bedroom dwelling, however, at the request of the planning officer, the proposed dwelling was reduced in scale to comply with planning policy and neighbours were re-consulted on this basis. This is explained in more detail within the Planning Considerations section below.

RELEVANT HISTORY OF THE SITE

Ref: 05/00787/COU **Decision:** PERFPP **Decision Date:** 21/10/2005
Description: Change of use to domestic curtilage and construction of garage building

Ref: 03/01356/FUL **Decision:** PERFPP **Decision Date:** 08/03/2004
Description: Erection of stable block

Ref: 03/00414/COU **Decision:** PERFPP **Decision Date:** 22/09/2003
Description: Erection of detached Stable Block

REPRESENTATIONS

- 1.4 There have been objection letters received from three individuals which raise the following concerns:
- The land is classified as an agricultural small holding with no rights to erect a residential dwelling, no evidence of a change of use application has been seen or received;
 - Concerns in relation to the access point crossing a Public Right of Way and a gate post being removed on No.46 Cross Keys Drive;
 - The application is seeking to build on land not owned by the developer, relating to the site access point from Cross Keys Drive;
 - Overlooking of Nos. 48, 50 and 52 and Carwood Farm
 - Inaccuracies in the application;
 - Waste collections would be impeded for Nos. 48, 50 and 52;
 - Ground contamination from a previous use as disposal site for old paint product and more recently, horse manure;
 - Disruption during construction of vehicles blocking private access road to No. 48 Cross Keys Drive and causing damage to the road;
 - Impacts on trees surrounding the site.
- 1.5 No evidence of the outside storage of manure or ground contamination was noted during the case officer's site visit. To the knowledge of the case officer, the relevant Certificates have been completed by the applicant and notice served on any landowners other than themselves with an interest in the site. All other issues, where considered to be a material planning consideration, are dealt with below.

CONSULTATIONS

- 1.6 Parish Council – No response received.
- 1.7 CIL Officers – response states that this development would be CIL Liable on approval.
- 1.8 Tree Officer Comments - responded to state that the trees in proximity to the site are of low merit apart from a group of semi mature and early mature oak trees to the west of the site boundary screening the site from neighbouring property. These trees are not within the site boundary or the landownership of the applicant and so should not be removed as part of the development. A tree protection plan can be required by planning condition.
- 1.9 Lancashire Highway Services – responded with no objections to the scheme and has recommended a planning condition be attached to require a parking layout plan to be submitted for the approval and an informative in relation to the public right of way.
- 1.10 Greater Manchester Ecology Unit – responded with no objections to the scheme and have recommended conditions for the protection of bats and birds and biodiversity enhancements.
- 1.11 Lancashire County Council Public Rights Of Way – No response received, however, Lancashire Highway Services has responded to suggest an informative be added to the decision notice to ensure that the right of way is not obstructed.
- 1.12 Environment Agency – responded to state it has no comments on the proposal.
- 1.13 Conservation Officer – response states that the proposed development will have no greater impact upon the setting of the nearby listed buildings than is currently the case. Carwood Farm and the attached cottage are grade II listed buildings, however their setting was lost many years ago when both were effectively surrounded by residential development. The proposed development will have no further impact than the existing development that surrounds the listed buildings. The proposal is considered to preserve the appearance of the listed buildings and their setting and to sustain the significance of these designated heritage assets.

The proposed development is therefore considered to be in conformity with S.66 of the

Planning (Listed Buildings and Conservation Areas) Act 1990, S.12 of the National Planning Policy Framework, policy 16 of the Core Strategy and policy BNE8 of the Adopted Chorley Local Plan 2012 - 2026.

- 1.14 The Coal Authority – responded with standing advice. This involves a requirement for the Council to include an informative on the planning decision.

PLANNING CONSIDERATIONS

Principle of the development

- 1.15 The site lies partially within the settlement area of Whittle-Le-Woods but the majority is located on allocated safeguarded land, as defined in policy BNE3 'Areas of Land Safeguarded for Future Development Needs' of the Chorley Local Plan 2012-2026. This application site forms part of a wider parcel known as 'West of M61, Whittle-Le-Woods', BNE3.10. Policy BNE3 states that development other than that permissible in the Green Belt or Area of Other Open Countryside (under Policy BNE2) will not be permitted on Safeguarded Land.
- 1.16 Policy BNE3 is in accordance with paragraph 85 of the National Planning Policy Framework (the Framework) which states that local planning authorities should "where necessary, identify in their plans, areas of safeguarded land between the urban area and the Green Belt, in order to meet longer term development needs stretching well beyond the plan period" and "make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development."
- 1.17 The policy was adopted in July 2015 and the Inspector for the Chorley Local Plan (Oct 2013) concluded that safeguarded land serves an important planning purpose of ensuring the longevity of the Green Belt boundaries.
- 1.18 The proposed development does not meet the requirements of BNE2 because it is not needed for agriculture or forestry, or other rural uses, and nor does it involve the rehabilitation and re-use of existing rural buildings. Therefore, policy BNE3 requires this proposal to be assessed as though it were located within the Green Belt.
- 1.19 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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.
- 1.20 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.
- 1.21 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this, as follows:
- buildings for agriculture and forestry;
 - 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;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or

- 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.
- 1.22 Policy BNE5 of the Local Plan reflects paragraph 89 of the Framework in allowing the reuse, infilling or redevelopment of previously developed sites in the Green Belt, as follows:
- 1.23 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.
- 1.24 The construction of the new dwelling 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.
- 1.25 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. The application site includes a number of existing buildings in use as stables and garage/storage buildings. It is considered that the proposed development falls within the definition of previously developed land.
- 1.26 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’.
- 1.27 In terms of scale, the starting point is what exists on the site at the present time. Whether the proposed dwelling has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings, the footprint of the existing building and the height of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test.
- 1.28 The proposed dwelling would have a volume of approximately 25 cubic metres larger than that of the existing buildings to be demolished. The floor area of built development would be reduced by 75 square metres. On balance therefore it is considered that the proposal would have no greater impact upon the openness than what currently exists. The proposal is

therefore considered to comply with the policies relating to Green Belt and therefore also complies with policy BNE3.

Other Issues

1.29 As explained above, part of the site is located within the settlement area of Whittle-le-Woods for which Policy V2 of the Local Plan applies. 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. Consideration of these issues, where relevant, is provided below.

Design and amenity

1.30 Policy BNE1 of the Chorley Local Plan states 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.

1.31 The proposed dwelling, in terms of its design, is consistent with the other properties on Cross Keys Drive. The final appearance of the dwelling and use of materials can be controlled by condition to ensure it is consistent with its setting. The orientation of the dwelling would follow the trend of the other properties on the road which curve in parallel with the road itself.

1.32 Neither side elevation of the proposed dwelling would contain any windows. The facing side elevation of No. 46 contains a ground floor window but this does not serve as the principal window of a habitable room. The first floor front windows of the proposed dwelling serve as the principal windows of habitable rooms and face the front garden/driveway of No.48. There are however established intervening trees along the site boundary and the proposed dwelling sits at a lower level than No.48. and the windows would be approximately 10m from the common boundary.

1.33 In light of the above, and given the orientation and positioning of the dwelling within the site, there would be no conflict with policy BNE1 of the Local Plan.

Parking

1.34 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 which would be parking for three cars for this particular proposal of a four bedroom dwelling. A condition can be attached requiring the submission of a parking layout plan to be submitted for agreement. As such, it is considered there would be no conflict with this policy.

Public Open Space (POS)

1.35 The Development Plan requires affordable housing / public opens space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

1.36 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 (i.e. 11 or

less) 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.

- 1.37 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 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.
- 1.38 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). 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.
- 1.39 It is considered that the benefit of securing a public open space contribution on the basis of one/two dwellings (which would now be £134/£268) 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.

1.40 Therefore a POS commuted sum is not requested for this scheme.

Community Infrastructure Levy

- 1.41 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

- 1.42 The proposed dwelling is not considered to have a greater impact upon the openness of the Green Belt, compared to what currently exists. As such, the proposal does not represent inappropriate development in the Green Belt. The proposal is considered to be of an appropriate scale and design and would not unacceptably impact upon the amenity of neighbouring occupants. The proposal is therefore 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
Location Plan	000/CKD/SP	1 September 2017
Proposed Plans and Elevations	000/CKD/PL	4 September 2017

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

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

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

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

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

5. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

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

6. Prior to the occupation of the dwelling, particulars showing the provision for the parking of cars and associated manoeuvring areas shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made available in all respects prior to the first occupation of the dwelling to which it is related and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.

7. During the construction period, all trees shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

8. No demolition works shall occur between the 1st March and 31st August unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works commencing and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason: In order to prevent any disturbance to nesting birds.

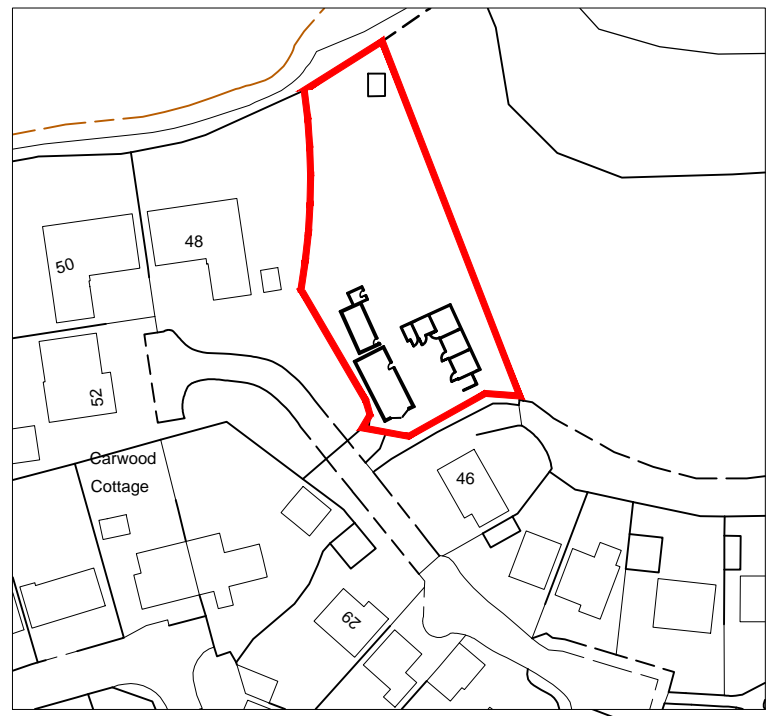
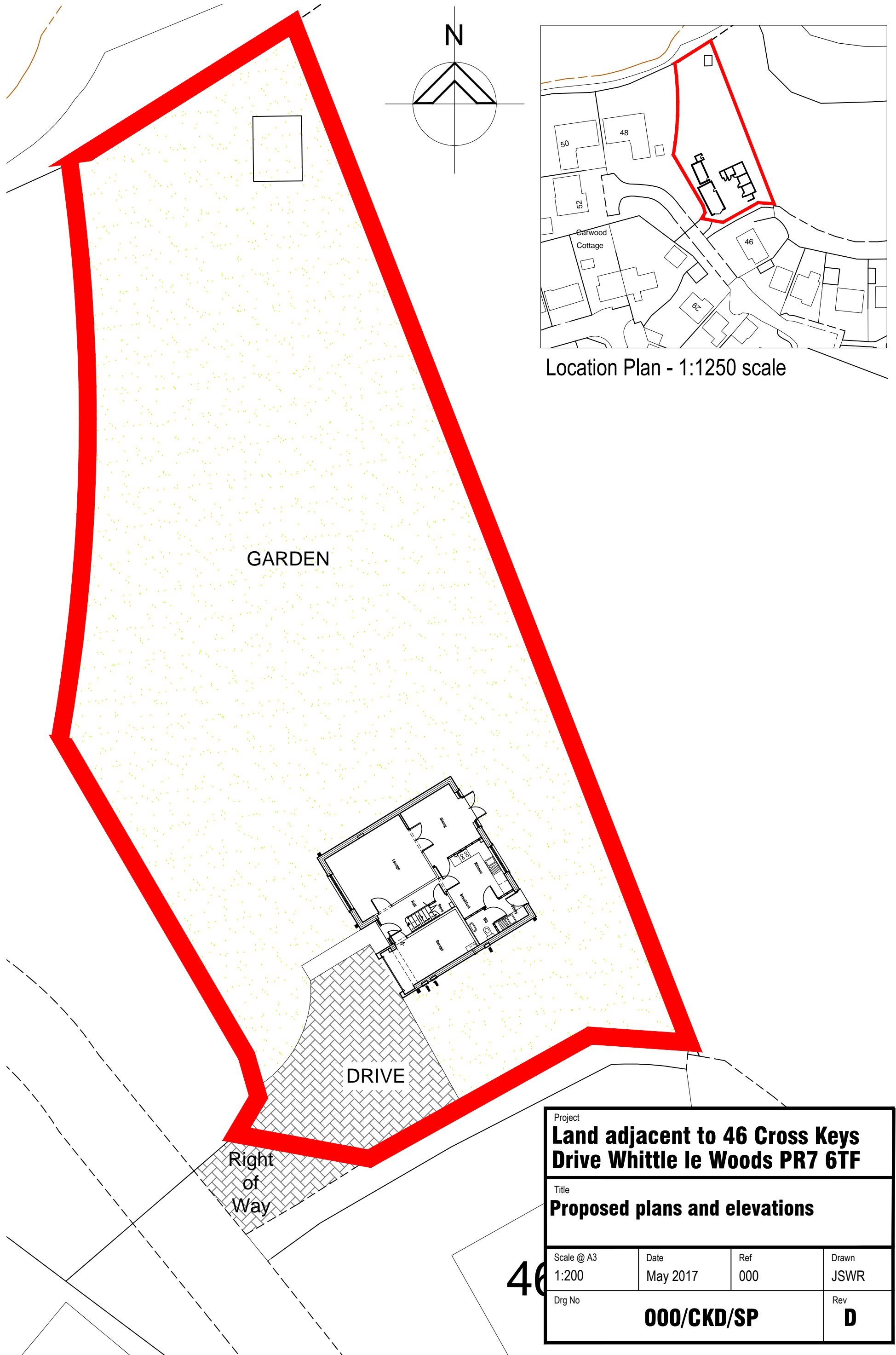
9. As a precautionary measure, the soffit boxes and the wooden cladding on the garage shall be taken down by hand, with care, with the presence of bats borne in mind. If bats are found at any time during any of the works then work should cease immediately and advice sought from a suitable qualified bat worker.

Reason: In order to protect a European Protected Species.

10. A biodiversity enhancement plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include enhancement features for bats and birds (to include bat boxes, bird boxes, bat bricks and native tree and shrub planting). The approved plan will be implemented in accordance with the approved details.

Reason: In order to enhance the site's biodiversity value. This is required to be pre-commencement to offset any disturbance caused during construction works

Land adjacent to 46 Cross Keys Drive Whittle le Woods



Location Plan - 1:1250 scale

Project Land adjacent to 46 Cross Keys Drive Whittle le Woods PR7 6TF			
Title Proposed plans and elevations			
Scale @ A3 1:200	Date May 2017	Ref 000	Drawn JSWR
Drg No 000/CKD/SP			Rev D

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APPLICATION REPORT – 17/00638/CB4

Validation Date: 5 July 2017

Ward: Chorley South East

Type of Application: Chorley Regulation 4

Proposal: Proposed dormer bungalow, attached garage and new highway access on land to the rear of 5 Worcester Place

Location: 5 Worcester Place Chorley PR7 4AP

Case Officer: Mike Halsall

Applicant: Mr Steven Hoyle

Agent: Bolton Planning Practice Limited

Consultation expiry: 6 September 2017

Decision due by: 13 October 2017

RECOMMENDATION

1.1 Refuse full planning permission.

SITE DESCRIPTION

1.2 This application is required to be reported to committee as the land is owned by the council.

1.3 The application site is located in the rear garden of No. 5 Worcester Place, a large dormer bungalow, approximately 2km south of Chorley town centre, to the west of Bolton Road. The garden slopes upwards to the east towards Bolton Road and is bound by trees and shrubs to the eastern and northern boundaries. Worcester Place road is located to the north, the dwelling of 5 Worcester Place is located to the west and the neighbouring residential dwelling of No. 7 Worcester Place.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.4 The proposal is to erect a dormer bungalow with attached garage within the rear garden of No. 5 Worcester Place and create a new access to serve the property from Worcester Road to the north. As can be seen from the planning history section below, there has been previous refusals of planning applications on this site for a new dwelling for the reasons of highways impact and the scale of the proposed dwelling. The applicant has sought to reconcile these issues in this application by proposing a new site access to the north, rather than to the front of No. 5 Worcester Place and by proposing a dormer bungalow, rather than a two storey house.

RELEVANT HISTORY OF THE SITE

Ref: 13/01208/FUL **Decision:** REFFPP **Decision Date:** 17 March 2014

Description: Demolition of existing attached garage, proposed construction of one dwelling on land adjacent to 5 Worcester Place and proposed construction of new garage attached to 5 Worcester Place

Ref: 14/00904/FUL **Decision:** REFFPP **Decision Date:** 1 April 2015

Description: Demolition of part of existing attached garage and proposed construction of one dwelling on land adjacent to 5 Worcester Place and proposed construction of new garage to 5 Worcester Place

REPRESENTATIONS

1.5 There has been 6 objections made objecting to the proposed development which can be summarised as follows:

- The proposal would destroy the nature of the Duxbury Estate and would give a cramped feel;
- Not appropriate on Green Belt land;
- Traffic problems due to vehicles turning into the estate and increase risk of accidents;
- Would cause additional on-street parking within the estate;
- The new driveway would have an adverse effect from cutting down trees and shrubs;
- Subsidence issues;
- Would be out of character with the area and not respect the local context and street pattern;
- Trees along the A6 would be damaged;
- Would set a precedence for the area;
- Contravenes the policies of the Local Plan;
- Noise and air pollution;
- Loss of public open space.

1.6 Noise and air pollution created by the proposed development would be limited and temporary during construction work and negligible afterwards. It is therefore considered that these issues do not require any further consideration within this report. All other issues identified above, where considered to be material planning considerations, are addressed within the Planning Considerations section below.

CONSULTATIONS

1.7 United Utilities – Suggests that; should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction commences 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.

1.8 Lancashire Highway Services – responded to suggest conditions be attached in relation to providing a vehicle turning area, the details of construction materials for the proposed new access point and a restriction on the access being solely from the newly proposed position and not that from 5 Worcester Place. Also suggest that an informative be added to any grant of planning permission of the applicant's duties under the Highways Act 1980.

1.9 CIL Officers – Responded to stat that this development will be CIL Liable on approval as it involves the creation of a new dwelling.

1.10 Canal & River Trust – responded to state it has no comments to make.

1.11 Tree Officer – responded to recommend that a mature oak and a mature sycamore tree in the rear garden be retained. [it is not proposed for either of these trees to be removed as part of the proposed development, a planning condition could be added to any grant of planning permission requiring the protection of these trees during construction work].

1.12 Greater Manchester Ecology Unit – responded to suggest a planning condition be attached to any grant of planning permission to protect nesting birds.

1.13 Property Team – no response received.

PLANNING CONSIDERATIONS

The principle of the proposed development

1.14 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.

1.15 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:

“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.”

1.16 Within Annex 2, the glossary, of the Framework previously developed land is defined as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

- 1.17 In relation to the exception for limited infilling in villages, the proposed site is not located within a village, and is not considered to represent an infill development. Policy HS7 of the Local Plan 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. This section of Worcester Place/ Bolton Road could not reasonably be considered to represent a built-up street frontage as the built-up section of Worcester Place is within the estate and of Bolton Road is on the opposite side of the road. The proposal is situated within neither.
- 1.18 The proposed dwelling would be located within the curtilage of No.5 Worcester Place and so could be considered to represent previously developed land, however the exception in paragraph 89 is for the limited infilling or the partial or complete redevelopment of previously developed sites, 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 purposes of including land within it than the existing development. However, the proposal would cause substantial harm to the openness of the Green Belt in this location and would not therefore fall within this exception. The 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.
- 1.19 No very special circumstances have been presented by the applicant which outweigh the harm caused to the Green Belt by inappropriateness and so the proposal is unacceptable in principle in this location.
- 1.20 Policy BNE5 of the Adopted Chorley Local Plan 2012-2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows: The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the certain criteria are met. The proposal does not relate to the re-use of an existing building or the infill of a partially developed site. The proposal relates to the complete redevelopment of the site and the criteria for redevelopment is as follows:
- 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.
- 1.21 It could not reasonably be concluded that the proposed development would maintain or enhance the appearance of the site as it would introduce a new dwelling to a site currently used as a well maintained residential garden. The proposal therefore conflicts with Policy BNE5 of the Local Plan.

Design and amenity

- 1.22 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.
- 1.23 The proposal relates to the erection of a dormer bungalow with an attached garage. The proposed dwelling would occupy a similar footprint to that of No.5 Worcester Place and, whilst would be slightly taller (circa. 1m) in overall height to ridge than No.5 and some other properties in the area, it is not considered that the proposal would have a significant detrimental impact upon the surrounding area in terms of the criteria listed within part a) of Local Plan policy BNE1.

- 1.24 The proposed dwelling contains habitable room windows within its rear elevation; however, the property is orientated so these do not directly overlook the rear garden of No.5 Worcester Place. There are no habitable room windows proposed within the side elevation, facing No.5 and the gable elevation does not face any windows of No.5. No.5 contains a dormer window of a habitable room at first floor level which would overlooks the rear garden of the proposed dwelling, however, the window is located some 9m from the common boundary. The separation distances of the proposed dwellings with neighbouring properties is in keeping with those specified within Chorley Council's Householder Design Guidance Supplementary Planning Document (SPD) 2017. The proposal is therefore considered to comply with policy BNE1 of the Local Plan.

Provision of parking spaces and highway safety

- 1.25 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. On-site parking for four cars would be required and there is likely to be sufficient space on-site for this. Lancashire Highway Services has requested a condition be attached to ensure adequate vehicle turning space is provided. The proposal meets the Council's standards for four bedroom properties as set out in Policy ST4.

Public Open Space

- 1.26 The Development Plan requires affordable housing / public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
- 1.27 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 (i.e. 11 or less) 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).
- 1.28 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 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.
- 1.29 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). 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.
- 1.30 It is considered that the benefit of securing a public open space contribution on the basis of one/two dwellings (which would now be £134/£268) 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.

1.31 Therefore a POS commuted sum is not requested for this scheme.

CIL

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

CONCLUSION

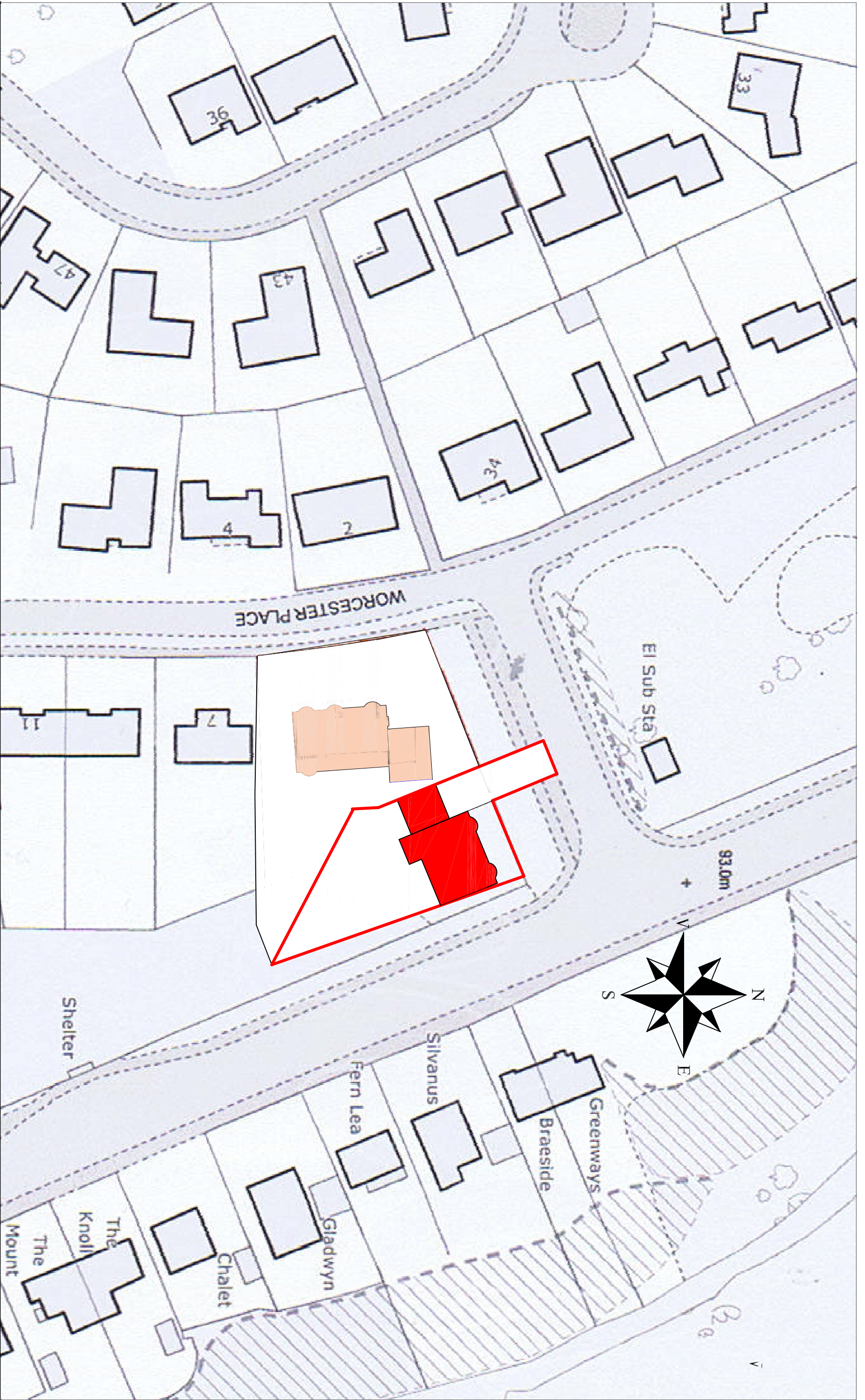
1.33 It is considered that the proposed development is inappropriate within the Green Belt as it would cause substantial harm to the openness of the Green Belt in this location. No very special circumstances have been presented by the applicant to outweigh this harm and so the application is recommended for refusal.

1.34 Furthermore, the proposal would not maintain or enhance the appearance of the site, which is a requirement for the redevelopment of previously developed land, and so conflicts with policy BNE5 of the Adopted Chorley Local Plan 2012-2026.

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. In accordance with Paragraph 87 of the National Planning Policy Framework (NPPF), the proposed dwelling constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the paragraph 88 of the NPPF, 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. No very special circumstances have been presented to outweigh the harm to the Green Belt. The proposed development is therefore contrary to the National Planning Policy Framework and the Chorley Local Plan 2012 – 2026.
2. The proposal would not maintain or enhance the appearance of the previously developed land and so conflicts with policy BNE5 of the Adopted Chorley Local Plan 2012-2026.



Scale: 1 to 1250
Location Plan
Date: 09/12/2016
Drawn: AJW

5, Worcester Place, Duxbury, Chorley

Steve and Catherine Hoyle

Prominence House
Park Hill Street
Bolton BL1 4AR



Bolton Planning Practice Limited

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APPLICATION REPORT – 17/00816/CB4

Validation Date: 14 August 2017

Ward: Chorley North West

Type of Application: Chorley Regulation 4

Proposal: Rear extension to existing industrial building (retrospective)

Location: Unit 12 Common Bank Industrial Estate Ackhurst Road Chorley PR7 1NH

Case Officer: Mike Halsall

Applicant: Lloyd and Jones

Agent: Edward Landor Associates

Consultation expiry: 7 September 2017

Decision due by: 9 October 2017 (extension of time requested until 13 October)

RECOMMENDATION

1. The application is recommended for approval.

SITE DESCRIPTION

2. This application is required to be reported to committee as the land is owned by the council.
3. The application site is located to the rear of Unit 12, Ackhurst Road in Common Bank Industrial Estate, approximately 2km to the south west of Chorley town centre. The premises comprise a self-contained warehouse/industrial unit. The unit is square in form measuring 24m x 24m and comprising approximately 625sq.m of floor space including open-plan workshop/warehouse accommodation and internal offices arranged over two storeys with a mezzanine level.
4. The building is of steel portal frame construction to an eaves height of approximately 4.2 metres and ridge height of approximately 5.7m. There are roller shutters to the front and rear elevations.
5. The extension is already part built on level made ground to the rear of the premises, behind which is further areas of hardstanding and to the east is an area of trees/shrubs. There are other industrial units located to the west and north west.
6. The premises are owned and operated by Lloyd and Jones Engineering which supply engineering, marine and industrial components and equipment. Lloyd and Jones has supply contracts to support the companies involved in developing and maintaining the Liverpool Bay for off shore and shore based operations. It also serves the needs of energy companies operating in the gas and oil industries.

DESCRIPTION OF PROPOSED DEVELOPMENT

7. This retrospective proposal seeks planning permission for a 7m extension across the rear of the existing building. The proposed extension would provide an additional 168m² of accommodation to allow the business to operate efficiently from the premises. The proposal is of a steel portal frame construction with facing brick and cladded panelling above, to match the existing building, and would be of the same height to eaves and ridge.

RELEVANT HISTORY OF THE SITE

Ref: 99/00184/FUL **Decision:** PERFPP **Decision Date:** 4 May 1999
Description: 3 windows and 1 door to side elevation,

REPRESENTATIONS

8. No representations have been received.

CONSULTATIONS

9. Lancashire Highway Services – responded with no objections.
10. CIL Officers - This development will be CIL liable on approval. [However, the rate for such industrial developments is currently set at £0/sq.m]

PLANNING CONSIDERATIONS

Principle of the development

11. The site falls 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.
12. The proposed site is located within a well-established industrial estate and impacts from noise emissions would be minimal. The existing access and parking arrangements are considered suitable and Lancashire Highway Services has responded to the consultation on the application with no objections. The design of the extension can be conditioned to match that of the existing buildings. It is therefore considered that the proposal accords with Policy V2 of the Local Plan.

Parking

13. 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 proposed extension would result in a larger industrial building which, in accordance with the Council’s parking standards, would require 17 parking spaces. It is considered that there is sufficient space within the existing car park to accommodate this level of parking, however, some of the car park has become vegetated. As such, it is considered necessary to require parking details to be submitted to the Council for agreement by virtue of a suitably worded planning condition. On this basis, the proposed development complies with policy ST4 and is acceptable on parking grounds.

CONCLUSION

14. The application is recommended for approval.

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

Suggested Conditions

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

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

Title	Plan Ref	Received On
Location Plan	N/A	14 August 2017
Rear Extension	2039/01	14 August 2017
Rear Extension Elevations	2039/02	14 August 2017

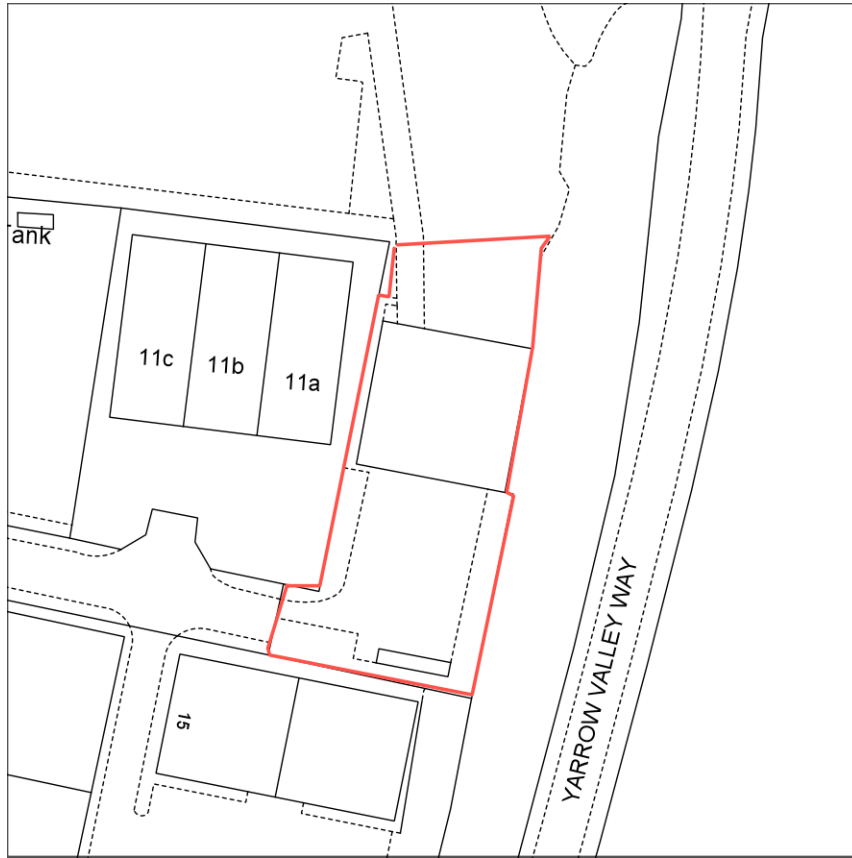
2. All external facing materials of the development hereby permitted shall match in colour, form and texture to those on the existing building and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular.

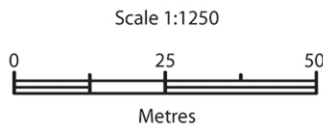
3. Prior to the occupation of the approved extension, plans and particulars showing the provision for the parking of seventeen cars and associated manoeuvring areas (including full details of the surfacing, drainage and marking out of the spaces) shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made available in all respects prior to the first occupation of the building to which it is related and thereafter retained (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle parking.

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Ruttle Plant Ltd, Unit 12, Common Bank Industrial Estate, Ackhurst Road, Chorley



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Date Of Issue: 31 July 2017
Supplied By: Getmapping
Supplier Plan Id: 181425_1250
OS License Number: 100030848
Applicant: Landor
Application Reference: Ackhurst Rd Chorley

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APPLICATION REPORT – 17/00815/FUL

Validation Date: 16 August 2017

Ward: Pennine

Type of Application: Full Planning

Proposal: Erection of detached bungalow

Location: Land Adjacent To 26/28 Spring Crescent Whittle-Le-Woods

Case Officer: Mike Halsall

Applicant: Mr Glazier/Kevill

Agent: Charchris Design Consultancy

Consultation expiry: 8 September 2017

Decision due by: 13 October 2017

RECOMMENDATION

1.1 Permit full planning permission.

SITE DESCRIPTION

1.2 The application site is located on a corner plot between Nos. 26/28 to the north and No.24 Spring Crescent to the west in the village of Whittle-le-Woods. The site is currently used as an area of informal open space consisting of tended lawn area and shrubs. It is understood that the site is currently maintained and used by local residents. The site backs-on to the A674 which is located to its south eastern boundary, beyond which are further residential properties.

DESCRIPTION OF PROPOSED DEVELOPMENT

1.3 The proposal relates to the erection of a two bedroom bungalow with pedestrian and vehicle access directly off Spring Crescent.

REPRESENTATIONS

1.4 Five letters of objection have been received, the contents of which can be summarised as follows:

- The land would be better suited to be used for a community project, such as allotments;
- Concerns that the turning circle outside the property will be impacted and there will be more on-street parking;
- Damage to the road from construction HGVs;
- There is enough new housing sites elsewhere;
- Proposed lounge window would result in overlooking;
- The proposed property does not have any redeeming features in terms of views, garden and light enhancement;

- Service provision will have a major impact upon No. 24 and No. 26 Spring Crescent;
- Impacts from contractor vehicles;
- The applicant could later apply for a dormer which would have privacy issues on No. 26 and 28;
- Views from No. 26 and 28 will be negatively impacted;
- Criticism of consultation process as not all residents in the street received letters and no notice was visible in the street;
- Blocking of road and footpaths from on-street parking, safety concerns for children and the elderly;
- There is a weight restriction on Moss Lane and HGV drivers may use this;
- There has been slippage in the area which could be worsened by the proposal;
- The plot size is too small;
- Noise from construction works;
- The road is difficult to negotiate when icy/wet;
- There will be less soakaway area and this will increase flow of water down the road, the drains cannot cope already;
- Harm to wildlife and there will be less oxygen in the air from loss of trees.

1.5 The noise and other impacts created by the proposed development during construction work would be limited and temporary and could be controlled by planning condition requiring the submission of a construction method statement. It is therefore considered that these issues do not require any further consideration within this report.

1.6 The site, being a tended grassed area, is considered to have low ecological value; however, a condition could be added to any grant of planning permission for the protection of any nesting birds during construction work.

1.7 With regards to surface water drainage, this can be controlled by planning condition to ensure a scheme is designed to avoid flooding.

1.8 The council carried out its statutory duty with regards to publicity and sent letters to neighbouring landowners and a site notice was also erected and photographed for evidence.

1.9 All other issues identified above, where considered to be material planning considerations, are addressed within the Planning Considerations section below.

CONSULTATIONS

1.10 Parish Council – responded to state that this area is situated in the green belt and does not seem to be infill. The Parish Council has requested that Chorley Council inspect the original site plan as this plot of land may be classed as amenity land (this issue is dealt with within the Planning Considerations section below).

1.11 CIL Officer – responded to state that this application would be CIL Liable on approval.

1.12 Lancashire Highway Services – has responded with no objections to the proposal but recommended an advice note should be attached to any planning decision notice in relation to proposed works to the public highway.

1.13 Environment Agency – responded to state that it had no comments to make.

1.14 United Utilities – initially responded to state that there is a water main crossing the site and they will not permit development in close proximity to the main, explaining that a diversion may be required at the applicant's expense. However, the applicant later clarified this with United Utilities which further responded with plans showing the location of the pipeline which, whilst clips the application site boundary, does not interact with the area of proposed built development.

- 1.15 In addition to the above, the United Utilities response also suggests that should this application be approved and the applicant wishes to progress a Section 104 agreement, no construction commences 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 has been made aware of these comments.

PLANNING CONSIDERATIONS

The principle of the proposed development

- 1.16 The application site is located within the Green Belt. The National Planning Policy Framework (The Framework) confirms that 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.
- 1.17 In Green Belt development will only be permitted, in accordance with the Framework, if it falls to be considered not to be inappropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.
- 1.18 Paragraph 89 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although there are some exceptions to this rule which include; limited infilling in villages.
- 1.19 The site is not located within an area identified for growth within the Central Lancashire Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:
- "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."*
- 1.20 Policy HS7 of the Local Plan is relevant to the proposal and states:
- "Within smaller villages limited infilling for housing will be permitted providing the applicant can demonstrate that the following criteria are met:*
- a) The existing buildings form a clearly identifiable built-up frontage;*
 - b) The site lies within the frontage, with buildings on either side, and its development does not extend the frontage;*
 - c) The proposal would complement the character and setting of the existing buildings. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage. When assessing applications for rural infill sites, the Council will also have regard to site sustainability, including access to public transport, schools, businesses and local services and facilities."*
- 1.21 Spring Crescent clearly represents a built-up street frontage within a village that is part of Whittle-le-Woods and the proposal would infill a corner plot / gap within that frontage between Nos. 26/28 and No.24 Spring Crescent. The proposed dwelling, as shown on the submitted layout plan, would not extend the existing frontage as it appears set-back from the road. The property is bound to the south east by the A674, beyond which are further residential properties. The proposal, therefore, constitutes infill within a village and complies with policies HS7 of the Local Plan and does not represent inappropriate development in the Green Belt. Furthermore, the proposed scale of the development, a bungalow, is small so complies with Central Lancashire Core Strategy policy 1.

1.22 With regards to the loss of open space, policy HW2 of the Local Plan seeks to protect such areas, unless:

- a. Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or
- b. It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and
- c. The site is not identified as being of high quality and/or high value in the Open Space Study; and
- d. It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and
- e. The site does not make a significant contribution to the character of an area in terms of visual amenity.

1.23 Given that there is currently a surplus of open space provision within the Pennine ward and the quality of the site was not assessed by the Open Space Study as it is less than 0.2 hectares in area, it is considered that criterion b and c of policy HW2 have been met. The site is located at the end of a small cul-de-sac and is currently looked after by local residents but this is not considered to represent a local recreational need. Whilst it has been well tended to and is an attractive feature within the street scene, given its small size, it is not considered to provide a significant contribution to the character of the area in terms of visual amenity. There is therefore no conflict with policy HW2 of the Local Plan.

Design and amenity

1.24 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.

1.25 There are a mixture of semi-detached and detached bungalows and dormer bungalows on Spring Crescent. The proposed dwelling would occupy a similar footprint and would be of a similar height to the other detached bungalows. It is not considered therefore that the proposal would have a significant detrimental impact upon the surrounding area in terms of the criteria listed within part a) of Local Plan policy BNE1.

1.26 The separation distances of the proposed dwellings with neighbouring properties is in keeping with those specified within Chorley Council's Householder Design Guidance Supplementary Planning Document (SPD) 2017. The proposal would therefore be unlikely to result in any harm from overlooking, overshadowing or overbearing and is therefore considered to comply with policy BNE1 of the Local Plan.

Provision of parking spaces and highway safety

1.27 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 proposal meets the Council's standards for a two bedroom property as set out in Policy ST4. Lancashire Highway Services has responded to the consultation with no objections. It is therefore considered that the proposed development is acceptable on parking and highway grounds.

Public Open Space (POS)

1.28 The Development Plan requires affordable housing / public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

- 1.29 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 (i.e. 11 or less) 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).
- 1.30 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 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.
- 1.31 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). 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.
- 1.32 It is considered that the benefit of securing a public open space contribution on the basis of one/two dwellings (which would now be £134/£268) 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.
- 1.33 Therefore a POS commuted sum is not requested for this scheme.

Community Infrastructure Levy

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

CONCLUSION

- 1.35 The proposal is not considered to represent inappropriate development in the Green Belt as it represents an infill plot within a village. The proposed development is also acceptable in terms of its design, the resultant loss of open space and impacts upon the amenity of neighbouring residents and the environment. The proposal complies with the policies of the Adopted Chorley Local Plan and the National Planning Policy Framework and is therefore 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
Location Plan	N/A	14 August 2017
Site/Bungalow Plan	17.12.01	9 August 2017
Elevations	17.12.02	14 August 2017

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

3. A scheme for the landscaping of the development and its surroundings shall be submitted prior to the first occupation of the development. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

4. 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. This is required to be pre-commencement as drainage systems typically are required to be integrated with the groundworks

5. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: in the interests of highway safety and to protect the amenities of the nearby residents. This is required to be a pre-commencement condition as the scheme relates to the control of construction activities.

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

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

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

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

8. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

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

9. Prior to their installation, 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.

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

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LOCATION PLAN.

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Promap

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Report of	Meeting	Date
Head of Legal, Democratic and HR Services	Development Control Committee	15 th September 2017

PROPOSED CONFIRMATION CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO 4 (CHORLEY) 2017 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No 4 (Chorley) 2017 without modification.

RECOMMENDATION(S)

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

EXECUTIVE SUMMARY OF REPORT

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

Confidential report Please bold as appropriate	Yes	No
--	-----	-----------

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

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

BACKGROUND

- The Order was made on the 24 July 2017. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 24 July 2017. The same documents were also served on owners/occupiers of adjacent properties. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and

that their removal would have a significant impact on the environment and its enjoyment by the public.

- No objection has been received in response to the making of the above Order. It is therefore, now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Orders without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

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

COMMENTS OF THE STATUTORY FINANCE OFFICER

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

COMMENTS OF THE MONITORING OFFICER

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

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Shauna Pill	01257 515112	15 September 2017	136751

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No 4 (Chorley) 2017

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as Chorley Borough Council Tree Preservation Order No 4 (Chorley) 2017

Interpretation

- 1. (1) In this Order "the authority" means Chorley Borough Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.


Application to trees to be planted pursuant to a condition

- 3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24th day of July 2017

The Common Seal of Chorley Borough Council

was affixed to this Order in the presence of:]


]
 Authorised Signatory



CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lime tree	Park Street. In the garden area of The Old Manse, fronting Park Street.
T2	Ash tree	On the left side edge of path to Chorley Unitarian Chapel
T3	Holly tree	In the rear of garden of The Old Manse next to gravestone.

