

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 7TH NOVEMBER 2017, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 **MINUTES OF MEETING TUESDAY, 10 OCTOBER 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 13 items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

- A **17/00377/OUTMAJ - LAND ADJACENT TO LADY CROSSE DRIVE, LADY CROSSE DRIVE, WHITTLE-LE-WOODS, CHORLEY, PR6 7DR**

(Pages 9 - 22)

- B **15/00162/OUTMAJ - EUXTON MILL, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EB**

(Pages 23 - 42)

- C **17/00815/FUL - LAND ADJACENT TO 26/28 SPRING CRESCENT, WHITTLE-LE-WOODS**

(Pages 43 - 52)

- D **17/00932/FUL - GO APE, RIVINGTON LANE, RIVINGTON, BOLTON, BL6 7RZ**

(Pages 53 - 60)

| | | |
|----------|--|-------------------|
| E | 17/00514/FULMAJ - LAND 100M EAST OF WHEELTON HOUSE, BRINSCALL MILL ROAD, WHEELTON (REPORT TO FOLLOW) | |
| F | 17/00464/FULMAJ - PINES HOTEL, PRESTON ROAD, CLAYTON-LE-WOODS, CHORLEY, PR6 7ED | (Pages 61 - 90) |
| G | 17/00616/FULMAJ - MIND CHORLEY, SOUTH RIBBLE AND BLACKBURN, 208 STUMP LANE, CHORLEY, PR6 0AT | (Pages 91 - 102) |
| H | 17/00490/FULMAJ - GARSIDE AND SON PLUMBERS, 5-9 QUEENS ROAD, CHORLEY, PR7 1JU (REPORT TO FOLLOW) | |
| I | 17/00806/REMAJ - GLEADHILL HOUSE STUD, GLEADHILL HOUSE, DAWBERS LANE, EUXTON, CHORLEY, PR7 6EA (REPORT TO FOLLOW) | |
| J | 14/01011/FULMAJ - LAND 340M EAST OF CUERDEN FARM, WIGAN ROAD, CLAYTON-LE-WOODS (REPORT TO FOLLOW) | |
| K | 17/00647/OUT - LAND ADJACENT TO 65 STUFDOLD, ASTLEY VILLAGE | (Pages 103 - 114) |
| L | 17/00812/FULMAJ - 127A STATION ROAD, CROSTON | (Pages 115 - 122) |
| M | 17/00719/FUL - LAND NORTH OF 125 RAWLINSON LANE, HEATH CHARNOCK | (Pages 123 - 134) |
| 4 | PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 3 OCTOBER 2017 AND 30 OCTOBER 2017 | (Pages 135 - 136) |
| | To consider the enclosed report from the Director (Customer and Digital). | |
| 5 | ENFORCEMENT | |
| | To consider a report by the Director (Customer and Digital) (report 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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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 10 October 2017

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

RESERVES: Councillor Eric Bell

OFFICERS: Adele Hayes (Planning Services Manager), Iain Crossland (Senior Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor Henry Counce

17.DC.306 Minutes of meeting Tuesday, 12 September 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 12 September 2017 be approved as a correct record for signature by the Chair.

17.DC.307 Declarations of Any Interests

There were two declarations of interest received.

Councillor Martin Boardman declared an interest on item 3a 17/00621/FUL – Back House Farm, Hall Lane, Mawdesley, Ormskirk, L40 2QY and item 3b 17/00854/FUL – Back House Farm, Hall Lane, Mawdesley, Ormskirk L40 2QY and left the meeting for consideration of these items.

17.DC.308 Planning applications to be determined

The Director of Customer and Digital submitted fourteen reports for 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 17/00621/FUL - Back House Farm, Hall Lane, Mawdesley, Ormskirk, L40 2QY

Registered speakers: Chris Williams (objector) and Chris Weetman (agent)

RESOLVED (11:3:0) – That full planning permission be refused on the grounds that the site was being used for agricultural uses and, therefore, not previously developed land, the proposals constituted inappropriate development in the Green Belt, and hazards on the proposed vehicular access to the site.

b 17/00854/FUL - Back House Farm, Hall Lane, Mawdesley, Ormskirk, L40 2QY

Registered speakers: Chris Williams (objector) and Ian Austin (applicant)

RESOLVED (12:1:1) – That full planning permission be approved, subject to conditions in the report.

c 17/00441/REMAJ - Group 1, Euxton Lane, Euxton

Registered speaker: Chris Kershaw (applicant)

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

d 17/00767/REMAJ - Parcel H1B Group, Euxton Lane, Euxton

Registered speakers: Chris Kershaw (applicant)

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

e 17/00792/OUTMAJ - Land South of Parr Lane, Eccleston

Registered speakers: Norman Frith (objector) and Mr Alexis De Pol (agent)

RESOLVED (unanimously) – That outline planning permission be refused for the reason in the report as set out 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 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, either individually or collectively, outweigh the policy presumption against it. The application was therefore contrary to the Framework and Chorley Local Plan in respect of Policy BNE3.**

f 17/00377/OUTMAJ - Land Adjacent to Lady Crosse Drive, Lady Crosse Drive, Whittle-le-Woods, Chorley, PR6 7DR

Registered speakers: Iain Facer (objector) and Darren Muir (agent)

RESOLVED (10:3:1) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.

g 15/00162/OUTMAJ - Euxton Mill, Dawbers Lane, Euxton, Chorley, PR7 6EB

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal. Members requested that a representative from the Highways Authority be presented for the site visit.

h 17/00625/FUL - Laneside Farm, Brown House Lane, Higher Wheelton, Chorley, PR6 8HR

Registered speakers: Howard Elliott (objector) and Chris Weetman (agent)

RESOLVED (12:1:2) – That full planning permission be refused for the reasons in the report as set out below;

- 1. 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.**

i 17/00483/FUL - Liptrot Farm, Gilbertson Road, Heath Charnock

Registered speaker: Katie Lewis-Pierpoint (agent)

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

Cllrs Charlie Bromilow and Keith Iddon left the room.

j 17/00688/CB4 - Fairview Youth and Community Centre, Highfield Road North, Adlington

Cllrs Charlie Bromilow and Keith Iddon returned.

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

k 17/00642/FUL - Land Adjacent to 46 Cross Keys Drive, Cross Keys Drive, Whittle-le-Woods

Registered speaker: Martin Devine (objector)

RESOLVED (unanimously) – That the decision be deferred to allow officers to assess the access to the site further, the percentage increase in volume and the impact on the openness of the Safeguarded Land.

l 17/00638/CB4 - 5 Worcester Place, Chorley, PR7 4AP

Registered speakers: Robert Burns (objector) and Steven Hoyle (applicant)

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

- 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.**

m 17/00816/CB4 - Unit 12 Common Bank Industrial Estate, Ackhurst Road, Chorley

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

n 17/00815/FUL - Land Adjacent to 26/28 Spring Crescent, Whittle-le-Woods

RESOLVED (10:4:1) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposal.

17.DC.309 Tree Preservation Order No. 4 (Chorley) 2017

That the Order be confirmed without modification.

17.DC.310 Appeals and Other Decisions

The Director of Customer and Digital submitted a report for information on planning appeals between 8 August 2017 and 3 October 2017.

There were two planning appeals lodged and a committee decision and delegated decision to refuse planning permission.

The Planning Manager informed Members that one of the appeals had sought and awards of costs.

Chair

Date

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 Crosse 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

UPDATE REPORT

1. The recommendation remains to approve outline planning permission.
2. The application was deferred at the planning committee of 10 October 2017 to allow time for Members to visit the site. The original committee report from 10 October follows on below.

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 to 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/REMAJ **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.



Agenda Page 21

Agenda Item 3a

purpose

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drawing title
Location Plan

scale @ A3 1:1000
 date 27.03.2017
 dm DM chkd GT

1355-01
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CAD FILE NAME: S:\AUTOCAD-FILES\1355 Lady Crosse Drive, Whittle-le-Woods\Location Plan 2.dwg

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APPLICATION REPORT – 15/00162/OUTMAJ**Validation Date: 7 May 2015****Ward: Euxton South****Type of Application: Major Outline Planning****Proposal: Outline application for a self-build residential development comprising 8 detached dwellings all matters reserved save for access and layout****Location: Euxton Mill Dawbers Lane Euxton Chorley PR7 6EB****Case Officer: Mr Iain Crossland****Applicant: Xpect Developments****Agent: Neil Pike Architecture Limited****Consultation expiry: 18 December 2015****Decision due by: 31 August 2015**

UPDATE REPORT

1. The recommendation remains to approve outline planning permission.
2. The application was deferred at the planning committee of 10 October 2017 to allow time for Members to visit the site and in order to seek additional comments from Lancashire County Council Highways. The site visit has taken place, the additional comments from Highways will be updated on the Addendum. The original committee report from 10 October follows on below.

RECOMMENDATION

3. It is recommended that the application be approved subject to conditions.

SITE DESCRIPTION AND BACKGROUND

4. The application site is located in the Green Belt at Euxton. The site was previously occupied by a large mill building, which was demolished owing to safety concerns in 2011. The boundary wall remains adjacent to the highway and there are other small structures and hardstandings across the site. The site is located between the River Yarrow to the south and Dawbers Lane to the north. The site slopes from the highway down towards the river. The area comprises sporadic ribbon development of mostly residential properties and surrounding open agricultural land of lowland character.
5. Members may recall that outline planning permission was granted at the site in 2011 for the demolition of the redundant mill building and the construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living). Condition 23 of the outline planning approval stated that an application for approval of the reserved matters must be made to the Council before

the expiration of three years from the 21st October 2011. Although a reserved matters application for the landscaping of the six approved cottages was received in August 2014 and approved in December 2014 (ref: 14/00913/REM) a reserved matters application for the whole site was not received and as such the majority of the previous outline consent on this site is no longer extant.

6. The current proposals involve the erection of 8 self-build detached dwellinghouses on the site. The application is outline in nature with all matters reserved save for access and layout, although it is envisaged that large family (4/5/6 bed) dwellings will be built. The proposed development relates to the majority of the land upon which the demolished mill was sited. Since the demolition of the mill the site remains an untidy visual mix of hardstandings, boundary walls and vegetated waste heaps.
7. Part of the site has been subject to a separate application and the erection of 6 cottages with rear dormer windows (ref. 15/01230/FUL). This was approved by the DC committee in Jan 2017, subject to a section 106 agreement. The 6 cottages are nearing completion and occupy a corner of site adjacent to the river.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. This application seeks outline planning consent for a self-build residential development comprising 8 detached dwellings all matters reserved save for access and layout. This has reduced from 14 dwelling as proposed originally, which was revised down to 11 and more recently 8.
9. Two existing vehicular access points would be used and enhanced. Pedestrian access would be created from Dawbers Lane to the public right of way adjacent to the River Yarrow, which would also be improved.

REPRESENTATIONS

10. **Northern Trust** have raised the following objections to the proposals:
 - The development constitutes development across a much wider area than previously on site;
 - 14 large detached private dwellings will represent a substantially different form of development on site to the previous mill and the recent planning consent both of which incorporated a central block as opposed to more widespread development;
 - Represents a more suburban form of development and development across a greater proportion of the site will accentuate this effect resulting in a greater impact on the openness of the Green Belt;
 - The amount and scale of development should be reduced for this sensitive Green Belt location;
 - This section of Dawbers Lane and the access into/out of the site is unsatisfactory and does not provide safe or convenient access to or from the highway;
 - Although improvements to the junction are proposed the junction arrangements remain inadequate to ensure safe and convenient access to/from the site;
 - The visibility splays are considered to be unsatisfactory in particular the eastern access to the site. The visibility to the east is particularly problematic given the proximity to a sharp bend and the trees and vegetation along the boundary restricting views along the highway in this direction.
11. Two representations have been received objecting to the proposed development and raising the following issues:
 - The siting of dwellings immediately behind existing properties;
 - Extending built development beyond the original footprint of the mill;
 - Blocking pedestrian access from Dawbers Lane to the river;
 - The height and thickness of the proposed retaining wall;
 - 2 road entrances onto Dawbers Lane- no true amendments to the road layout are proposed;

- Conservation of the two areas either side of the site which continue along the river should not be included within the garden areas for the properties;
- Impact on the mature trees on the riverbank;
- Consideration of the electricity supply to the houses on Dawbers Lane and Old Dawbers Lane;
- Building too close to the river;
- Accidents along the curve of Dawbers Lane will continue and cars could go through the proposed retaining wall;
- Dawbers Lane is dangerous and the proposals do nothing to improve this;
- 14 properties are too many. The likely volume of vehicles for so many properties will probably be many. Parking on the lane is already tight and will only increase in the future, not just from residents but also dog walkers using the woods and the bank. If parking spaces are at a premium on the new development and residents start parking on Old Dawbers Lane this would be a problem.

CONSULTATIONS

12. **Euxton Parish Council:** supports this application, as it did the earlier one for retirement homes, as it would wish to see the untidy and unkempt Euxton Mill site redeveloped in a more attractive way.
13. However, Parish Council noted that the red line defining the site on the site location plan omits the footpath on the banks of the River Yarrow where it passes the site. The earlier application included the river bank and the path.
14. This riverside path alongside the Euxton Mill site is in poor condition narrow, uneven and in danger of slipping into the river (A short section was repaired several years ago after sliding into the river). It is not easy for able bodied users and impossible for the infirm. However it is a particularly attractive and important path for the Euxton community and would be an even greater asset to the community if it was easy for all to use, including the infirm. It would of course also be an asset for the new community proposed in this application.
15. The site location plan also contains a blue line which it is assumed represents land within the applicant's ownership. This line covers the entire length of the riverside path from the houses at Pincock to the weir and island formed by the mill race downstream of the proposed development. This, improved to a suitable standard, would make an exceptionally attractive path for the entire local and borough community.
16. The Parish Council notes that the recently published LCC ROWIP [Rights of Way Improvement Plan] contains (Section 2.1.2) the following exhortation "New developments should be encouraged to include provision for updating the PROW network in condition and alignment". The Borough Council should insist that the application includes improvement of the riverside path over at least the length of the proposed housing development and preferable over the length within the developer's control.
17. **Euxton Parish Council 26 June 2017 further comments on revised plans:** Euxton Parish Council considered the revised plan for this site at its June 2017 meeting. They welcomed this new proposal as, together with the nearly constructed cottages, it will provide some form of coherent development for this site which has been an eyesore for many years. The Council regrets that it has taken so long for this proposal to emerge since the original application for self-build housing here was submitted over two years ago and for the retirement village prior to that. It is noted that, if this matter had been brought to a successful conclusion more quickly, as the Parish Council urged, the developer for the nearby and later proposal for a housing estate at Gleadhill would not have been able to claim that the uniqueness of their proposal for self-build housing was a "special reason" for them to develop in the open Green Belt.
18. Although the Parish Council welcomes the revised proposal it has two comments concerning the proposed footpath network in and around the site. The plan shows a footpath through the site that connects from Dawbers Lane to the public footpath alongside the bank of the

River Yarrow. The Parish Council assumes that this route will be available for all users and not just for residents of the site. If this is the case the Council welcomes this path which would give access to the river bank for the less able and, for example, those in wheelchairs. It is noted that the path is ramped and must inevitably have a considerable gradient. There should therefore be barriers provided where it joins the riverside path to prevent users from falling into the river bank. If the path is not available for the general public the Parish Council would wish to be advised and permitted to comment.

19. The path along the river is marked on the plans as “to be upgraded as agreed with LA”. This is an attractive footpath along the River Yarrow and offers an opportunity for all to enjoy. It should be upgraded such that it can be used by the aged and infirm and over as long a length as the applicant can be persuaded to provide.
20. **Lancashire County Council Archaeology Service:** No objection subject to condition
21. **Environment Agency:** Originally objected to the application on the basis that an 8 metre strip is preserved for access purposes. Following the receipt of amended plans the objection was removed subject to conditions.
22. **Greater Manchester Ecology Unit:** The ecology surveys submitted as part of the application were carried out in 2010 and are in places out-of-date. However the overall conclusions of the report remain relevant – these are that the application site itself is not of substantive nature conservation value and therefore there are no reasons to object to the development on nature conservation grounds providing that certain measures and precautions are adopted and implemented to protect local and site-based ecological assets.
23. **Lancashire Highway Services:** No objection in principle subject to conditions and specific requirements which are set out within the body of the report.
24. **Lead Local Flood Authority:** Have commented on what is necessary at outline stage from a flood risk and drainage perspective.
25. **Waste & Contaminated Land:** No objection subject to suitable condition.
26. **Lancashire Constabulary Architectural Liaison:** security recommendations for the proposed dwellings
27. **Chorley and District Natural History Society:** Do not object but have commented on the path adjacent to the river and the location of the building line close to the river bank.
28. **United Utilities:** No objection subject to suitable conditions
29. **Lancashire County Council (Education):** comment that based upon the latest assessment, taking into account all approved applications, LCC are seeking a contribution £60,148 for 5 primary school places.

PLANNING CONSIDERATIONS

Principle of the Development

30. When the previous outline application was considered at this site Euxton Mill was still in situ. The Mill has, however, been subsequently demolished and as such this site represents a cleared piece of previously developed land within the Green Belt.
31. Policy 1 of the Adopted Core Strategy, which was adopted post Framework and as such is compliant with The Framework, states:

Focus growth and investment on well located brownfield sites and the Strategic Location of Central Preston, the Key Service Centres of Chorley and Leyland and the other main urban areas in South Ribble, whilst protecting the character of suburban and rural areas. Some Greenfield development will be required on the fringes of the main urban areas. To promote

vibrant local communities and support services, an appropriate scale of growth and investment will be encouraged in identified Local Service Centres, providing it is in keeping with their local character and setting, and at certain other key locations outside the main urban areas.

Growth and investment will be concentrated in:

(a) The Preston/South Ribble Urban Area comprising:

- i. The Central Preston Strategic Location and adjacent inner city suburbs, focussing on regeneration opportunities in Inner East Preston, the Tithebarn Regeneration Area and the New Central Business District Area in particular.*
- ii. The northern suburbs of Preston, focussing on Local Centres, with greenfield development within the Cottam Strategic Site and the North West Preston Strategic Location.*
- iii. The settlements south of the River Ribble, comprising:*
 - Penwortham, focussing on the regeneration of the District Centre, but with some greenfield development at the South of Penwortham and North of Farington Strategic Location.*
 - Lostock Hall, focussing on the regeneration of brownfield sites.*
 - Bamber Bridge, focussing on the regeneration of the District Centre and brownfield sites.*
 - Walton-le-Dale, Higher Walton, focussing on brownfield sites.*

(b) The Key Service Centres of:

- ii. Leyland / Farington, focussing on regeneration of Leyland Town Centre* and brownfield sites.*
- iii. Chorley Town, focussing on the regeneration of the Town Centre* but with some greenfield development.*
- iv. Longridge, where land within Central Lancashire may be required to support the development of this Key Service Centre in Ribble Valley.*

(c) Strategic Sites allocated at:

- i. BAE Systems, Samlesbury – employment*
- ii. Cuerden (Lancashire Central) – employment*
- iii. Buckshaw Village – mixed use*

(d) Some growth and investment will be encouraged at the following Urban Local Service Centres to help meet housing and employment needs:

- i. Adlington*
- ii. Clayton Brook/Green*
- iii. Clayton-le-Woods (Lancaster Lane)*
- iv. Coppull*
- v. Euxton*
- vi. Whittle-le-Woods*

(e) Limited growth and investment will be encouraged at the following Rural Local Service Centres to help meet local housing and employment needs and to support the provision of services to the wider area:

- i. Brinscall / Withnell*
- ii. Ecclestone*
- iii. Longton*

(f) 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.

32. The part of the borough in which the application site is located is not identified for growth within Policy 1. This policy does allow for small scale development, limited to appropriate infilling, conversion of buildings and proposals to meet local need. The proposed

development is a small scale scheme and is considered to meet a need for self-build plots for which there is a need within the borough.

33. It is acknowledged that the re-use of previously developed sites within the Green Belt is not necessarily inappropriate development and where the historic use of a large site in the Green Belt may cease the site owners may consequently seek an alternative use. However, such sites are generally not in the most accessible locations, which is the case in respect of Euxton Mill, so are normally not appropriate for uses that would generate large numbers of trips to access off-site services.
34. The overall spatial vision of what Central Lancashire aspires to be like is what guides the Core Strategy. The Core Strategy includes locally distinctive Strategic objectives, which are the key issues that need to be addressed. Each of the relevant Strategic Objectives are set out within the relevant sections below. In respect of Policy 1 Strategic Objective SO1 seeks to foster growth and investment in Central Lancashire in a manner that:
- Makes the best use of infrastructure and land by focussing on the Preston/ South Ribble Urban Area, and the Key Service Centres of Leyland and Chorley.
 - Marries opportunity and need by focussing investment in Preston City Centre and other Strategic Sites and Locations, and Leyland and Chorley town centres.
 - Supports service provision in rural areas, particularly in the Rural Local Service Centres.
35. 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 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.*
36. The application site constitutes previously developed land within the Green Belt, which would engage with the exception contained within paragraph 89 of The Framework involving the complete redevelopment of a redundant previously developed site on the proviso that the development does not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

37. Policy BNE5 of the Chorley Local Plan 2012 - 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
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.

38. The construction of the new buildings would 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.

39. 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’.

40. It is considered that in respect of the Framework that the previous mill building that occupied the site had an impact on the openness of the Green Belt as there is an impact to openness simply because the building/structures exist. However, the Mill building has now been demolished and although the site as remains includes some hardstanding remnants of the former Mill the site is effectively a cleared site and as such any new building will have a greater impact on the openness of the Green Belt than the existing cleared site.

41. The proposed development therefore constitutes inappropriate development and as such the tests of paragraph 88 of the Framework are engaged. In this case very special circumstances need to be demonstrated, which outweigh the harm the development will have to the Green Belt. The material considerations forwarded in support of the application, as set out above, are considered further below.

42. The application is supported by a planning statement, which is supplementary to the “Green Belt Policy Statement” and “The Supplementary Planning Statement” submitted with the previous outline application (Ref: 10/00456/OUTMAJ) which was approved. The document sets out the following points in support of the proposals:

- The proposed scheme offers significant benefits to the site and surrounding area, especially when assessed against the previous use of the site and the previously approved application for 61No. units and 84No. associated car parking spaces.
- Shortly after the approval of the previous application (ref: 10/00456/OUTMAJ) the retirement operator, who was intending to take over the running of the site, withdrew their interest and our clients were consequently put in a situation that had not been anticipated or planned for.
- Given the then depressed economic climate, funding the build of such a development was simply not feasible.

- The uncertainty within the building industry and the economy at the time resulted in our client having to leave the site un-touched for a period of time whilst trying to maintain the significant mortgage payments.
- It was then decided to place the site for sale on the open market with the current planning permission for the four storey retirement development.
- It was not surprising, that as the months went by there was no serious interest and during these times there were regular calls from neighbours regarding squatters, vandals, gypsies etc going to and from the site on a regular basis.
- The mill had been empty for a long time and was very derelict and clearly incapable of being refurbished.
- The constant trespassing on the site was becoming a major concern to local residents and was also a very dangerous situation given the condition of the building. The building had become a blot on the landscape and was now a major public nuisance.
- Given the seriousness of the situation, our clients assessed the situation and decided to try and do something about it. Therefore, our client decided that they would explore the possibility of partially demolishing the mill building.
- The planning permission obtained was from an outline application, therefore as well as the standard condition referring to the approval of the 'reserved matter', which in this case was only landscaping, there were several conditions that needed to be discharged prior to building work commencing on site.
- As planning law recognises any form of demolition as commencement of building work, it would have taken considerable time and expense to satisfy all the necessary conditions in order that demolition could take place. This time and expense was not feasible for our client especially given the on-going mortgage costs on the site. Therefore, our clients contacted Chorley Council to request if the wording of the conditions in the planning approval notice could be amended to read 'prior to the construction of the new buildings on site' as oppose to 'prior to work commencing on site'. The Local Authority agreed to this re-wording and this then enabled our clients to proceed with the potential demolition of the mill.
- Our client had to have a bat survey done prior to any part of the mill being demolished. This took several months to have done and was a significant cost. It was finally approved that the majority of the mill could be demolished, however the base of the external walls of the mill, the wall fronting Dawbers Lane, the retaining wall running through the middle of the building at ground floor level and the floor slabs and foundations were all retained. In order to give the site a more open feel however, a lot of earth was moved around in order to grade the land which resulted in what was left of the mill being covered over.
- By having this work done, again at considerable cost, the dangerous and nuisance associated with the site was predominantly removed ensuring that the concerns to the local community were allayed.
- Notwithstanding this, the visibility to the traffic at a notorious accident black spot on Dawbers Lane was massively improved through the works carried out on site.
- This recent history and the current state of the site are of major importance in the context of planning policy.
- The partial demolition of the mill was done purely for reasons that would be beneficial to the local community, the local authority and motorists travelling along Dawbers Lane. It was done at a time our clients' intentions for the site were uncertain, given the economic climate.
- The recently submitted application for the site consisting of 14 houses is a massive reduction in the openness of the green belt in comparison to either the original Mill building or the approved building under application no. 10/00456/OUTMAJ,
- It is in this context, on how the openness of the green belt is affected by the proposed application, as oppose to comparing the proposed development of the site to an open field in the green belt.
- Also, given that up until September 2014 at which time the site was in the same state as it is now, Chorley Council were happy for a four storey apartment block comprising of 55 apartments and 6 cottages to be built on the site.

- Although the planning approval for this development expired and our client didn't have the funds to make it extant or submit a detailed application, the developability of the site was clearly acknowledged by Chorley Council, given that a total of 61 units were approved with car parking for up to 84 cars being provided.
 - The partial demolition of the mill should not and cannot change the planning perspective of the site, particular given the reasons behind the demolition. The proposed application of 14 dwellings will minimise the impact on the green belt and turn the site from what has been an eye sore for over half a century to a superb elegant and subtle development of 14 detached dwellings.
 - Such a development will only be beneficial to the local area and community, and should receive the support of the planning officer at Chorley Council.
43. It is not considered the factors above individually represent very special circumstances and the question for the decision taker is whether collectively those factors combine with sufficient weight to represent the very special circumstances that would overcome the harm to the Green Belt by reason of the openness.
44. It must be noted that the site was formerly occupied by the mill for a very long time and that the demolition took place pursuant to an Outline Permission, which had authorised the same as part of the redevelopment of the site. The site would always have had to go through a demolition and clearance phase to allow a redevelopment to proceed. As such it is reasonable to judge the issue of comparative effect on openness on the basis of the former mill rather than on the basis of a cleared site.
45. The fact that, following demolition of the mill under the Outline Permission, an application for approval of the reserved matters was not made for the whole of the site within the relevant three year time limit under condition 23, would seem an insubstantial reason for refusal of a redevelopment previously considered worthy of consent.
46. It is clear that there have been technicalities and associated complexities leading to the major planning principles, which have led to the stalled development of this site. It is considered that it is within the best interests of the locality and wider community that a solution is found to make progress, on what is a derelict site brownfield site, with a poor appearance. The proposed development would result in a significant improvement of the appearance of the site. The development would improve pedestrian access and linkages with the right of way adjacent to the River Yarrow. There would also be 8 plots made available for self-build dwellings.
47. The circumstances that have been advanced in this case are specific and unique to this site. Therefore it is unlikely that they could be replicated elsewhere within the borough. It is considered on balance that together the factors put forward do represent very special circumstances in relation to this site that outweigh the harm to the Green Belt through inappropriateness. This is considered to overcome Green Belt policy set out in the National Planning Policy Framework and policy BNE5 of the Chorley Local Plan.
48. It is noted that the mill building took up a large proportion of the site area as single block. This created a considerable mass. The remainder of the site was hardstanding. The proposed development would not stray beyond the previously developed part of the site, and would result in a much reduced build mass with greater visibility through the site, increasing the sense of openness.
49. The scale of the built form that existed on site prior to its demolition equated to a volume of 34,826.68m³. Taking away the volume of the 6 cottages that the committee resolved to approve under application ref.15/01230/FUL, the remaining volume would be 32,413m³. The application is for 8 detached dwellings based on a self-build programme, with the reserved matters applications being constrained by an upper volume limit for the whole site.
50. On the basis that the site is a previously developed site in the Green Belt any development of the site should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the previously existing development. In the instance

of an application for outline planning permission, as is the case here, it is necessary to control to scale of development that can be carried out across the site. The footprint of the dwellings is set out on the proposed layout plan, however, to relate the impact of any development of the site to the previous 'existing' development it is considered necessary to place an upper limit on the cumulative volume of development across the site, based on the previous 'existing' volume of minus the volume of the 6 cottages.

51. The limit on the volume would be controlled through a legal agreement and the phasing of the site would be covered by condition. On this basis the quantum and scale of development that is proposed is considered to be acceptable and realistic given the controls that can be placed on volume through the section 106 legal agreement. The proposed development is therefore considered to be acceptable in principle having regard to the very special circumstances considered above and the constraints on future development that would be imposed.

Loss of Employment Land

52. As this application proposes redevelopment of employment premises for redevelopment other than B use class employment uses it should be assessed under the criteria in Policy 10 of the Core Strategy and the provisions in the SPD on Controlling the Re-Use of Employment Premises, which aim to protect all existing employment premises and sites last used for employment uses. Policy 10 states:

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*
- (b) the provision and need for the proposed use;*
- (c) the relative suitability of the site for employment and for the alternative use;*
- (d) the location of the site and its relationship to other uses;*
- (e) whether the ability to accommodate smaller scale requirements would be compromised;*
- (f) there would be a net improvement in amenity.*

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- (g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*
- (h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*

53. Employment uses were specifically identified on this site at the time the Local Plan was developed and adopted. As such the development of the site for non-employment use would not compromise the Council's land allocations for employment and the overall employment land supply.
54. The site was previously in use for employment, however, this situation arose in response to historic industrial practices, which no longer apply and the site is no longer ideally positioned for employment uses. The site is in close proximity to residential properties and is in an area of attractive landscape quality in an area of rural character, better suited to less intensive uses.
55. A marketing exercise was carried out in relation to the original planning permission at the site, which demonstrated that there was no realistic demand. Although this was undertaken over 5 years ago, the situation on site has changed. There is no longer a building on the site and therefore any employment uses that could be supported would amount to outdoor storage type uses that would be of relatively limited economic value to the borough. In addition to this a business use of this type on the site would not be compatible with the six

dwellings that the Council has resolved to approve and is unlikely to be viewed positively by local residents. The extent to which the site has evolved is such that employment uses on the site are likely to be considered harmful to the amenity of neighbouring occupiers and therefore it would be undesirable to market the site for employment.

Access and Highway Safety

56. The proposed development is for 8 dwellings to be accessed from Dawbers Lane, via two access points. The proposed vehicular access would enhance existing vehicular access points that served the mill in the same positions. The eastern access would be improved through the removal of the existing walls and railings to the west side of this access in order to improve visibility for drivers and to create a pedestrian footpath of at least 2m in width across the site frontage adjacent to Dawbers Lane. The pedestrian footpath is currently as narrow as 0.35m in places, which is not ideal for pedestrian safety. Low level landscaping would be carried out to the east side of this access to improve visibility. The access would be softened from a visual perspective with new surfacing and pedestrian footpaths on either side of the access road. The internal carriageway would be reduced in width to reflect the residential nature of the site.
57. The proposal is acceptable from an LCC highways perspective, on the basis that the development should be constructed to the Lancashire County Council Specification for Construction of Estate Roads in order to be acceptable for adoption under the Section 38 agreement of the Highways Act 1980.
58. In order to ensure that the highway improvements are carried out to an appropriate standard LCC Highways have proposed conditions, which it is recommended should be attached to any grant of planning permission.

Design, layout and impact on neighbouring occupiers

59. The application seeks outline planning permission and the only matters not reserved are layout and access. It is proposed that access to the site would be gained via two existing vehicular access points from Dawbers Lane. As only layout and access is being applied for, the design aspects of the proposals cannot be considered in detail. However, the proposed layout does allow for certain conclusions to be drawn and some assessment of the impact character and neighbour amenity to be made.
60. The existing stone wall to the front of the site adjacent to Dawbers Lane would be repaired and rebuilt in places. This would retain some of the character of the site. The site levels fall in height away from the highway and therefore the proposed dwellings would not dominate the street scape. Indeed the proposed development would not be particularly prominent from Dawbers Lane given that only two dwellings would be located adjacent to the highway, with the remaining 6 located adjacent to the river. There is a public right of way adjacent to the river and although views of the proposed development would be possible, the footpath adjacent to the river would be upgraded and the outlook would be improved.
61. The proposed dwellings would be large properties set in large plots, which is consistent with the character of Dawbers Lane in this location. The density of the proposal would be low as a result, again reflecting the character of this locality. There are a range of property types and design styles in the locality which provides some scope in terms of the eventual design of any dwellings on the site. The site is also relatively self-contained, which allows for the scope of more bespoke design. As such it is considered that the eventual development 8 dwellings in the proposed layout can be implemented in a manner that does not harm the character of the area.
62. The nearest dwelling to the site are the 6 cottages that are under construction. These are positioned with a gable end facing plot 1 at a distance of approximately 12m. There is an existing dwelling at Mill End to the west of the site. This would be located approximately 19m from the nearest proposed property at plot 7. The dwelling at plot 6 would be located approximately 24m from the rear garden boundary at Mill End.

63. There is also an existing dwelling to the north of the application site on the opposite side of Dawbers Lane, known as Walmar. This is located at least 32m from the boundary of the application site and is positioned at a higher level. It is not therefore considered that there would be any undue impact on the occupiers of this dwelling from the proposed development.
64. Given the relative positioning of existing and proposed properties and the degree of separation as set out on the layout plan it is considered that the proposed development of 8 dwellings can be designed without causing any unacceptable loss of amenity to existing residents and any future residents within the proposed development site.

Ecological Implications

65. There is a Biological Heritage Site (BHS) designation on part of the site, which is in relation to the presence of both semi-natural woodland, which is ancient in character, and swamp and fen. The part of the BHS site that lies within the proposed development site comprises former car park, and therefore loss of this area will not result in the loss of biodiversity value from the BHS.
66. The supporting information does not provide any evidence to suggest that there is the presence of a major roost of bats in the area although there is some limited potential for bats to be present.
67. There are habitats within the application site that are suitable for nesting birds. It is therefore important to ensure that appropriate mitigation measures are put in place to avoid any adverse impacts on birds or their nests.
68. There is Japanese Knotweed and Himalayan Balsam on the site.
69. The use of lighting can have an adverse impact upon biodiversity and wildlife, and it can deter species of bats from foraging and flying within this area. The accompanying ecology report recommends that any lighting during construction and operation should be directional and screened where possible to avoid artificial illumination of wildlife habitats.
70. Greater Manchester Ecology has reviewed the submitted information and although they have commented that the ecology surveys submitted as part of the application were carried out in 2010 and are in places out-of-date the overall conclusions of the report remain relevant. The application site itself is not of substantive nature conservation value and the Ecologist considers that there are no reasons to object to the development on nature conservation grounds providing that certain measures and precautions are adopted and implemented to protect local and site-based ecological assets.
71. The following measures are recommended all of which will be addressed by condition:
- That surveys for badgers and invasive plant species are updated prior to any major construction works commencing. These surveys should be required by condition.
 - That a method statement be prepared giving details of how the spread of invasive plants is to be controlled as part of the development. Once agreed this method statement must be implemented in full. The spread of certain invasive plants is controlled under the terms of the Wildlife and Countryside Act 1981 (as amended).
 - That a scheme for the protection and enhancement of the adjacent Yarrow Valley Biological Heritage Site (BHS) be prepared and, once approved, implemented in full. There should be a 'buffer zone' established between built development and the river course to prevent any possible harm to the BHS.
 - That Best Practice be followed throughout any construction period to avoid any possibility of pollution of the river. Pollution Prevention Guidelines prepared by the Environment Agency and CIRIA Best Practice Guidance are relevant.
 - That a lighting scheme sympathetic to nocturnal wildlife be designed and once approved implemented in full. In particular direct lighting of the nearby river corridor should be avoided.

- I would advise the applicant that although bat surveys of the buildings have proven negative bats are mobile and cryptic in their habits and can turn up in unexpected places. If bats are found at any time during approved works then works must cease immediately and advice sought from a suitably qualified person about how best to proceed.
72. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:
- Is the proposal likely to result in a breach of the Habitats Regulations?
 - If so, is Natural England likely to grant a licence?
73. Natural England has not been consulted on the proposals as it is not considered that the proposals will result in a breach of the Habitats Regulations.
74. Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
75. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
76. The Framework (para 118) confirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
77. As such the Framework adopts a tiered/ cascade approach in that the first test is whether there is an alternative to developing the site. The development has beneficial consequences to the environment by replacing the existing areas of hardstanding with a deliverable development which has the potential to deliver ecological improvements. The use of the site has diminished over time particularly following the demolition of the Mill building and now the site is in a poor state of repair. As such an appropriate reuse of the site needs to be secured particularly given the derelict nature of the current site and its impact on the visual amenities of the area. As such it is considered that the first two derogation tests and the alternative site test within the Framework are met in that there is no satisfactory alternative.
78. The next test is whether a favourable conservation status of protected species will be maintained and whether the biodiversity impacts are adequately mitigated. As set out above it is considered that a favourable status of protected species will be maintained. To compensate for the habitat losses and to ensure that the proposed scheme does not adversely impact on protected species or the BHS suitable conditions are proposed. As such it is considered that the Local Authority has engaged with the three tests of the Habitats Directive and the guidance contained within the Framework and from an ecological perspective the proposals are acceptable.

Public Open Space

79. 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

80. There is currently a deficit of provision in the Euxton South ward in relation to this standard; a contribution towards new provision in the ward is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

81. There is currently a surplus of provision in the Euxton South ward in relation to this standard; however the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment is therefore required from this development. The amount required is £134 per dwelling.

Parks and gardens

82. No contribution is required.

Natural/semi-natural greenspace

83. The site is within the accessibility catchment (800m) of an area of natural/semi-natural greenspace that is identified as being low quality and low value in the Open Space Study (site 1697 – adjacent Euxton Hall Gardens); a contribution towards improving this site is therefore required. The amount required is £557 per dwelling.

Allotments

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

Playing pitches

85. 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.
86. Off site contributions towards the provision of public open space must be secured through a section 106 agreement.

Affordable Housing

87. Policy 7 of the Core Strategy relates to affordable housing and this site would require 35% on-site affordable housing as the site is not located within a defined settlement boundary and does not fall to be considered a rural exception site. The Central Lancashire Affordable Housing SPD includes guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs.
88. It is noted that the previous outline consent at this site did not include an element of affordable housing as it was considered that the site was not in the most suitable location and the buildings did not lend themselves to provide affordable housing within the scheme itself. It was considered unlikely that a Registered Social Landlord (RSL) would engage on the scheme due to the restriction to 55 years and over. As such on site affordable housing was not requested or an offsite commuted sum.
89. It is still not considered that the site location would be appropriate for affordable housing due to its unsustainable location. The SPD does confirm that the Council's preferred outcome is on-site provision, however, it does allow for off-site provision or financial contributions where robustly justified. In this case an off-site contribution is considered to be more appropriate.
90. As such in this case a financial contribution, to be secured via a Section 106 Agreement, is considered to be the only appropriate way of securing affordable housing. The commuted

sum in lieu of 35% affordable provision on site has been calculated using the calculation contained within the Affordable Housing SPD.

Public Right of Way

91. There is a public right of way that runs adjacent to the River Yarrow. This would be upgraded as a result of the proposed development, as it would directly improve access for the future occupiers of the proposed development. As a public right of way it would also be open to members of the public as it is now. It is recommended that the details of any such improvements should be secured by condition attached to any grant of planning permission. In addition to the improvements to the footpath itself pedestrian access would be formalised from Dawbers Lane to the public right of way through the creation of a footpath link.

Education

92. There is a request from Lancashire County Council for funding towards primary school places that amounts to £60,148 and as this is not an allocated site then the provision of this payment can be justified and it would be secured through the legal agreement.

93. It is noted that LCC education services only require contributions on major developments of 10 dwellings or more. The proposed development has reduced from 14 dwellings, on which the comments were based, to now consist of 8 dwellings, and therefore the requirement will have altered. The requirement for an education contribution will be updated on the addendum.

Sustainable resources

94. 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:

95. *“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.”*

96. *“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.”*

97. 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

98. The development would be CIL liable however as the intention would be to deliver a self-build scheme then the individual owners and occupiers of the plots would have to claim the self-build exemption in accordance with the regulations. It is therefore likely that there would be no CIL contribution from this development if all of the self-build exemptions are complied with.

CONCLUSION

99. Balancing the size and scale of the previously existing buildings, together with the character of the site and existing and potential level of activity on the site together with the mitigation proposals put forward and the community benefits, it is considered that the proposed dwellings (together with associated gardens, driveways and planting) would not have any greater impact on the openness of the Green Belt than the existing site at the time of the previous planning approval. The proposal is therefore considered to be an appropriate form of development within the Green Belt having regard to the specific very special circumstances put forward and in accordance with the Framework and the development plan as a whole.

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

RELEVANT HISTORY OF THE SITE

Ref: 98/00239/FUL **Decision:** PERFPP **Decision Date:** 9 July 1998
Description: Side extension and structural repairs,

Ref: 10/00456/OUTMAJ **Decision:** PERFPP **Decision Date:** 21 October 2011

Description: Demolition of the redundant mill building and construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living)

Ref: 12/00856/OUT **Decision:** WDN **Decision Date:** 16 October 2012

Description: Proposed Construction of 11 Detached Dwellings

Ref: 5/5/10562 **Decision:** PERFPP **Decision Date:** 18 April 1974

Description: Change of use to storage and distribution of ice cream and garaging of vehicles

Ref: 14/00806/OUTMAJ **Decision:** WDN **Decision Date:**

Description: Demolition of the redundant mill building and construction of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living)

Ref: 14/00913/REM **Decision:** PERRES **Decision Date:** 11 December 2014

Description: Reserved matters application to address the landscaping associated with the approved cottages (pursuant to outline permission ref: 10/00456/OUTMAJ).

Ref: 14/01088/OUTMAJ **Decision:** WDN **Decision Date:** 2 December 2014

Description: Outline application for the erection of 55 apartments and communal facilities together with the erection of 6 two storey cottages and associated surface car parking (retirement living) all matters reserved apart from landscaping

Ref: 14/01127/OUTMAJ **Decision:** WDN **Decision Date:** 10 February 2015

Description: Outline application for the erection of 55 apartments and communal facilities and associated surface car parking (retirement living) all matters reserved save for appearance, layout and scale.

Ref: 15/00971/DIS **Decision:** PEDISZ **Decision Date:** 4 April 2016

Description: Application to discharge conditions 1 (external facing materials), 2 (hard ground-surfacing materials), 3 (levels), 5 (surface water drainage), 6 (foul water drainage/disposal), 7 (landscaping), 10 (invasive species), 11 (habitat enhancement and management plan), 14 (swallow nesting opportunities), 15 (lighting scheme), 16 (bin storage/recycling area), 17

(desktop study), 20 (Archaeology) and 21 (wheel washing facilities) attached to outline planning approval 10/00456/OUTMAJ

Ref: 15/00974/FUL **Decision:** APPRET **Decision Date:**

Description: Section 73 application to vary conditions 17 (contamination) and 20 (archaeological work) and remove condition 18 (permitted development rights) and 19 (over 55 age restriction) attached to outline planning approval 10/00456/OUTMAJ

Ref: 15/01046/DIS **Decision:** PEDISZ **Decision Date:** 14 January 2016

Description: Application to discharge condition 4 (tree survey) attached to reserved matters consent 14/00913/REM

Ref: 15/01230/FUL **Decision:** PDE **Decision Date:**

Description: Part retrospective application for the erection of 6 cottages with rear dormer windows (this part of the site has outline planning consent 10/00456/OUTMAJ and reserved matters approval 14/00913/REM for 6 cottages)

Ref: 86/00401/FUL **Decision:** PERFPP **Decision Date:** 21 October 1986

Description: Two storey extension of 1710 square metres to south side of mill and resiting of portacabins

Ref: 75/00489/FUL **Decision:** REFFPP **Decision Date:** 18 August 1975

Description: Replacement building for light industrial use

Ref: 74/00241/FUL **Decision:** REFFPP **Decision Date:** 12 May 1975

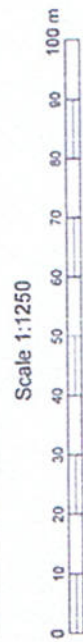
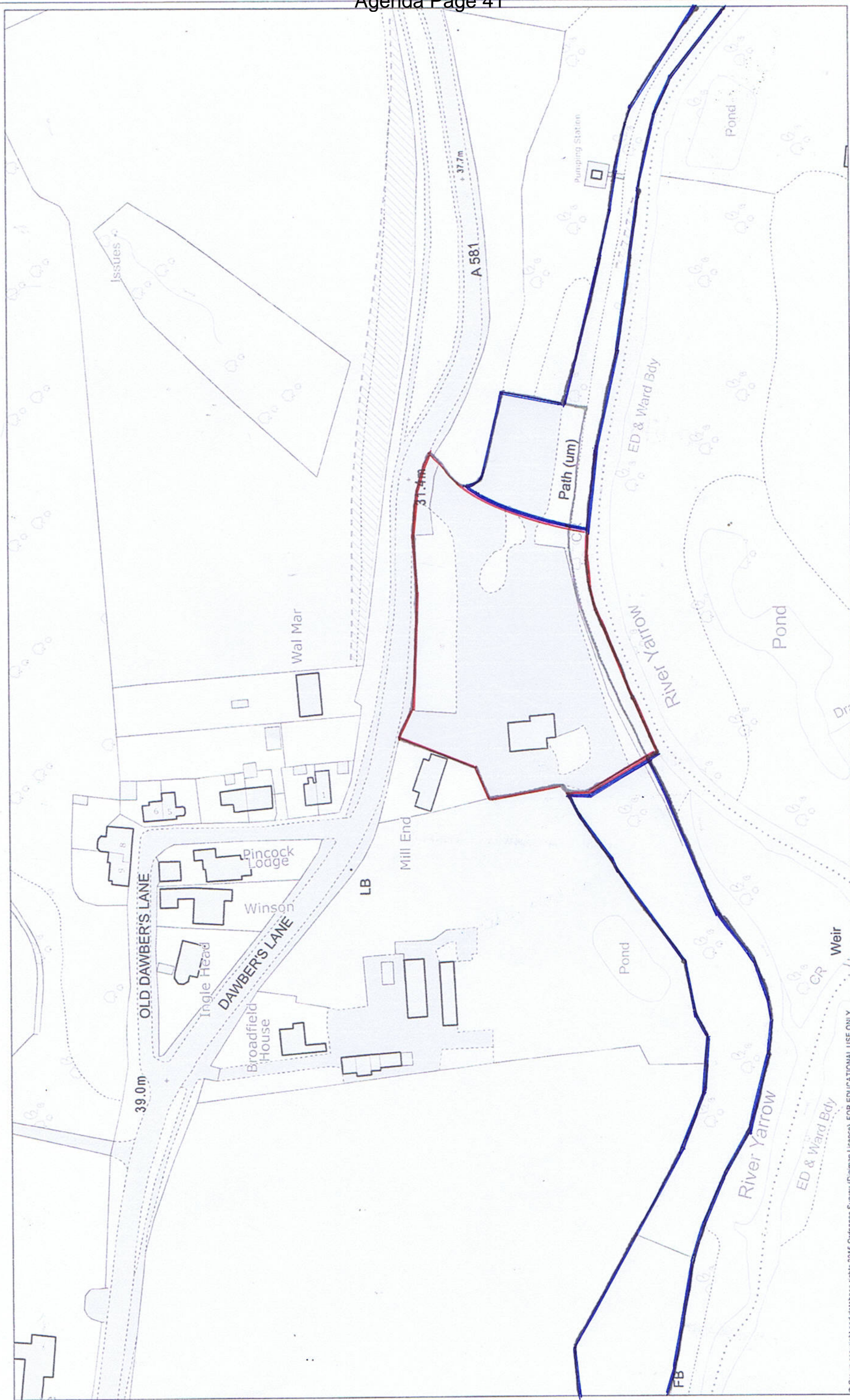
Description: Change of use to storage and distribution of ice cream and garaging of vehicles

Suggested Conditions

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Dawbers Lane, Euxton



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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

Members will recall that this application was deferred for a site visit at the previous committee meeting. This has now taken place.

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 highways 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.

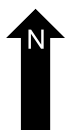
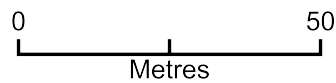
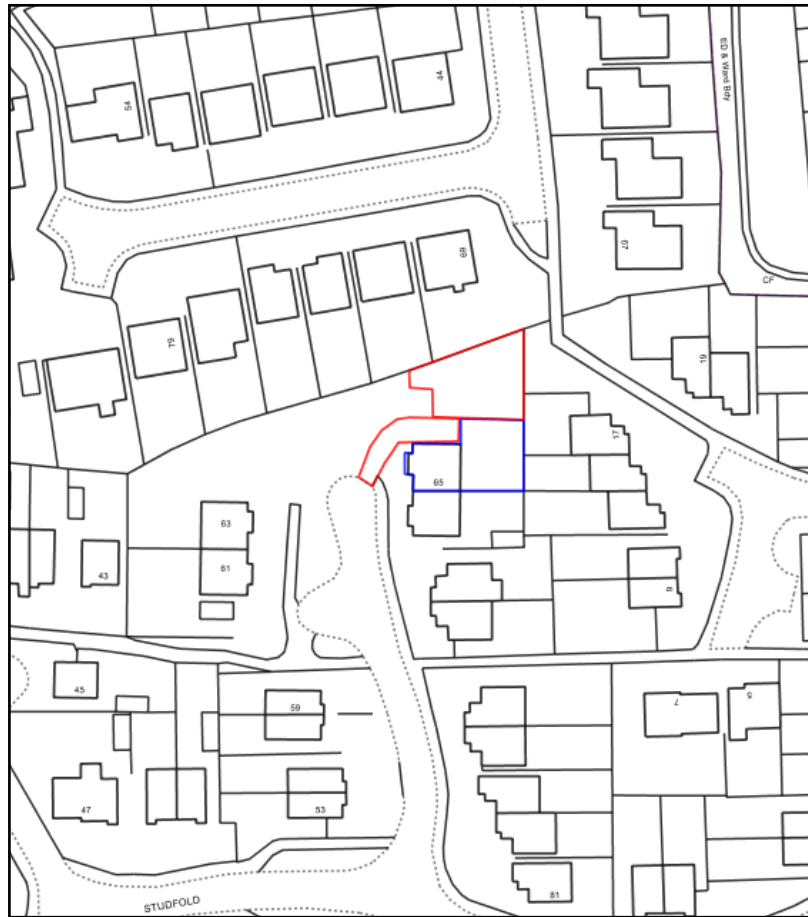
Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. 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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land and access map 2



Plan Produced for: jenny taylor
Date Produced: 15 Jun 2017
Plan Reference Number: TQRQM17166212832787
Scale: 1:1250 @ A4

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APPLICATION REPORT – 17/00932/FUL

Validation Date: 21 September 2017

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Application to vary the conditions (Section 73 application) on permission ref: 13/01042/FUL (which related to the Go Ape course) to amend the design of how the zip line ending at tree 0042 is terminated, so it alternatively ends at a pole located in front of the tree 0042 supported by back-stays to the existing concrete ground anchors.

Location: Go Ape Rivington Lane Rivington Bolton BL6 7RZ

Case Officer: Caron Taylor

Applicant: Mr Ben Davies, Adventure Forest Limited

Agent: N/A

Consultation expiry: 26 October 2017

Decision due by: 16 November 2017

RECOMMENDATION

1. The application is recommended for approval.

DESCRIPTION OF PROPOSED DEVELOPMENT

2. This is an application to vary the conditions (Section 73 application) of planning permission ref: 13/01042/FUL (which related to the Go Ape course) to amend the design of how the zip line ending at tree no.0042 is terminated, so it alternatively ends at a pole located in front of the tree no.0042 supported by back-stays to the existing concrete ground anchors.

SITE DESCRIPTION

3. The Go Ape course is situated at Rivington, close to the Great House Barn and is accessed from Rivington Lane. This application seeks consent for an amendment to the termination point of a zip line at site 4 of the existing Go Ape course. The change to the termination point has already been carried out. Instead of the zip line ending at tree reference 0042, supported by three anchor points (back-stays) to concrete ground anchors as previously approved, the termination of the zip line has been removed from this tree and changed so that it ends at a wooden pole immediately in front of the tree still supported by two of the existing ground anchors.

REPRESENTATIONS

4. Three objections have been received. One of them is from the Friends of Level Park:
 - Advice has been given prior to the application which is showing favour to the applicant;
 - Not making available for public viewing all advice given to the applicant;
 - At the time of the 2013 application objections were made on the grounds that the tree was unsuitable and not fit for purpose and would later need replacing with a pole. What they said would happen has happened;

- Councillors did not visit the site for application ref: 13/01042/FUL and only voted to pass it on the officer's recommendation;
- What has been done is an eyesore of a concreted stump with dangerous retaining supports alongside a damaged and dying tree that it is replacing in an Historic Park;
- The application is retrospective;
- The planning officer misled the committee by not revealing that the applicant had never produced a tree survey to a prescribed standard which would have supported all comments made regarding the suitability of tree no. 0042;
- It is queried whether the planning authority at any time gave advice on how to overcome the use of tree number no. 0042;
- Comment is made that if the answer is 'yes', then that officer should be removed from office for showing favour;
- If the answer is 'no' which the objector hopes is correct, then the officer should explain why Go-Ape were again allowed to develop without permission.

CONSULTATIONS

5. Council's Tree Officer - has no issues with the installation.

PLANNING CONSIDERATIONS

6. The development that has taken place is an engineering operation in the Green Belt. It is not considered inappropriate development as it is considered to preserve the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. The proposal is, therefore, considered acceptable in principle.

7. The change to the termination at site 4 that has taken place is minor in the context of the whole course. The wooden pole is sited immediately in front of tree no. 0042 and uses two of the three ground anchors that previously supported this tree.

8. The material of the pole, being wood is considered to blend with the surrounding woodland and other structures associated with the Go Ape course.

9. Go Ape have advised that the change has been made further to their annual tree report, which monitors all the trees used on the course and which was undertaken by an independent arboriculturalist in April 2016. Due to the small diameter of the original zip termination tree (no. 0042), they have stated that the termination point would be more suitably provided by a pole located in front of the tree no. 0042 and supported by back-stays to concrete ground anchors (permission for three anchors given in March 2014). They advise that the tree has not been damaged, but its size does not allow for sacrificial battens to be relocated on it.

10. It is considered that changing the termination point of the zip line at site 4 on the Go Ape course before damage is done to the tree is acceptable.

Historic Park and Garden and Impact on Listed Buildings

11. As per the previous application, although within the designated boundary of the registered park and garden, the work done is not in the 'designed' element of Lever Park. It is not, therefore, considered the change to the course has a detrimental impact on the Historic Park and Garden and is viewed in the context of the existing Go Ape course and its associated development.

12. Great House Barn, Great House Cottage and the adjacent Information Centre are all Grade II listed buildings. There is over 350m between the pole and the Great Barn and it is not visible as it is within the woodland.

13. It is not, therefore, considered that the proposal has any detrimental impact on the setting of the listed buildings. The application is, therefore, considered acceptable in terms of Core Strategy policy 16 and Local Plan policy BNE8.

Other Issues Raised

14. The issue of the suitability of tree no. 0042 for the Go Ape course was covered in the report for the 13/01042/FUL application. The following is an extract from that report:

15. *'Representations also state that tree 0042 could be a health risk and therefore needs to be independently assessed and a tree report produced as part of the application for safety reasons. It is not the role of the planning system to check the safety of any of the trees to be used for the course. Go Ape as an experienced high ropes course provider will know that the course is subject to other requirements as well as planning. The suitability of tree 0042 or any other tree in terms of safety of the course is the responsibility of Go Ape, not the planning system.'*

16. Therefore, it is repeated that the suitability/safety of tree no. 0042 for the Go Ape course is not a matter for the planning system and, therefore, not a matter for consideration by the local planning authority either in relation to the previous application or this application.

17. It is not considered that the officer misled the committee by not revealing that the applicant had never produced a tree survey to a prescribed standard which would have supported all comments made regarding the suitability of tree no. 0042. The following is another extract from the application report from 2013:

18. *'The comments regarding a tree survey to the British Standard not being submitted are noted. It is accepted that the tree survey that accompanies the application has not been done to a prescribed standard, however the Council must consider when requesting information from applicants whether it is reasonable and proportionate to enable an application to be determined. It is considered a British Standard tree survey would have added little to the local authority's understanding of the development proposal.'*

19. This view is maintained – as the suitability of tree no. 0042 for the Go Ape course was and is not a planning matter for assessment as part of the application, it is not considered a full tree survey to the British Standard was or is necessary.

20. Representations have been made by objectors that on the application form the applicant has stated that advice was given regarding this application and they question the fact that as the development was completed in early 2017 how could application advice be given after the event. They state that to give advice to the applicant after planning procedure has been overlooked and is showing favour to the applicant and the public a disfavour. They also state that the planning authority also showed the applicant favour by not making available for public viewing all advice given to the applicant.

21. In response Members are advised that although the applicant has ticked 'yes' in the section titled 'Pre-application Advice' on the application form, the case officer and local planning authority have not given any formal pre-application advice in respect of this application. This is evidenced by the fact that all pre-application advice requests are given a reference number and the application form asks for this to be quoted, but this remains blank on the application form.

22. What this section of the application form actually asks is *'Has assistance or prior advice been sought from the local authority about this application?'* As stated above the local planning authority has not given any formal pre-application advice relating to this application. What has occurred in this instance, is that Go Ape originally submitted an application for minor non-material amendment to the original application in respect of the change to the course. Such applications are not normally subject to public consultation. The case officer, therefore, advised that they did not consider that what had been done could be treated as a minor non-material amendment and advised it should be dealt with by way of a material amendment application (under Section 73) which is subject to public consultation. The minor non-material amendment application was, therefore, returned to Go Ape and they submitted the current application the subject of this report. This is what it is assumed Go Ape have interpreted to be pre-application advice and is the reason they have ticked 'yes' in the pre-application advice section on the application form. The objector has been advised of this directly.

23. To respond to the other points/questions raised:

- Whether the planning authority at any time gave advice on how to overcome the use of tree number no. 0042;
The answer to this is 'no'. The local planning authority has at no point given advice on how to overcome the use of tree number no. 0042.
- Comment is made that if the answer is yes, then that officer should be removed from office for showing favour;
The answer is 'no'.
- On this basis, the objector has requested an explanation as to why Go-Ape were again allowed to develop without permission.
Members will be aware that the local planning authority cannot prevent a person doing something without planning permission. That is entirely their decision and their own risk. No officers have given Go Ape advice or permission to go ahead and develop without first applying for planning permission. The current application has been submitted for the development retrospectively and the local planning authority must decide if what has been done is acceptable or not based solely on the planning merits of the case.

CONCLUSION

24. The works undertaken are considered a very minor change in the context of the course and the application is recommended for approval subject to conditions.

25. As this is a Section 73 application, it would result in a new planning permission being issued, that amends the original plans from the 2013 permission, if it is approved. Therefore, the conditions imposed on that permission will need to be re-imposed and amended or removed where relevant/necessary.

RELEVANT HISTORY OF THE SITE

Ref: 08/00553/FUL Decision: PERFPP Decision Date: 24 July 2008

Description: Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark

Ref: 10/00426/FUL Decision: WDN Decision Date: 29 November 2013

Description: Addition of additional zip line to Go Ape! course (at site 4 within course) with associated landing area

Ref: 11/00466/FUL Decision: PERFPP Decision Date: 7 September 2011

Description: Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Ref: 11/00938/FUL Decision: PERFPP Decision Date: 10 May 2012

Description: Extension of car park to Go Ape (enlargement of car park as built)

Ref: 12/00506/DIS Decision: PEDISZ Decision Date: 10 July 2012

Description: Application to discharge conditions 5 (boundary treatment and surfacing), 6 (parking bay details) and 7 (travel plan) of permission 11/00938/FUL (for enlargement of car park)

Ref: 13/01042/FUL Decision: PERFPP Decision Date: 14 March 2014

Description: Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416, new path from site 4 and relocation of forest shelter (change to position of shelter approved under planning permission ref: 08/00553/FUL). Also, retrospective application for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3.

Ref: 13/01149/ADV Decision: PERADV Decision Date: 14 March 2014

Description: Application for Advertising Consent for signs: additions to three existing ladder board signs and one 'gallows' style sign (please see application for full details).

Ref: 17/00810/MNMA Decision: Application not accepted and returned
Description: For retrospective permission to relocate the termination point of Zip 4 from tree 0042 to a pole installed in front of the tree with back-stays to concrete ground anchors.

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 shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

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

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

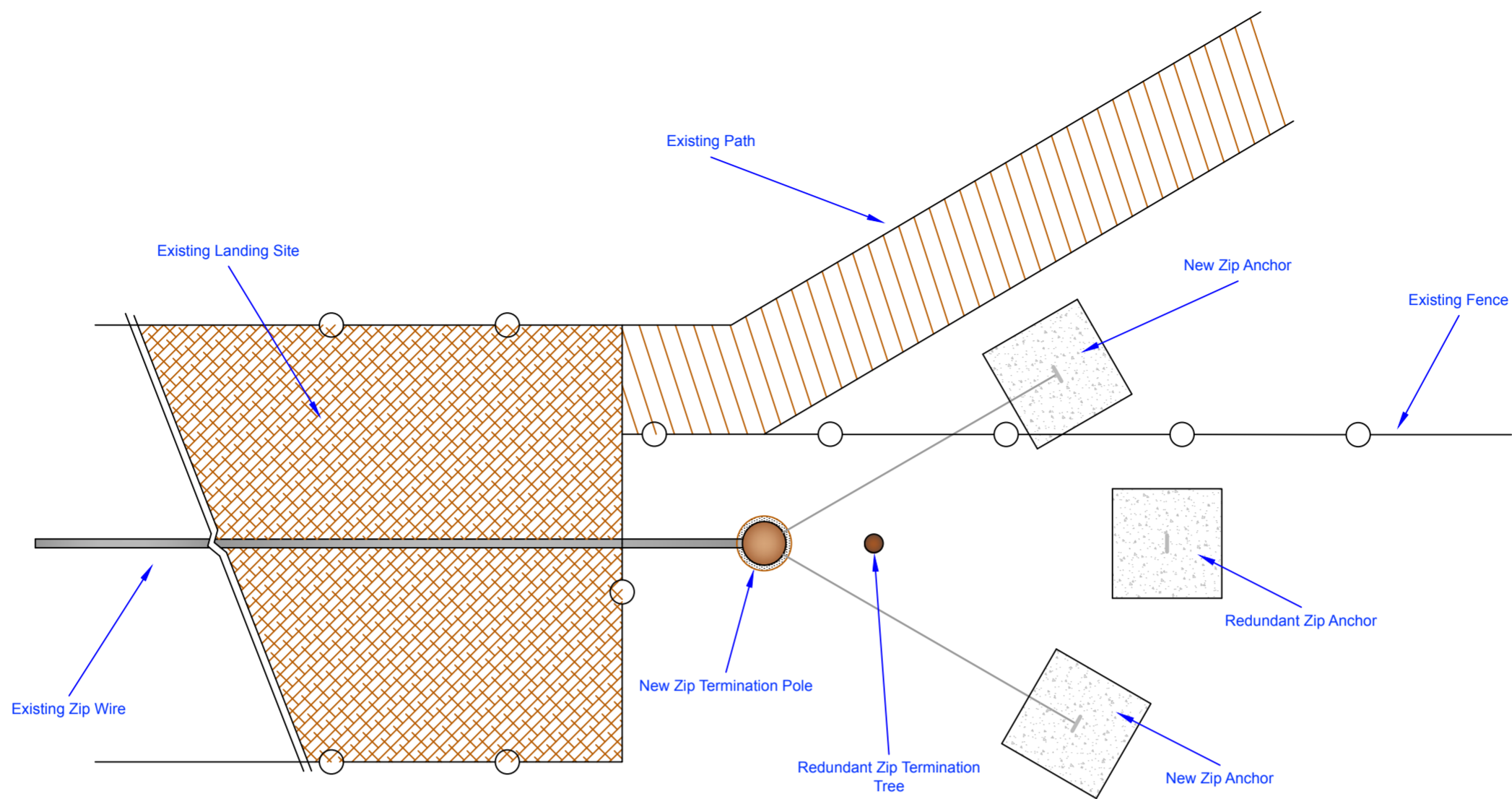
| Title | Received date |
|---|---------------------------------|
| Location Plan | 29 th November 2013 |
| Artificial Zip Wire Anchor Section | 21 st September 2017 |
| Support Cables Fencing | 20 th February 2014 |
| Proposed Shelter Relocation Plan | 29 th November 2013 |
| Development Proposals (as amended by Artificial Zip Wire Anchor Section plan above) | 5 th November 2013 |
| Proposed Shelter Relocation Plan | 5 th November 2013 |
| New Landing Zone Elevations | 5 th November 2013 |
| Hardstanding Cross Section | 5 th November 2013 |
| Go Ape Forest Shelter | 5 th November 2013 |

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

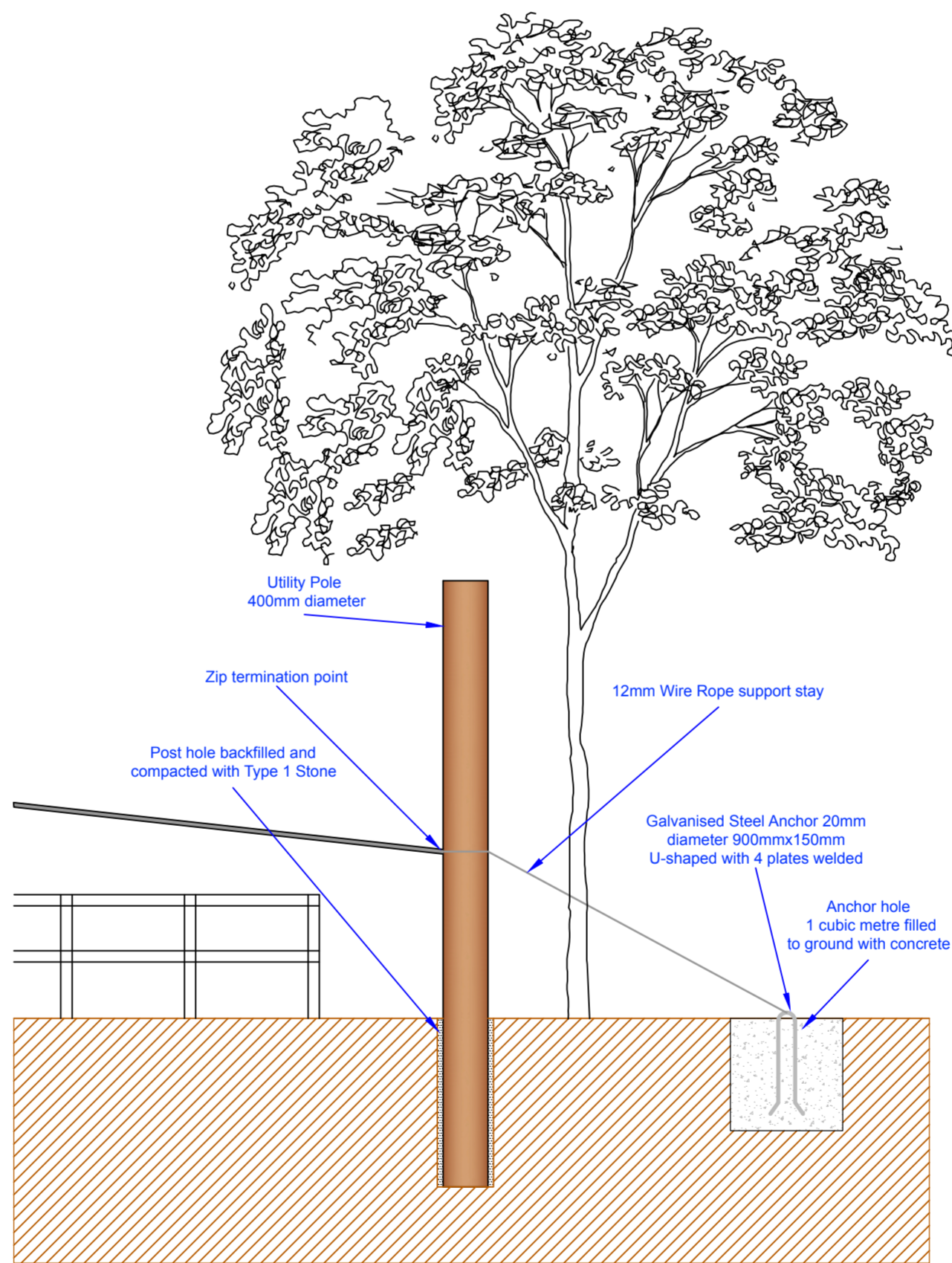
3. The forest shelter hereby permitted is an alternative to the shelter permitted by planning permission ref: 08/00553/FUL. The shelter approved under planning permission ref: 08/00553/FUL shall not be erected.

Reason: To ensure only one shelter is erected to reduce the impact on the Green Belt.

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PLAN



SECTION

| | | | | | |
|--|--|---------------------------------------|------------------------|---|--|
| <p>PROJECT NAME AND ADDRESS</p> <p>Go Ape Rivington Site 4 Zip Line Anchor</p> | <p>DRAWING TITLE</p> <p>Artificial Zip Wire Anchor Section</p> | <p>DATE:</p> <p>2nd June 2017</p> | <p>REVISION NUMBER</p> | <p>SPECIFICATION</p> <ul style="list-style-type: none"> • 12mm Wire Rope – 6x7 (6/1) zZ FC 1770n/mm² GAL with a MBL of 1100Kn (11T). • Utility Pole – 4m Stout to BS990/1/1984. Prepared before treatment. • Concrete Anchor – 20mm round bar 900mm x 150mm U shaped with 4 plates welded. Galvanised. • Wet Mix Concrete. | |
| | | <p>APPROXIMATE SCALE:</p> <p>1:50</p> | | | |

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APPLICATION REPORT – 17/00464/FULMAJ

Validation Date: 12 June 2017

Ward: Clayton-le-Woods North

Type of Application: Major Full Planning

Proposal: Erection of a convenience retail store, a building comprising 40no. retirement apartments, car parking and associated infrastructure following demolition of all existing buildings and structures

Location: Pines Hotel Preston Road Clayton-Le-Woods Chorley PR6 7ED

Case Officer: Mr Iain Crossland

Applicant: Mr Oliver Dickinson

Agent: Mr Chris Smith

Consultation expiry: 4 August 2017

Decision due by: 11 September 2017

RECOMMENDATION

1. It is recommended that planning permission be granted subject to conditions and a signed s106 agreement.

SITE DESCRIPTION

2. The application site comprises the now disused Pines Hotel buildings, car park and its formal gardens. The site is located in the core settlement area at Clayton Green to the east of the A6 Preston Road, close to the junction with Clayton Green Road and Westwood Road. The site is bounded by Preston Road and dwellings at 556 to 560 Preston Road to the west, Westwood Road to the north, Westwood Primary School to the east and dwellings at 11 and 13 Radburn Close to the south and east. There is an approximate 5.5m levels change across the site falling from the west to the east, and a 2.5m change across the site falling from the north to the south.
3. The site is characterised by the mature trees located to the periphery of the site. The original Pines Hotel building is a red brick villa of traditional character, however, this has been extensively and unsympathetically altered over the years to develop the site as a leisure complex. The buildings are located to the north of the site, with the formal gardens confined to the area to the south of the site between the rear of the dwellings on Preston Road and those of Radburn Close.
4. The wider locality is characterised by mainly residential development that has been built through a range of era's, and is reflected in a wide variety of building design styles from those of simple modern appearance to traditional stone cottages.
5. The Clayton Green District Centre is located approximately 70m away to the north west, which comprises an ASDA supermarket, library, public house, and sports centre.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The proposed development seeks full planning permission for the erection of a convenience retail store, a building comprising 40no. retirement apartments, car parking and associated infrastructure following the demolition of all existing buildings and structures on the site.
7. The convenience retail store would be located on a 0.8ha area of the site that currently accommodates the Pines Hotel building and associated function suite and car parking. The proposed foodstore would provide 2,125sqm gross Use Class A1 retail floorspace, all of which would be delivered at ground floor level.
8. The apartments building would be located on the area of the formal hotel gardens on a roughly rectangular shaped plot of land of approximately 0.6ha that slopes down towards the southeast. The building would be part four storey, part three story and part two storey in response to the levels, and would measure approximately 58m by 23m.
9. There would be a singular vehicular access to serve the whole site from Preston Road as is the case at present.

REPRESENTATIONS

10. In total 124 representations have been received, with 73 in support, 55 in objection and 9 raising matters of both objection and support to the proposed development.

11. Those in support raised the following issues:

- Convenient location because not everyone in the area drives or has access to a car.
- An opportunity to address the busy A6 roundabout.
- Accessible to bus stops
- No impact on traffic
- Would reduce trips to Leyland
- Would like a Lidl nearby
- Existing supermarket has a monopoly in the area
- New supermarket would increase competition
- Employment benefits
- Visual improvement of the site
- High quality homes for the elderly
- Good opportunity for people to downsize their property.

12. Those in objection raised the following issues:

Highway objections

- Increased accident risk particularly from construction traffic.
- The roundabout could not cope with the additional traffic generated
- Proximity of schools
- Deliveries using main entrance to shop/development compromise safety
- Road busy at peak times, especially near primary schools
- Number of motorists already speed on A6 and will increase with more traffic
- Changes to roads are dangerous – increased difficulty for residents to enter/exit their driveways
- Changes to road layout will result in more queuing particularly due to ghost-lane/island
- Traffic calming required
- Already congested and will be made worse
- Trucks on road through night making deliveries
- Increase in volume of traffic
- Roads already carry lorries for other supermarkets so shouldn't expect more to be on roads
- Traffic from proposed IKEA and people visiting will add to traffic problems
- No thought given to parents who may wish to shop after school or after drop off in morning – parents may park and walk kids to school
- Inadequate parking on site

- Sheephill Lane not suitable for lorries
- Change in road markings and removal of hatched area near roundabout will cause accidents.

Commercial element

- Already have number of supermarkets in area. Do not need more.
- Would prefer health centre or high school
- Out of character with residential area
- Jobs will be lost from local businesses, despite Lidl saying will create jobs
- Will remove business from local independents
- Will result in a drop in sales for other businesses, especially supermarket
- Would prefer a more upmarket supermarket
- Impact on nearby towns.

Residential element

- Due to height will overlook houses and cause properties to lose privacy
- Dwarf other buildings – size of proposed flats unprecedented for residential dwellings in area – will make village look overdeveloped – dominate area and houses.
- Overshadowing / overbearing impact on nearby residential properties.
- Will alter outlook from residential properties nearby
- Out of character with area
- Concern that retirement properties are close to school grounds
- Poor design
- Colour scheme would not match with existing properties – disregard of impact design will have
- Neighbours will not be able to escape view of apartments or being viewed upon by apartments. No longer secluded garden.

General issues

- Disruption from demolition and construction and site deliveries
- The Pines is a building of historical importance – lose example of Victorian architecture
- No consultation as to what community would have wanted
- Will make area look industrial and no longer green – will create precedent and goes against policy BNE1
- Impact on house prices
- Drainage difficulties
- Consider proposal to be example of garden grabbing
- The Pines must be retained as a leisure use
- The whole site should be residential
- Loss of protected and unprotected trees
- Crime and anti-social behaviour
- Noise pollution from trucks, air conditioning, deliveries and collections
- Light pollution from lights in the apartment block and lighting in the car parks.
- Air pollution from refuse and vehicles.

13.A highway objection was received on behalf of ASDA stating that the application should be refused on highway grounds for the following reasons:

- An increased number of vehicular movements to the site will increase the likelihood of conflicts between pedestrians and vehicles, increasing the probability of accidents and personal injury;
- Parking is provided significantly under the parking standards, without demonstrating that this would not lead to overspill parking on the surrounding highway impacting on road safety and network operation.
- Servicing arrangements would result in potential conflicts between customers, staff and delivery vehicles;
- The trip rates used in the assessment are considered to under-estimate the likely impact of the development proposals;

- The growth rates used in the assessment are considered to under-estimate the likely growth of background traffic and, therefore, the impact of the development proposals;
- With mitigation, the A6 Preston Road / Clayton Green Road / Westwood Road junction is anticipated to operate over capacity, notwithstanding background and development trip concerns.

14. A further objection was received from ASDA that set out the impact that the proposed development would have on the ASDA Clayton Green store and concluded as follows:
Our objection to the application is that the proposed foodstore at the Pines Hotel site in Clayton-Le-Woods will have a significant adverse impact on the vitality and viability of Clayton Green District Centre. This is a material consideration that warrants the refusal of the application under the terms of Section 38(6) of the Act.

Asda has no objection to the development of a Retirement Village by McCarthy and Stone. A suggested approach therefore is to remove the proposed Lidl foodstore from the application to enable the application to be supported.

CONSULTATIONS

15. **Conservation Officer:** No objection
16. **Greater Manchester Ecology Unit:** No objection subject to appropriate conditions.
17. **Waste & Contaminated Land Officer:** I have reviewed the ground investigation reports and I am satisfied with their findings. I have no objections to the development proceeding in line with the precautions outlined in the report.
18. **Lancashire Highway Services:** No objection subject to appropriate conditions and the developer entering into a s106 agreement to pay £12,000 towards travel planning support.
19. **Lead Local Flood Authority:** No comments received.
20. **Lancashire Constabulary Architectural Liaison:** Advisory comments provided.
21. **Lancashire Fire And Rescue Service:** Advisory comments provided.
22. **United Utilities:** Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities.
23. **Regulatory Services: Environmental Health:** No objection in principle to the application subject to appropriate conditions relating to a Construction Method Statement and hours of operation and delivery.
24. **Clayton le Woods Parish Council** object to the application for the following reasons:
- The development would be out of character with the area, would conflict with the Local Plan and is out of sympathy with local aspirations.
 - The development would be harmful to highway safety in this location given the proximity to two primary schools.
 - There would be harm to the amenity of local residents living adjacent to the site therefore planning permission should be refused on this basis alone.

PLANNING CONSIDERATIONS

Principle of the development

25. The National Planning Policy Framework (The Framework) is fundamentally based on a presumption in favour of sustainable development. As set out at paragraph 14, with regard to decision-making, this means granting planning permission unless:
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.*

26. The application site is located in the core settlement area at Clayton Green, which is identified as an Urban Local Service Centre by Core Strategy Policy (d) where some growth an investment is encouraged.
27. The proposed development is split into two distinct elements; the commercial retail element comprising the convenience retail store and the residential element comprising the 40 retirement apartments. The assessment of the principle of development is therefore considered in two separate parts to reflect this.

Commercial element

28. The application site lies approximately 70m south east of the Clayton Green District Centre Boundary. It is accepted the site is an edge of centre location.
29. Relevant national policy for retail development is set out in paragraphs 23 to 27 of the Framework. For developments outside existing centres and not in accordance with an up-to-date Development Plan, paragraph 24 requires the applicant to demonstrate there are no suitable sequentially preferable sites available. Paragraph 27 states that where an application fails to satisfy the sequential test, it should be refused.
30. When considering out of centre proposals preference should be given to sustainable sites that are well connected to the town centre. As such in accordance with the Framework a proposal for new retail provision within an out of centre location requires a sequential test.
31. Policy EP9 of the Chorley Local Plan 2012 - 2026 (Development in the edge of centre and out of centre locations) reinforces the guidance contained within the Framework and permits out of centre retail development within accessible locations, which do not harm the amenity of the area, and which do not detract from the function, vitality and viability of the town centre.
32. A sequential assessment has been submitted with the application that makes specific reference to four local centre locations at Clayton Green District Centre, Great Greens Lane Local Centre, Chorley Old Road Local Centre and Lancaster Lane Local Centre. The applicant has considered sequentially preferable sites and premises that are suitable and available and which should be favoured over and above the application site. There are also no other sites for consideration. The local centres considered were found unsuitable for a range of reasons including being either too small, not available now or there are other physical or policy constraints.
33. Paragraph 26 of the Framework is concerned with impact. Where a proposal is outside a town centre and not in accordance with an up-to-date Development Plan, an impact assessment is required if the development is over a proportionate, locally set threshold and in the absence of a local threshold, the default threshold is 2,500 square metres ("the threshold"). The proposed foodstore within the application falls below this threshold (and as noted later there is no local lower threshold).
34. The Framework is supported by the Planning Practice Guidance (PPG). This states that the impact test only applies to proposals exceeding 2,500 square metres gross floorspace unless a different locally set threshold is set by the local planning authority (Paragraph reference ID: 2b-016-20140306). Reference to circumstances when an impact assessment may be required where a proposal is below 2,500 square metres (or below a locally set threshold), is absent from the Framework and the PPG. It is therefore clear that national policy does not require an impact assessment for retail proposals below 2,500 square metres, unless there is a locally set threshold (which there is not), even though a proposal may cause harm to a centre.
35. Policy 11 of the Core Strategy is concerned with retail and town centre uses. This policy supports development of an appropriate scale to the retail hierarchy and in sustainable locations. The policy makes specific reference to key elements of the retail hierarchy. It also makes reference to maintaining and improving and controlling the mix of uses in existing

District and Local Centres and proposed centres at Strategic Sites and Locations, so as to appropriately serve local needs. Clayton Green is identified as a District Centre in the town centres hierarchy.

36. The Core Strategy does not provide a policy for dealing with retail proposals located outside of town centres (or sites identified for retail development). In addition, it does not set a local threshold, below which an impact assessment in terms of paragraph 26 of the Framework is not required.
37. Policy EP9 indicates that outside District and Local Centres, changes of use and development for small scale shopping and town centre uses (either as part of mixed use developments or in isolation), will be permitted where the development meets a local need; there is no harm to the amenity of the area; and the sequential test and impact assessment are satisfied.
38. The Local Plan retail and town centre policies do not provide a local threshold below which an impact assessment is not required. Overall, Development Plan policies do not set a local threshold relating to the assessment of impact. Consequently, the default threshold of 2,500 square metres set by paragraph 26 of the Framework must apply.
39. It is noted that an objection to the proposed commercial element of the proposal has been submitted by ASDA in relation to the impact on vitality of the Clayton Green District Centre and the ASDA store that is located there.
40. The representations of ASDA set out an estimate of the turnover of the ASDA store at Clayton Green. This is estimated at about £34.8 million at 2017 rising to about £35.5 million in 2022. These figures are derived by assuming a convenience goods sales area of 3,043 square metres (out of a total sales area of 4,682 square metres); and an average sales density of £11,427 per square metre (this is a 2015/16 figure derived from Mintel Retail Rankings 2017).
41. There are a number of points to note:
 - The turnover estimate relates to convenience floorspace in the store only. Some 35% of the sales area is devoted to the sale of comparison goods. As a consequence, the total store turnover at 2017 is likely to be considerably higher than the £34.8 million set out in the Asda objection.
 - The assumed average sales density of £11,427 per square metre applies to all ASDA floorspace (convenience and comparison). Consequently, this may be a reasonable estimate to address the total store turnover. The total turnover of the store (all goods) at 2017 would be in the order of £53.5 million.
 - It appears that ASDA rely on published data, which does not reflect local circumstances rather than providing an indication of the actual turnover of this store.
42. In their response to the ASDA objection, the applicant refers to evidence from the Preston City Centre Retail and Leisure Study 2013, which indicates that ASDA achieves a convenience turnover in excess of £51 million at 2017. They also refer to the Central Lancashire Retail and Leisure Review (March 2010) and note that evidence from this study suggests that the store trades at a level approximately 20% above company average. This is historic information but nevertheless, illustrates the fact that ASDA is a successful store.
43. With regard to other evidence, the South Ribble Retail Study 2017 (by WYG) indicates that the convenience turnover of ASDA at Clayton Green is in the order of £52 million at 2017. Evidence produced to support the proposed development at Cuerden produces a figure that is closer to the company average trading level. However, taken in the round, the evidence suggests that ASDA is probably trading at a level above company average for convenience floorspace, perhaps significantly above average.
44. The applicant's response to the ASDA objection does not dispute the assessed convenience turnover of Lidl within the ASDA objection of £9.2 million at 2017. However, it should be noted that the estimate applies the company average to the convenience element of the

store. Total net floorspace is 1,488 square metres, which generates a total turnover of circa £11.5 million.

45. ASDA assert that given the nature of the proposal in terms of its scale, format and location, a significant proportion of the turnover is likely to be diverted from the existing ASDA. They say it is not unreasonable to assume that at least 75% of the turnover would be drawn from ASDA. The suggestion that 75% of turnover would be drawn from Asda has no evidential basis, however. The trade draw from existing shopping facilities arising from a new proposal should be based on an analysis of existing shopping patterns. It should also have regard to guidance in the PPG that like will impact on like (Reference ID: 2b-015-20140306).
46. In the first instance therefore, trade to the proposed development is most likely to be drawn from existing discount supermarkets. The response of the applicant refers to Lidl being aware of residents local to the application site travelling to existing Lidl stores elsewhere and other discount foodstores. They also note that this has been confirmed by residents through the public consultation exercise. There are existing Lidl stores at Churchill Way, Leyland and others further afield at Preston, Darwin and Standish. There are Aldi stores located at Harpers Lane, Chorley, Buckshaw Village, Cuerden Way, Bamber Bridge and Towngate, Leyland. It is therefore reasonable to conclude that these existing stores are most likely to experience trade diversion from the application.
47. There is some information on convenience shopping patterns in the Clayton Green area within the South Ribble Retail Study (2017). Clayton Green falls within Zone 6 of the study area. The study shows that total available convenience expenditure arising within this zone is £45 million. ASDA at Clayton Green attracts £14 million of expenditure arising within this zone (about 35% of expenditure). Other significant destinations for convenience shopping within this zone include Tesco and Aldi at Buckshaw Village, various destinations at Leyland including Aldi and Lidl. On a simplistic and pro rata basis, it may be concluded that the trade draw from ASDA is likely to be in the order of 35%-40% of the turnover of the development as opposed to the 75% suggested by ASDA.
48. Assuming the total turnover of Lidl is likely to be in the order of £11.5 million and that 40% would of this turnover would be drawn from ASDA, trade diversion would be approximately £4.6 million. Assuming a total turnover of ASDA (convenience and comparison goods) of circa £51 million, the trading impact would be about 9%. Consequently, it may be concluded that the proposed development is likely to divert about 9% of trade from Asda, as opposed to the 20% suggested in the Asda objection. In some circumstances a trading impact of 9% may be significant in terms of the centre affected. However, there is no suggestion that Asda is trading poorly, indeed the indications are the opposite and the evidence suggests this is a successful store. In these circumstances, an impact of 9% of trade is unlikely to have a significantly adverse effect on the vitality and viability or investment in the centre such as to justify refusing planning permission.
49. In addition to this there is also the possibility of the District Centre benefitting from the presence of the application scheme through linked trips, whether they be on foot or by car. This is due to the difference in offer between the proposed retail convenience store and the existing ASDA, and the additional trade that would be drawn into Clayton Green from elsewhere as set out above.
50. In summary it is clear that in this case there is no requirement upon the applicant to address the issue of impact and it is considered that there is no evidential basis to support the assertions of ASDA that the proposal would have a significantly adverse impact such as to justify the refusal of planning permission.
51. The overall aim of Policy EP9 is to minimise the need to travel, provide a diverse range of services in one central location and make facilities accessible to all. The approach is intended to sustain and focus growth and investment in local centres. It is considered that the applicant has addressed policy EP9 criterion a) and c) of the Chorley Local Plan 2012 - 2026. The proposal meets a local need for convenience retail need as evidenced by the letters of support received and the available retail expenditure in this catchment area that is

currently being diverted elsewhere. The site can be readily accessed in its catchment by walking, cycling or public transport. Given the scale of the proposed development, it would not detract from the function, vitality and viability of Clayton Green District Centre. The impact of the proposal on the amenity of an adjacent area – criterion b) EP9 is addressed later in the report.

Residential element

52. 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.
53. Policy 1(d) of the Central Lancashire Core Strategy states that some growth and investment will be encouraged in Urban Local Service Centres to help meet housing and employment needs. Clayton Green is identified as one of the Urban Local Service Centres and therefore the proposed development is in line with this policy.
54. The application site is not allocated within the Local Plan and its lawful use is as a hotel and leisure development with associated formal gardens. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities, and of public transport. The Framework also states that development in sustainable locations should be approved without delay.
55. The proposed development cannot be considered against the provisions of Policy HS3 of the of the Chorley Local Plan 2012 – 2026, which deal with private residential garden development, and this policy relates to development within private residential gardens only, and not those associated with a commercial leisure operation.

Design and impact on the character of the area

Commercial element

56. The proposed retail unit would be positioned on the northern edge of the site, occupying the corner between Preston Road and Westwood Road, within an area that currently accommodates a number of buildings and structures comprising the hotel and leisure complex. The proposed retail unit would be of contemporary design typical of modern commercial units incorporating full height glazing to the main shopfront, white render and grey panelling to other elevations and a shallow mono-pitched roof. This would result in a simple modern design that is not uncommon amongst modern retail units and suits the needs of current retail methods in a functional and efficient manner.
57. The maximum height of the proposed retail unit would be 6.7m, which is lower than the height of a typical 2-storey dwelling house. However, due to the change in land level, the store floor level would be set at a lower level to Preston Road and the part of Westwood Road near to the junction, and lower than neighbouring buildings and, therefore, the building will appear to be lower than neighbouring houses, and would not be prominent from Preston Road or on approaching the roundabout from the north and west. Indeed the proposed store would be less prominent than the existing buildings by virtue of its relatively low level height and reduced mass.
58. There are a range of property types and styles in the area that have been developed over different periods of time from both traditional and modern dwellings to larger commercial and leisure units, such as the ASDA store and the sports centre, resulting in a mix of building designs and types across the locality. The existing building itself developed around a villa of impressive design, however, the significance and quality of this building has been eroded over time through a series of unsympathetic additions and alterations. Although the proposed retail unit would be a distinct departure from the existing building on the site, it would be unobtrusive in its appearance and scale would not compete with buildings of quality nearby on Westwood Road and Preston Road.

59. The scale of the building is appropriate in the context of the site and surrounding structures, particularly given the degree to which the building is set-back in the site. The use of a shallow mono pitched roof as opposed to a dual pitched roof means that the height of the proposed building can be kept to a modest scale in keeping with neighbouring structures.
60. Some of the better quality trees would be retained to the periphery with additional trees and landscaping added to provide a soft buffer between this part of the site and the highway. These would filter views from the highway and help to retain the character of the site. Proposed boundary treatments would be lower level to the front of the store and around Preston Road, with more secure fencing to the rear of the site. The boundary treatments proposed are appropriate and would not be visually incongruous.
61. The commercial part of the proposed development would change the character of the site and result in a physical change to the appearance of the site. However, given the way in which the Pines has developed over time, and the regrettable damage to the character of the original building through continual alteration, its loss and replacement with the proposed retail unit is not considered to be harmful to the appearance of the site or character of the wider locality in the context of the variety of built form in this part of Clayton Green.

Residential element

62. The proposed development of the building comprising 40 retirement apartments would be centrally positioned to the southern part of the site in order to ensure that existing vegetation on the site perimeter is retained and to benefit from this mature landscaping in order to enhance the quality and setting of the building's location. It is noted that there is a distinct levels change across this part of the site, and that the building has been designed in response to this change in levels by providing a lower ground floor level on the eastern elevation. The approach also enables the creation of different external spaces, with the landscaped car parking court located to the west of the building and private landscaped gardens to the east.
63. The apartment building is of a modern design but has taken architectural cues from buildings in the locality through the use of characteristic gables and a palette of materials, to include red brick, render and slate coloured roof tiles. The two and three-storey frontage sits comfortably with the eaves and ridge heights of neighbouring properties, with projections and recessions breaking down the massing of the building, and would have an appropriately domestic character.
64. Whilst the development achieves a higher density than is generally prevalent in the immediate area, it is able to achieve a more efficient use of land as a result of the type of accommodation proposed and the design of the scheme in adapting to the physical site constraints. As the proposed apartment building would be located quite far into the site, to the rear of dwellings on Preston Road, it would not be visually prominent from public areas being located some 75m from Preston Road and 100m from Westwood Road with intervening buildings and trees. Therefore given the scale, appearance and positioning of the proposed apartment building there would be no harmful impact on the character of the locality.
65. The apartment building and its associated car park would be located on the formal garden area of the hotel and leisure complex. The gardens were undoubtedly a pleasurable part of the site, for those that were able to benefit from using them, however, they have since become somewhat wild through lack of management. This in itself presents a degree of visual interest and landscape character, however, it is of little benefit to the public being private land and inaccessible. The proposed development would retain a high proportion of the best trees on the site and would bolster exiting peripheral landscaping for the benefit of existing and further residents. This would help to retain the sylvan character of the site. The boundary treatments proposed are suitably domestic and are considered appropriate.

66. Overall the layout and design of the proposed development is considered acceptable and appropriate in the context of existing surrounding development and is in accordance with policy 17 of the Core Strategy and policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbour amenity

Commercial element

67. The proposed retail unit would be located approximately 28m from the nearest dwelling at 586 Preston Road. The retail unit would be set at a lower level to this property and given the degree of separation and relative positioning would have no impact on light, outlook or privacy. The retail unit would be positioned further from other dwellings and would therefore have no other physical impact on amenity.
68. The proposed development has the potential to impact on neighbouring amenity through increased noise and disturbance. It is acknowledged that a new retail unit would result in the arrival and departure of customers, the delivery of goods and collection of waste and installation of fixed plant, that would differ from the noise and disturbance generated from a hotel and leisure complex when in use.
69. The majority of activity would take place to the frontage on Preston Road, and between the proposed retail unit and proposed apartment building. Deliveries and plant would be concentrated to the east of the site away from dwellings.
70. The applicant has submitted a detail noise assessment with the application that relates to the potential impact of the operational noise arising from mechanical services plant; servicing and customer cars.
71. The Council's Environmental Health Officer confirms that the noise assessment uses an appropriate assessment method in the form of BS4142 (British Standard 4142:2014 - Methods for rating and assessing industrial and commercial sound) to consider the noise impacts from customer car movements, fixed plant including an air conditioning unit, a heat pump and a dry cooler and noise from HGV deliveries. Two monitoring locations have been considered, the first being at 586 Preston Road to the north of the proposed Lidl Store and the second being the proposed McCarthy and Stone retirement village to the south. Noise from customer car movements and HGV deliveries have not be considered at 586 Preston Road due to the screening effect of the proposed Lidl store.
72. The conclusions of the report based on the BS4142 assessment are as follows:
- Noise from customer car movements at the proposed retirement village will result in an increase in noise levels of 0.1dB (Laeq) and is therefore not significant. Comment is also made that the calculations are conservative due to them being based on a comparison between car movements during the peak hour and the lowest daytime ambient noise level.
 - Noise from fixed plant at the nearest residential property will be 19dB(A) below the lowest ambient noise levels during the day and 17dB(A) below the lowest ambient noise levels at night and will therefore not result in a significant increase in ambient noise levels.
 - Noise from HGV deliveries at the proposed retirement village will be 12dB(A) below the lowest ambient noise levels during the day and 6dB(A) below the lowest ambient noise levels at night and will therefore not result in a significant increase in ambient noise levels.
73. It is accepted that the conclusions of the assessment in terms of noise from customer car movements and fixed plant and that the result of the BS4142 assessment for HGV movements indicates a low impact on existing dwellings. However, there is concern that the predicted internal noise levels of 34dB(A) at the retirement village arising from noise from deliveries at the proposed Lidl store, exceeds the recommended internal night time noise level of 30dB (Laeq) as outlined in BS8233 (British Standard 8233, Guidance on sound insulation and noise reduction for buildings).

74. Although it is recognised that existing ambient noise from road traffic is likely to be the dominant noise source, it is considered that the nature of noise from deliveries is such that there is the potential to cause greater disturbance to the occupiers of nearby residential properties than general noise from traffic. It is therefore recommended that a condition restricting the hours of delivery, loading and unloading is attached to any grant of planning permission to restrict the impact of noise from deliveries upon the future occupiers of the proposed apartments. It is also recommended that conditions controlling hours of operation are attached to any grant of planning permission to ensure that the amenities of the neighbours are protected.
75. All internal and external lighting, including the car park lighting, would be controlled by the store's Building Management System. All external lighting would be controlled by timers and remote sensors. The timers ensure that the lighting would only operate during certain times of the day, with the remote sensors ensuring that lights only operate when natural day light falls below a pre-set limit.
76. The Building Management System would permit all external lighting to switch on 1 hour before store opening (to assist the arrival of staff) and switch off 1 hour after store closing (to assist staff departures). Lighting would only automatically switch on if natural light levels are sufficiently low. Accordingly, the proposed lighting would not be illuminated overnight at any time and would only be illuminated during the day time if natural light levels fall below the pre-set sensor limit.
77. On the basis of the above it is not considered that there would be any adverse impact on the amenity of existing and future residents through the development and operation of the proposed retail unit.

Residential element

78. The proposed apartment building would be located to the south of the application site, in the position of the formal gardens and would be positioned to the rear of three dwellings on Preston Road and to the sides of two dwellings on Radburn Close.
79. The dwellings at 556 to 560 Preston Road are set in large plots and have rear gardens adjoining and overlooking the existing formal garden area at the Pines site. As such these properties enjoy views over the gardens, albeit filtered by trees and landscaping to the boundary. This provides a pleasant outlook for the occupiers of 556 to 560 Preston Road.
80. The proposed apartment building would have a western elevation of 2 and 3 storeys facing the properties on Preston Road. The building would be located approximately 48m at its nearest point, which would be from the rear of 558 Preston Road and a part of the building that is 3 storey in height. The building would be approximately 28m from the rear garden boundary of this dwelling. The proposed apartment building would be set at a lower level to the properties on Preston Road, and as such the ridge and eaves height of the apartment building are lower than the ridge and eaves of the dwelling at 558 Preston Road.
81. The proposed apartment building would undoubtedly be visible from the properties on Preston Road and would impact upon the outlook that the occupiers of these dwellings currently enjoy, particularly that of 558 Preston Road. Given that the site is previously developed site in the settlement area that is no longer in use, it must be anticipated that the development of the site would be inevitable at some stage. The proposed development would present a building of considerable mass, which would contrast greatly with the open views currently enjoyed, however, this would be positioned at a significant distance from the dwellings and gardens on Preston Road, when considered in the context of development in an urban location.
82. To put this into context any alternative development of the site could include housing located in closer proximity than that which is proposed here. Such houses could be presented in the form of town houses not dissimilar in height and mass to the proposed apartments, or large

detached houses with much reduced interface standards, depending on the position of windows. However, the applicant can only be assessed on the basis of what is proposed.

83. Although the proposed development will impact on the outlook of the occupiers of 556 to 560 Preston Road in contrast to the present situation, and that such change may be difficult for those occupiers to accept, it is not considered that this impact is so harmful, when considered in the context of urban development more generally, that it could be considered unacceptable and would warrant refusal of the application.
84. There would be parallel facing windows between the two properties, however, the distance of approximately 48m far exceeds the Council's 21m guideline standard, as does the distance between the apartments and the garden boundary at approximately 28m and a guideline distance of 10m. In addition to this there are trees that would be retained along the boundary that would filter views between the two sites. Given the significant degree of separation there would be no unacceptable impact on privacy.
85. There would be a limited impact on light by virtue of the scale of the proposed building, its positioning to the east and presence of mature trees to be retained along the boundary.
86. It is noted that a car park and turning area would be located between the proposed apartment building and rear gardens of properties on Preston Road, and that the site would become more actively used. This would be set at a lower level, approximately 25m from the dwellings at the nearest point. The effect of the level change would reduce the visibility of the car parking area and the cars that would use it to a point where its visual impact would be limited. In terms of the noise and disturbance generated the site would be in domestic use for retirement apartments. As such the level of noise and disturbance that would be generated from comings and goings is anticipated to be limited and would be consistent in the context of the residential part of the site.
87. The proposed apartment building would be located approximately 22m north and west of the dwelling at 13 Radburn Close and approximately 20m from the garden boundary at the nearest point. It would be sited at a higher level to 13 Radburn Close. The apartment building has been designed so that the section of the building closest to neighbouring properties on Radburn Close is one storey lower than the rest of the building. Accordingly, whilst the building as a whole extends up to 4-storeys in height, that part of the building closest to Radburn Close will be no more than 3-storeys.
88. The proposed apartment building would be orientated so that its closest elevations to 13 Radburn Close face due south and east. As such the apartment building would only be visible at an obscure angle from the rear windows of 13 Radburn Close and would not have any windows or elevations facing those windows in the rear elevation at 13 Radburn Close. As such there would be no impact on privacy in relation to the dwelling itself.
89. Although the building would be visible it would only start to pass beyond an obscure angle of sight as it extends away from 13 Radburn Close at some distance away (approximately 30m) when taking a 45 degree line from the near edge of the closest window to a habitable room at 13 Radburn Close. It is also noted that it is proposed to retain the existing mature trees and shrubs along the site boundary, which provides substantial screening and filtering of views. This existing vegetation would be complemented by additional landscaping works and would be managed by the site owner (McCarthy & Stone) to ensure that the vegetation provides effective screening and maintains an acceptable standard of visual amenity.
90. Therefore even in consideration of the levels difference between the site and 13 Radburn Close it is not considered that there would be an unacceptable impact on outlook. In addition to this, given that the apartment building would be located to the north west of the dwelling it is not considered that there would be an unacceptable impact on direct light in relation to the dwelling.
91. There is some concern in relation to the impact of the apartment building in relation to the amenity that may be enjoyed in the rear garden at 13 Radburn Close, given that the building

would directly face the garden and would be 3 storeys at this position. The apartment building has habitable rooms facing the garden at a distance of between 20m and 25m to the boundary. The Council's guideline standards for such an interface is 10m, therefore it is considered that the additional distance over and above this standard provides an adequate degree of protection given the increased building height and levels, and the retention of substantial landscaping and mature trees along the boundary, which would effectively filter views.

92. Again it is recognised that the contrast with the present situation, is such that there would undoubtedly be an impact upon the residents of 13 Radburn Close and that such change may be difficult for the occupiers to accept. It is not, however, considered that this impact is so harmful, when considered in the context of urban development more generally, that it could be considered unacceptable and would warrant refusal of the application.
93. There is also a dwelling at 11 Radburn Close that bounds the site. This would be located approximately 24m to the south of the proposed apartment building. Given the relative positioning and degree of separation it is considered that there would be no adverse impact on the amenity of the occupiers of this dwelling.
94. Any impact through noise and disturbance from the proposed apartments building would be limited to that of a domestic nature, which is appropriate in the context of residential dwellings. Noise and disturbance is also anticipated to be relatively limited even for a residential development given that the scheme is for retirement apartments aimed at over 55's.
95. The lighting proposed as part of the residential element would include bollard lighting to the access road and car park area, with eyelid lighting attached to the building in other areas. Lighting of this type would be suitably unobtrusive to protect the amenity of future residents and would present an attractive appearance. It is not considered that the proposed lighting scheme would cause any harm to the amenity of neighbouring occupiers.
96. On the basis of the above it is not considered that the proposed development would result in any harmful impact on the amenity of nearby occupiers to the extent that planning permission should be refused.

Impact on highway safety

97. A Transport Assessment (TA) has been submitted setting out the transport issues relating to the proposed redevelopment. In line with its obligations, Lancashire County Council (LCC) has with regard to relevant policies analysed the TA and the associated application documents to ensure the proposed redevelopment does not potentially endanger safe movement of pedestrians, cyclists, residents, the general public and movement of goods on the highway network. The TA was therefore analysed taking into account the proposed access strategy, measures proposed to reduce need to travel by car, accessibility of the site by sustainable modes of travel such as walking, cycling and public transport; the impacts of trips associated with the redevelopment on the existing highway network and the applicant's proposed measures towards managing and mitigating such impacts.
98. Officers from LCC have undertaken a number of site visits as part of the highway authority assessments and a hosted joint meeting held on 11 September 2017 with the developers (Lidl) and their transport consultants (SCP) to address the initial highway concerns associated with the development proposal.
99. Subsequent to the meeting SCP have submitted a Technical Note. The Technical Note has been studied to ensure that any amendments and additional measures put forward by the applicant are in line with discussions at the meeting and sufficient in detail in addressing the highway concerns.
100. The site covers an area of 1.40 hectares and is located on the south east corner of the A6 Preston Road and the B5256 Westwood Road roundabout in Clayton Green. It is fronted

by the A6 Preston Road, adjoined to the east by the Westwood Primary School and bordered to the north by the B5256 Westwood Road. Across the B5256 Westwood Road, north of the site are residential houses and the St Bede's RC Primary Schools and Church. To the north west of the site lies the Clayton Green Business Park that incorporates offices, the Clayton Green Library and the Clayton Green Sports Centre. The Business Park is adjoined by an ASDA Superstore to the west, while the south of the site is occupied predominantly by residential houses.

101. The site frontage is lined with trees some of which are subject to Tree Preservation Orders. Preston Road is subject to a 40mph speed limit and Westwood Road to a 30mph speed limit.
102. The TA investigates the Personal Injury Accidents in the area for the past 5 years, during which there were 9 recorded traffic accidents all resulting in slight injuries. The details of the accidents are in paragraph 2.10 of the TA. The accident analysis shows that five involved cyclists or pedestrians. The TA concluded that the accidents raised no concerns. LCC do not agree with this statement and raised this with the developer at the meeting.
103. In response to LCC's concerns, the applicant pointed to proposed pedestrian/cyclist improvement schemes at the roundabout, shown on proposed drawing, SCP/16329/SK04 (02.06.2017), which include improving the existing traffic islands on Clayton Green Road and Westwood Road into pedestrian refuges with tactile paving to facilitate crossing, providing pedestrian refuges in both directions of the site access on Preston Road and also at the site access to enable safe crossing. The applicant noted that these measures should be adequate for improved pedestrians/cyclists safety. The highway authority considers the revised measures sufficient and acceptable, but requested the proposed pedestrian refuge located north of the site access to be positioned nearer the right turn lane to provide protection against southbound traffic colliding with traffic turning right into the site. This would require possible repositioning of the pedestrian walkway from the site closer to the refuge. The applicant was also requested to improve the existing traffic island at the Preston Road south end of the roundabout (opposite 572 Preston Road) to a pedestrian refuge with tactile paving in similar manner as those proposed for Clayton Green Road and Westwood Road to accommodate safe crossing of Preston Road by pedestrians heading to Clayton Green Road from Westwood Road and vice versa. The implementation of these measures should see improvements in the current rate of pedestrians/cyclists accidents at the roundabout. LCC therefore considers the measures adequate to mitigate the impact of the development.
104. The developer commissioned a traffic speed survey on Preston Road within the vicinity of the site to establish the speed at which vehicles were travelling. Analysis of the survey shows that the 85th percentile speed of vehicles travelling south to be 32.35mph and 33.68 mph for northbound traffic. Based on on-site observations LCC are satisfied that these results are representative of existing traffic conditions.
105. The applicant also undertook traffic turning counts at the Preston Road/Westwood Road/Clayton Green Road roundabout to establish existing traffic levels. The survey data in appendix 1 of the of the TA have been checked with the existing peak hour trip generation figures shown in paragraph 2.7, Table 2.1 and found to be satisfactory.
106. Developments of this nature generally have their greatest impact in the weekday evening peak hour (usually 17:00–18:00) and in the midday Saturday peak hour. The developer has based their impact analysis around these hours and as such LCC are satisfied that appropriate time periods have been assessed.

Site access

107. The site is currently accessed from Preston Road, but as part of the proposed access strategy, the existing access is to be improved to reflect the proposed use and to ensure that HGVs can be accommodated. The improvements include provision of right turn lane on Preston Road to facilitate entry into the site, a pedestrian refuge in each direction of the access and a central refuge to enable pedestrians to safely walk from one end of the access

to the other. The exit lane of the access includes provision for left and right turns. The layout of the site access is generally acceptable, however, LCC expressed concern, given the residential element of the proposal about left turning traffic having to utilise significant portion of the right turn lane to be able to exit as shown on drawing SCP/16329/ATRSK03 (02.06.2017).

108. The applicant explained that the location of the Lidl Distribution Centre means that HGVs bringing deliveries to the site will come from the direction of the roundabout and return in the same direction and as such will not usually be required to turn left at the access. If the need arise for delivery vehicles to turn left, the applicant maintained that vehicles would simply have to wait for traffic to clear before making the turn. It is anticipated that there would only be one dedicated delivery to the site per average day which would increase to two during busy periods such as Easter and Christmas. To limit HGV turns at the access and curtail delays, there will be no deliveries to the site during busy trading hours and traffic peak hours and refuse/waste generated at the site would be taken away by the same vehicles that bring deliveries. LCC accepts this explanation and agreed that if the access was to be further widened for left turning vehicles to be fully accommodated in the left turn lane, there may be implication for pedestrians crossing at the access who would require prolonged periods to complete the crossing.
109. The applicant has demonstrated that visibility splays of 2.4m x 70m to the south and 2.4m x 71m to the north can be achieved. This is acceptable given the 85th percentile speeds shown above and the fact that the applicant has indicated on drawing, LD-07175-SPACE-00-XX-DR-A-91-0001-S3-P7 rev. P7 that some of the existing trees currently obscuring visibility are to be removed. The highway authority therefore accepts the arrangement of the proposed site access.

Traffic Impact Assessment

110. The TA presents the existing and the proposed trip generation that could be expected for the proposed development during the weekday peak hours of 17:00 – 18:00 and Saturday peak hours of 11:15–12:15. TRICS trip rates (TRICS or Trip Rate Information Computer System is a database of trip rates for developments for transport planning purposes, specifically to quantify the trip generation of new developments) were used to estimate the trips generated by the previous use as a 35-bed hotel, while trips to be generated by the proposed convenience store were estimated based on an average of 11 existing surveyed Lidl Store sites. The estimate shows that the existing 35-bed hotel generated 14 and 13 two-way trips respectively during weekday AM and PM peaks, with 27 and 21 two-way trips generated during Saturday AM and PM peaks.
111. The average trip rate calculated from an average of 11 existing Lidl Stores at different parts of the country as in appendix 8 is noted. However, the highway authority's attention has also been drawn to a TA produced by the same SCP consultants, submitted in relation to similar Lidl convenience retail store elsewhere in Todmorden in West Yorkshire which shows higher trip rates for the existing Lidl Store sites that could have been applied in the case of the current proposal than the TRICS based rates used as shown in paragraph 5.7 (Table 5.3) of the TA. If the higher trip rates in that TA were to have been used for this proposal, the estimated trip generation as shown in paragraph 5.8 (Table 5.4) of the TA would have been higher. In order not to lead to an underestimation of the likely trip generation potential of the proposed development, the applicant was requested to reassess the trip rates.
112. The applicant explained that the trip rates for the Todmorden TA were based on three existing sites in Wrexham, Wallasey and Holywell and are higher than those used in this application. However, the trip rates used in this application are based on a much larger area of 11 existing store sites and are more recent than those used for Todmorden. Nonetheless, the applicant has carried out the reassessment as requested by LCC using a more up to date (2016) trip rates of six Lidl stores currently available on the TRICS database.
113. The estimated trip rates and trip generation based on the six Lidl stores in TRICS 2016 are shown in paragraph 24 (Table 1) and paragraph 25 (Table 2) respectively of the

submitted Technical Note and shows lower values both for the trip rates and the trip generation than indicated in the submitted TA. From the results shown, it is not considered the trip generation potential of the proposed development would be underestimated. Therefore, the estimated trip rates and the trip generation figures based on the six Lidl stores in TRICS 2016 are accepted.

114. In response to LCC query as to why the TRICS trip rates were based on the selection criteria of 'retail floor area' (RFA) instead of 'gross floor area' (GFA), the applicant explained that, Lidl stores always base TRICS trip rates on the selection criteria of 'retail floor area' as it produces a more accurate assessment and would not lead to the impact of the proposed development being underestimated. The highway authority raise no objection to the use of the RFA.
115. As indicated above, the hotel ceased operating in August 2016, therefore, in order to provide a robust assessment of the likely traffic impact, trips predicted to be generated by the proposed development should be viewed as completely new without having to deduct existing flows associated with the previous use of the site as a hotel. It is therefore not considered that the comparison made of trip generation of the proposed development with the existing hotel in the TA was necessary.
116. The proposed site access will be shared with a residential development of 40 retirement apartments comprising of 23no. 1-bedroom and 17no. 2-bedrooms with parking for 32 vehicles. Traffic which would be generated by the residential development has been considered at this stage to see how it would impact the proposed commercial development. The applicant used a 12 hour (07:00-19:00) survey of six Retirement Living Housing developments carried out in 2015 and 2016 at different locations in the country, which shows the average trip generation for an apartment within the 12 hour period to be 1.54. It was anticipated that there would be few additional movements outside the 12 hour period. Based on this, the applicant estimates that the proposed 40 retirement living apartments would generate in the region of 62 vehicle movements per the 12 hour period, which in the case of the proposed development means that at the peak period between 17:00 and 18:00, the retirement apartments would generate two arrivals and one departure for the whole of the residential part of the site. This level of trips is considered negligible and as such not considered in the capacity assessments. LCC have no issues with this aspect.
117. With regards to trips associated with the proposed development, the applicant assumed that 50% of trips new to the highway network will be introduced as a result of the proposed development and as the proposed convenience retail store is on a route leading to Preston and Chorley, 50% of trips would constitute pass-by trips and would have already existed on the highway network. While the assumption is acceptable, the applicant appears to have only assessed the impact of pass-by trips on the proposed site access without assessing the impact of trips on the Preston Road/Westwood Road/Clayton Green Road roundabout which is in close proximity of the site. This was raised with the applicant and has now been addressed in the Technical Note. As shown in paragraph 30 (Figure 1), using the PM peak only due to it being worse case than the Saturday peak, the pass-by trips are estimated as 70% of the non-primary trips with 30% being diverted towards Clayton Green Road and Westwood Road. The highway authority agrees with the applicant that the 30% diverted trips which equates to 8 trips will have minimal impact on the operation of the roundabout.

Trip distribution and assignment

118. The percentage of new and pass-by trip distribution shown appendixes 10.1 and 10.2 of the TA are noted and also the percentage trip assignments shown in appendixes 10.3 and 10.4. The total development trips shown in appendix 10.5 are also noted. No highway objection is raised to these figures.

Traffic growth

119. The applicant has used a specialised software, TEMPRO v7.2 to calculate background traffic growth from the survey year of 2017 and applied base flows to obtain flows for the

design year of 2023 which were then used to assess the impact of the proposed development. The applicant's growth estimate was based on the wider Chorley area. It was however considered using growth rates for a more localised area of Clayton Green and Whittle-le-Woods might produce higher growth factors than indicated in paragraph 5.27 (Table 5.10) of the TA. There are a number of retail outlets in the area and using the lower growth factors in assessing the junction capacity would most likely produce higher capacity estimates and ultimately affect the assessment of the impact of the proposed development. The applicant was therefore requested to reassess the traffic growth. The TEMPRO was re-run and the growth estimate recalculated based on a more localised area as requested.

120. The growth factors obtained for the re-run are higher than those previously used in the TA for the 2017-2023 survey and design years. The comparative growth factors are shown in paragraph 35 (Table 3) of the Technical Note. The change in the growth factors has resulted in an increased Passenger Car Unit (PCU) movement through the roundabout in the PM peak by 34 in 2023 and by 30 in the Saturday peak period. The applicant however states that notwithstanding this increased PCU, given the reduction in PCUs due to the reduced trip rates following use of the 2016 Lidl TRICS trip rates, the 'actual' increase in PCU movement at the roundabout would be by 28 for both weekday and Saturday peaks which would be distributed over all arms of the roundabout. Although the increased PCU in the 2023 base year is of highway concern, from the trip distribution and assignment diagrams in appendix 10, it is not considered the PCU increase of 28 in 2023 will lead to severe queues and delays at the roundabout. The applicant's calculation of the traffic growth is therefore accepted.

Committed developments

121. The applicant makes no assessment of committed developments that have potential to generate trips that can lead to possible. The land to the front and east of the St Bedes Roman Catholic Primary School, a total of 1.3 hectares have been allocated in the Chorley Local Plan 2012-2026 for housing development under Policy HS1.29 for 23 houses. It is however not considered traffic to be associated with the 23 houses would have major implication for traffic flows at the roundabout. LCC advise that the applicant would not therefore be required to make additional provision towards mitigating traffic impacts of the 23 houses.

Impact of development trips

122. An assessment of the impact of the development traffic on the junction of the site access and Preston Road; and the Preston Road/Westwood Road/Clayton Green Road roundabout have been carried out using specialist software. The capacity of the junctions were assessed as part of the excise to establish how the junctions would operate during the assessment year of 2023 (in accordance with the Department for Transport's *Guidance on Transport Assessment*, which states "for the local transport network, a development should be assessed with regard to the LDF, and for a period of no less than five years after the date of registration of a planning application"; the future assessment year for this TA is 2023).
123. The result of the assessment shows the highest ratio of flow to capacity (RFC) of the junction of the site access and Preston Road as 0.32 in respect of vehicles leaving the site and turning right onto Preston Road. This value is within the range of 0 – 0.85 usually considered acceptable to indicate the junction will operate without problems. As an indication of possible queues at the junction is when the range of values is between 0.85 – 1.0, looking at the estimated values derived from the assessment as shown on Table 6.1, paragraph 6.5 of the TA, it is considered that the impact of the development trips on the junction of the site access and Preston Road during the assessment year of 2023 would be minimal.
124. In terms of the impact of the development trips on the Preston Road/Westwood Road/Clayton Green Road roundabout, it is generally accepted that at locations where the value of RFC is in excess of 1.0, there would be congestion at the junction with queues leading to delays. The result of the assessment of the roundabout as on Table 6.3, paragraph 6.8 of the TA shows RFC values for the assessment year of 2023 as high as 0.95

for southbound traffic on Preston Road and 0.96 for northbound traffic on Preston Road which shows that the roundabout currently operates close to capacity.

125. As a result of the reassessment of the growth factors, trip rates and trip types necessitated by the use of the 2016 Lidl TRICS Trip Rates, the model has been re-run in line with the changes. The updated output is shown in paragraph 43 (Table 4) of the Technical Note. The output shows that Preston Road in the north direction will operate with an RFC of 0.95 with a queue of 13.1 PCU during the PM peak in the assessment year of 2023 without development trips. If the development trips are added, this would rise to 0.97 RFC with a queue of 17.4 PCU. These values are similar to those in the submitted TA and shows that by the year 2023, the roundabout would operate very close to capacity with queues. While this is of concern to the highway authority, the applicant's observation that the queues would occur over two lanes and will not be too long as to obstruct driveways etc. is acceptable.

Traffic impact mitigation

126. To mitigate the impact of development trips on the Preston Road/Westwood Road/Clayton Green Road roundabout, the applicant proposes to carry out physical improvements to widen the existing single lane entries for Preston Road south approach and Clayton Green Road approach to the roundabout. This proposal is acceptable and is shown on drawing no. SCP/16329/F01 rev. A (06.04.2017).

Sustainability/Accessibility by Non-Car Modes Pedestrians and cyclists

127. The site is in a District Centre within acceptable walking distance of other shops, local services and amenities and there are good quality footways in the area to contribute to conductive routes for pedestrians to and from the site. To further improve accessibility and facilitate safe crossing of the road, the applicant proposes to install two pedestrian refuges outside the site on Preston Road and a central refuge at the site access with associated dropped kerbs and tactile paving to assist pedestrians and cyclists. Improvements are also proposed to the existing traffic islands on Clayton Green Road and Westwood Road.
128. The above improvements are acceptable, however, LCC Highways recommend that similar improvement should be carried out to the existing traffic island at the Preston Road south end of the roundabout (opposite 572 Preston Road) to a pedestrian refuge with tactile paving to facilitate safe crossing for pedestrians and cyclists from Westwood Road to Clayton Green Road and vice versa. Pedestrians and cyclists heading in these directions are unlikely to walk towards the site access to cross Preston Road at the proposed pedestrian refuge north of the site access due to its distance from the roundabout and the fact that they would most likely follow their desire lines and cross at the existing traffic island. In addition, the existing dropped crossing of 572 Preston Road should be reinstated with new kerb realignments. The existing dropped crossings at the Preston Road north end of the roundabout should also be provided with tactile paving to make the crossings on all four arms of the roundabout continuous and consistent. It is recommended that the details of such improvements are set out in a scheme required by condition. The implementation and funding of these works would be negotiated with LCC through a Section 278 agreement.
129. LCC has plans to extend the existing cycle route from the Westwood Primary School to the Preston Road/Westwood Road/Clayton Green Road roundabout. Discussions took place as to whether the developer should be asked to contribute towards implementing this scheme for improved sustainability of the site. As LCC is yet to take a firm decision on the proposed cycle route and the fact that the roads in the area are generally suitable for cycling, it was agreed that cyclists should have no difficulties accessing the site. The applicant is therefore not expected to contribute towards the extension of the cycle route as the measures proposed are considered adequate to ensure accessibility of the site both on foot and by bike.

Public transport

130. There are three bus stop locations within 200m walking distance of the site to the north and south on Preston Road and on Westwood Road. The bus stop on Clayton Green Road to the west is under 300m walking distance of the site. From these stops, frequent and regular services are provided to various destinations Mondays to Saturdays, with evening and Sunday services.
131. LCC considers that for accessibility, there is adequate public transport provision close to the development, however, to further encourage the use of public transport LCC considers it appropriate to require the developer to upgrade these bus stops with raised boarding areas to assist those with mobility issues and meet the requirements of the Framework. The Framework requires developers to maximise their efforts in creating a modal shift toward more sustainable modes of travel. It is recommended that the details of such improvements are set out in a scheme required by condition. The implementation and funding of these works would be negotiated with LCC through a Section 278 agreement.

Car parking

132. Policy ST4 of the Chorley Local Plan states that proposals for developments should make parking provision in accordance with set standards. The standard with respect to A1 food retail development is for parking to be provided on a scale of 1 space per 14m² gross floor area of the proposed development plus 6% of total provision for the disabled. Based on the proposed scale of development, a total of 161 spaces would be required to include 9 spaces for the disabled. In addition, spaces for a minimum of 2 bicycles and 2 motorcycles are required. The applicant however proposes 99 including 6 spaces for the disabled. The proposed number is clearly below standard requirement, but to support the number proposed, the applicant has undertaken parking accumulation exercise to demonstrate that the highest number of vehicles that would require parking on site would occur on Saturdays between 11.30 – 11.45 and this number would be 68. As this number is significantly less than the 99 spaces proposed, the applicant considers that the proposed number would be more than enough to cater for the site's parking needs without parking being displaced onto adjacent roads.
133. The policy also states that locations that are more sustainable and well served by public transport may be considered for lower level of parking provision if there are good quality footways with street lighting, good quality cyclists provision, good quality bus stops within short distance of the site with frequent services etc. There is evidence these local circumstances exist in the area, as such, it is not considered that highway objection to the proposal on the basis of inadequate number of parking spaces alone can be sustained. As such, the proposed 99 car parking spaces is acceptable.

Servicing

134. The service area is located to the east of the building, but looks small in size with possible overrunning of car parking spaces by delivery vehicles. The safety implication of this arrangement was raised with the applicant, who explained that since the number of deliveries to the store per average day will only be a maximum of two with no deliveries being made during busy trading periods adequate room will be made available prior to arrival to ensure deliveries are safely conducted. It is considered that this is would result in an acceptable arrangement.

Stage 1 Road Safety Audit

135. The developer commissioned an independent Stage 1 Road Safety Audit (RSA) on the proposed access and highway works. The RSA raised a number of concerns. The applicant's response to the RSA is noted. Whilst some of the recommendations have been accepted, others have either already been designed for in the proposal or not accepted by the applicant. It should be stressed that the findings of a RSA should be implemented in order to eliminate as much as possible of all associated risks. The highways authority therefore welcomes the applicant's statement in paragraph 3 of the submitted Designers Response to the safety audit that all issues raised in the safety audit can be satisfactorily addressed through technical approval and further safety audit process.

Section 278 agreement

136. All works within the highway, including works associated with the site access and to the roundabout would be carried out through an s278 legal agreement with LCC.

Construction

137. During the construction period significant vehicle movements will take place. To ensure that the movements can be facilitated safely LCC consider it appropriate for a Construction Management Plan (CMP) including a Construction Method Statement (CMS) to be in place and adhered to. To facilitate the safe movement of vehicle at the site access it is recommended that the site access works (right turn provision and refuges) be in place prior to construction taking place. The remaining highway works would need to be in place prior to the development opening. It is recommended that the provision of a Construction Method Statement is required by condition.

Travel plan

138. The submitted framework travel plan is in line with LCC's submission criteria, therefore, a full travel plan should be developed along the timescales outlined within the framework travel plan. Based on the size of proposed development, the LCC request £12,000, secured through an s106 agreement to provide a range of services to support the developer in providing the full travel plan. It is considered that this is necessary to make the development acceptable in highway terms, and that the necessary funding for the services of LCC are secured through a s106 agreement.

Conclusion

139. To conclude there are no highway objections to the proposed development subject to the provision of suitable mitigation and on the basis that appropriate highway safety measures are implemented and a full travel plan is developed. The proposal is, therefore, considered acceptable in relation to parking and highway safety.

Ecology

140. An Ecological Assessment has been submitted with the application and reviewed by the Council's ecology advisor. The assessment has identified a number of potential ecological issues, including bats, nesting birds, Japanese knotweed, mammals and loss of trees and that issues relating to bats, other mammals and mitigation for loss of trees should be resolved prior to determination.
141. The building and woodland were assessed for bat roosting potential. This determined the risk was moderate to high and therefore required further emergence surveys for the building and activity surveys for the woodland. Emergence surveys were subsequently carried out. The ecology advisor confirms that no evidence of bats roosting within the buildings was identified, and that no further surveys are therefore required. However precautionary measures are recommended, and are proposed to be secured by a condition.
142. The initial assessment identified the possible presence of fox, rabbit and hedgehog, the latter a UK Biodiversity Priority species. The species identified are not protected under UK Wildlife law. They are, however, protected under UK mammal welfare law (Wild Mammal (Protection) Act 1996). Further survey work has established that no mammal holes have been recorded on the site. Evidence of badgers using the site was recorded in the form of badger dung and pathways across the lawns. There are also gaps beneath the boundary fence to the east, which suggest that it is likely that badgers forage on the site. As badgers and other mammals forage across the site it is considered that measures to minimise the impact on wild mammals should be set out in a method statement prior to the commencement of any earthworks in the area of the formal gardens.
143. As bat roosting and bird nesting opportunities would be reduced due to the proposed development the Council's ecology advisor recommended that either four integral bat boxes should be incorporated in the new buildings, or four bat boxes should be installed on suitable retained trees. Specifications and suggested locations are provided in the Bat Survey Report provided. Bird boxes should also be installed on suitable retained trees and a lighting strategy should be designed to avoid illuminating the trees and bat boxes. This can be controlled by a condition.

144. Japanese knotweed was located on the site, within the footprint of “phase 1”, the convenience store. This species is listed under Schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It has since been determined that the knotweed is located on the boundary of the adjacent school site and that this has been recently treated.

Landscaping and trees

145. The proposed landscaping has been designed to integrate with the proposed scheme and is sympathetic to the character of the area, retaining the better quality trees across the site. The landscaping plan would provide a high standard of amenity, providing an attractive and pleasant outlook for the benefit of local residents and future occupiers.
146. There are a number of protected trees across the site some of which would require removal in order to facilitate development, however, a high proportion of the trees would be retained and additional trees would be planted, along with new shrubs, plants and bulbs across the site. On balance it is considered that the level of tree retention and removal is reasonable and adequate in the context of the proposed development and would retain an acceptable level of public amenity from trees.
147. It is noted that the existing landscaping of the site has become neglected and is in need of management. One of the benefits of the type of development proposed is that the applicants would retain ownership of the landscaped areas of the site and would actively manage these areas throughout the lifetime of the development.

Impact on designated heritage assets

148. The Pines Hotel, whilst once a quite fine Victorian gentlemen's residence has been seriously compromised by expansive 20th Century additions and alterations, to such an extent that any historic interest that it once held is now almost entirely extinguished.
149. The proposed building is considerably lower in height than the Pines Hotel such that its impact on the listed former hand-loom weaver's cottages on Preston Road is likely to be less than is currently the case. This factor combined with the retention of existing trees and proposed landscaping would allow the proposed development to sit comfortably in the location and cause no harm to the setting of the listed buildings.
150. It is therefore considered that the proposed development is in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.12 of the Framework, policy 16 of the Core Strategy and policy BNE8 of the Adopted Chorley Local Plan 2012 - 2026.

Affordable housing

151. Due to the size of the residential element of proposal there is normally a requirement for affordable housing to be provided. However, the Council's previous approach to retirement development schemes has been that the nature of what is proposed is a restrictive form of housing that is not openly available market houses. In addition it is unlikely that a Registered Social Landlord (RSL) would engage on such a scheme and restrict the housing for occupiers aged 55 years and over. It is therefore not considered appropriate to request that affordable housing is provided on site or that a financial contribution is justifiable.

Community Infrastructure Levy

152. 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.

Other matters raised

153. Inadequate capacity and position of sewer from the site into Radburn Close: United Utilities have confirmed that they have considered this site in detail and state that the original site appears to have drained both foul and surface water from the Pines Hotel into

Radburn Close. The proposal is to drain foul water only from the supermarket and the residential apartments. It is considered that this will significantly reduce the risk of flooding because the main risk lies with the disposal of surface water, which will now drain to the nearby watercourse.

CONCLUSION

154. The proposed development would result in the redevelopment of a brownfield site in a sustainable urban location. The commercial element of the development would have the benefit of providing additional convenience retail choice, and would create local employment opportunities. Despite there being some impact on the Clayton Green District Centre this is not considered harmful to the extent that this would warrant refusal of the application and it is noted that the location is edge of centre.

155. The residential element would have the benefit of providing housing specifically designed for people of retirement age, for which there is an increasing demand. This has the advantage of freeing up other housing stock as households seek to downsize. Overall the proposal would have no unacceptably detrimental impact on the amenity of neighbouring occupiers and would not harm the appearance of the site and character of the area. In addition the highway safety concerns have been adequately addressed. On the basis of the above, it is recommended that planning permission be granted subject to conditions and a s106 legal agreement to secure the necessary support from LCC to enable the provision of a full travel plan.

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: 95/00227/ADV **Decision:** PERADV **Decision Date:** 19 May 1995
Description: Display of advertisement sign,

Ref: 06/00592/TPO **Decision:** REFTRE **Decision Date:** 6 July 2006
Description: The felling of Scots Pine covered by TPO6 (Chorley) 1982

Ref: 5/5/10516 **Decision:** CLO **Decision Date:** 14 March 1974
Description: Swimming Pool

Ref: 01/00330/FUL **Decision:** PERFPP **Decision Date:** 1 June 2001
Description: Construction of verandah to front.

Ref: 95/00534/FUL **Decision:** PERFPP **Decision Date:** 6 May 1997
Description: Erection of conservatory to front,

Ref: 99/00651/FUL **Decision:** PERFPP **Decision Date:** 19 October 1999
Description: Two storey extension to provide an additional 12 bedrooms and remarking of existing car park to provide an additional 15 spaces,

Ref: 03/00573/FUL **Decision:** PERFPP **Decision Date:** 23 July 2003
Description: Erection of single storey side and rear extension and and new entrance canopy to front

Ref: 03/00854/FUL **Decision:** PERFPP **Decision Date:** 19 September 2003
Description: Erection of single storey extension to side of property

Ref: 04/00499/FUL **Decision:** PERFPP **Decision Date:** 29 July 2004
Description: Proposed internal alterations and single storey front, rear and side extensions, to provide toilets and beer cellar,

Ref: 06/00515/FUL **Decision:** REFFPP **Decision Date:** 6 July 2006
Description: Replacement entrance gate posts, walls and lighting,

Ref: 07/01026/TPO **Decision:** PERTRE **Decision Date:** 9 November 2007
Description: Removal of limb on pine tree T17 covered by TPO6 (Clayton Le Woods) 1982

Ref: 07/01096/TPO **Decision:** REC **Decision Date:**
Description:

Ref: 09/00400/ADV **Decision:** PERADV **Decision Date:** 17 July 2009
Description: Erection of new fascia board to west elevation incorporating new signage.

Ref: 09/00452/FUL **Decision:** PERFPP **Decision Date:** 16 July 2009
Description: Alterations to existing boundary wall to incorporate pillars, railings and gates, decorative stone ball coping stones and illuminated glass ball toppers at entrances (highest point 2.65m). Widening of existing entrance to Preston Road, external alterations to west elevation of hotel including rendering, new windows/french doors incorporating Juliet balconies.

Ref: 13/00901/TPO **Decision:** WDN **Decision Date:** 21 November 2013
Description: To be advised

Ref: 92/00945/FUL **Decision:** PERFPP **Decision Date:** 30 March 1993
Description: Front extension to form offices

Ref: 92/00947/FUL **Decision:** PERFPP **Decision Date:** 30 March 1993
Description: Side and rear extension to existing banqueting suite

Ref: 92/00946/FUL **Decision:** PERFPP **Decision Date:** 30 March 1993
Description: Rear extension to form bistro

Ref: 89/00149/FUL **Decision:** PERFPP **Decision Date:** 23 May 1989
Description: Two storey side extension and use of former squash club and garages as bedrooms and coffee lounge

Ref: 89/00141/ADV **Decision:** PERFPP **Decision Date:** 21 June 1989
Description: Display of illuminated and non illuminated signs

Ref: 89/00277/TPO **Decision:** PERTRE **Decision Date:** 14 April 1989
Description: Removal of Poplar and Lime trees

Ref: 87/00006/FUL **Decision:** PERFPP **Decision Date:** 3 February 1987
Description: New cellar

Ref: 79/01324/FUL **Decision:** PERFPP **Decision Date:** 7 January 1980
Description: Office, laundry block and staffroom extensions

Ref: 74/00178/FUL **Decision:** PERFPP **Decision Date:** 26 June 1974
Description: Covered swimming pool

Suggested Conditions

| No. | Condition |
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| 1. | The proposed development must be begun not later than three years from the date of this permission. |

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| | <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i> |
| 2. | <p>Prior to the commencement of development, other than demolition and enabling works, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> |
| 3. | <p>The car parking and vehicle manoeuvring areas that have been marked out in accordance with the approved plan reference LMS/200 received on 28 April 2017 shall be retained in accordance with this plan and shall thereafter not be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p><i>Reason: To ensure adequate on site provision of car parking and manoeuvring areas and highway safety.</i></p> |
| 4. | <p>No temporary refrigeration units are to be used in the outdoor areas of the service yard other than in exceptional circumstances (such as the failure of internal refrigeration units). In such exceptional circumstances full written permission will be sought from the Local Planning Authority prior to, or within 24 hours of, the temporary refrigeration units being used in the outdoor areas of the service yard.</p> <p><i>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation.</i></p> |
| 5. | <p>Deliveries, servicing and collections to and from the units hereby permitted, including waste collections, shall not take place outside the following hours: 07:00 to 23:00 – Monday to Saturday 08:00 to 18:00 – Sundays Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from the Local Planning Authority.</p> <p><i>Reason: Based upon the submitted information and to safeguard the amenities of the occupiers of nearby residential accommodation.</i></p> |
| 6. | <p>The retail unit hereby permitted shall only operate between 07:00 and 22:00 Mondays to Saturdays and between 10:00 and 17:00 on Sundays and bank Holidays.</p> <p><i>Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.</i></p> |
| 7. | <p>The external lighting to the convenience retail store and associated car parking area hereby approved shall only be illuminated between the following hours: 07:00 to 23:00 – Monday to Saturday 08:00 to 18:00 – Sundays</p> <p><i>Reason: In the interests of the amenities of local residents.</i></p> |
| 8. | <p>The external facing materials, detailed on the approved plans, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> |

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| <p>9.</p> | <p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p> |
| <p>10.</p> | <p>The development hereby approved shall be carried out in accordance with the details contained in the Bat Presence/absence Survey I Innovation Group Environmental Services ref. E-14096 received. This shall specifically include the following measures:</p> <ul style="list-style-type: none"> • The fascia around building B1 shall be removed by hand • Any mature trees to be removed should be assessed for bat roosting potential including aerial inspection if appropriate • Provision of bat boxes • Provision of a lighting strategy demonstrating negligible impact on bat foraging habitat <p>The development shall be implemented in accordance with these measures unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: Due to the presence of bats that are protected under European and domestic legislation (Conservation of Habitats and Species Regulations (amended) 2012 and Wildlife & Countryside Act 1981), and the need up to date survey data and appropriate mitigation.</p> |
| <p>11.</p> | <p>No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><i>Reason: To prevent harm to British birds nests and eggs, which are protected by Section 1 of the Wildlife & Countryside Act 1981.</i></p> |
| <p>12.</p> | <p>The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing NW-2307-SE-03-001, Rev E - Dated 26.04.17 which was prepared by SWF Consulting. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 15 l/s and no surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.</p> <p><i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.</i></p> |
| <p>13.</p> | <p>Prior to the occupation or use of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <ol style="list-style-type: none"> a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface |

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| | <p>water drainage scheme throughout its lifetime.</p> <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.</i></p> |
| 14. | <p>No part of the commercial building hereby approved shall be occupied before all walls and fences, associated with the commercial parcel of the site have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p> |
| 15. | <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality.</p> |
| 16. | <p>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.</p> <p>Reason: To safeguard the trees to be retained.</p> |
| 17. | <p>The existing soil levels around the base of the trees to be retained shall not be altered.</p> <p>Reason: To safeguard the trees to be retained.</p> |
| 18. | <p>The respective parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) and first use of the commercial units they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p> |
| 19. | <p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p> |
| 20. | <p>No development shall take place including any works of demolition, 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</p> |

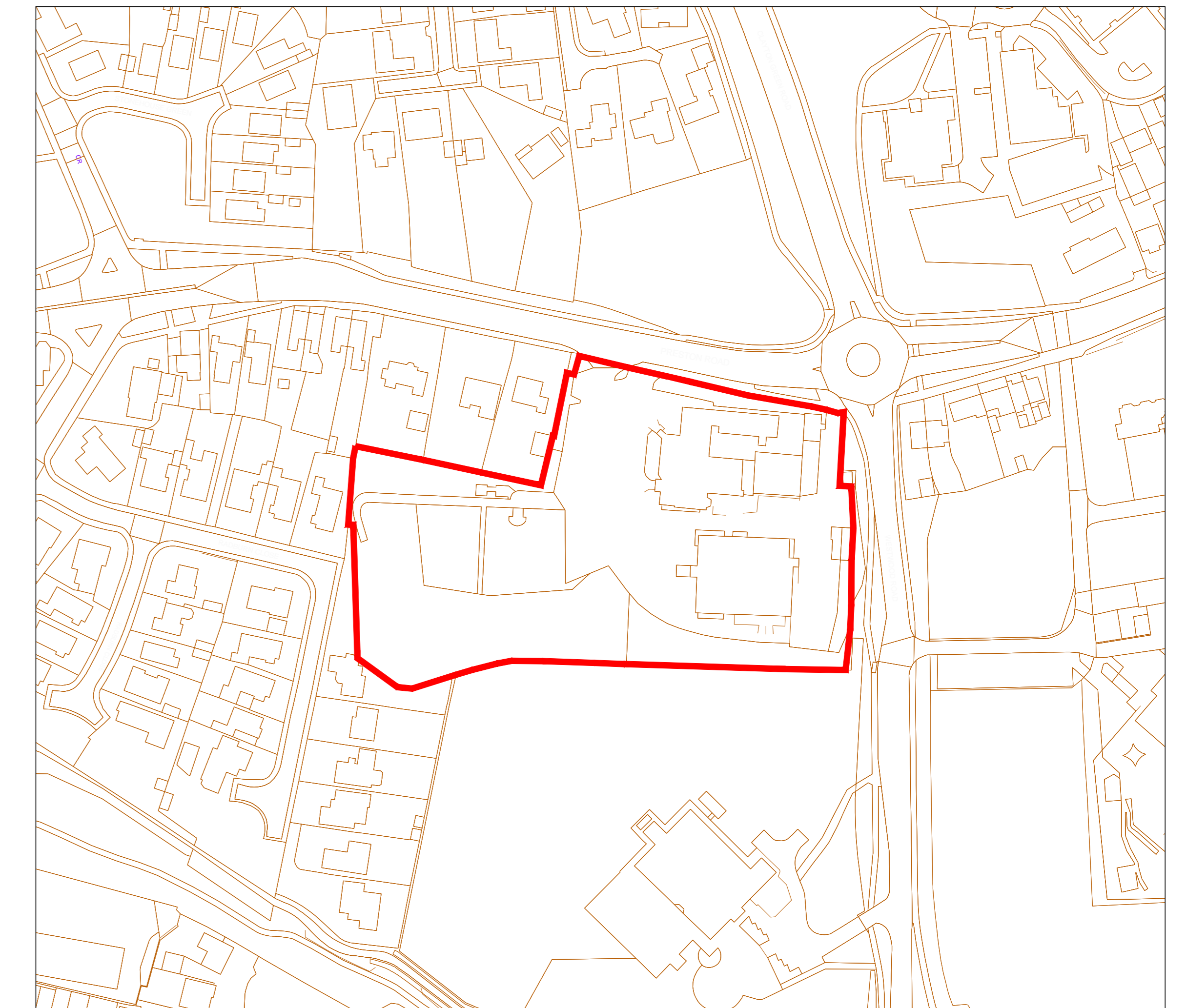
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| | <p>throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> i. the parking of vehicles of site operatives and visitors ii. hours of operation (including deliveries) during construction iii. loading 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 including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works. ix. a management plan to identify potential ground and water contaminants; details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction; x. the routing of construction vehicles and deliveries to site. <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p> |
| 21. | <p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p> |
| 22. | <p>No part of the development hereby approved shall commence until a timescale for the construction of the approved scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p> |
| 23. | <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain, upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Preston Road to points measured 70m in each direction along the nearer edge of the carriageway of Preston Road, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.</p> <p><i>Reason: To ensure adequate visibility at the street junction or site access.</i></p> |
| 24. | <p>The Framework Travel Plan as agreed must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least 5 years.</p> <p><i>Reason: To ensure that the development provides sustainable transport options.</i></p> |
| 25. | <p>The development hereby approved shall be carried out in full accordance with the recommendations of the Ground Investigation Reports (Project No: 16-707 and</p> |

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| | <p>Project No: 16-014) received on 02 May 2017. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.</p> |
| 26. | <p>Prior to the commencement of any earthworks on the part of the site that would be developed for an apartment building and associated car park hereby approved a method statement detailing measures to minimise the impact on wild mammals shall be submitted to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA. Reason: to minimise unnecessary suffering to wild mammals.</p> |



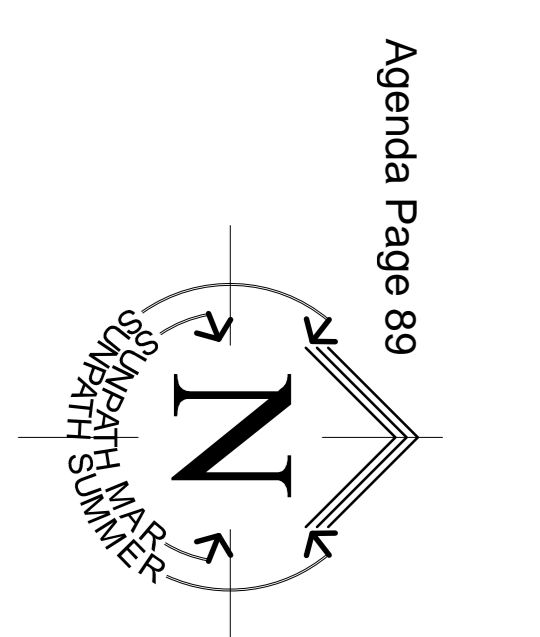
CONTEXT PLAN

Scale 1:500 @ A0



LOCATION PLAN

Scale 1:1250 @ A0



ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REFER TO THE ARCHITECT AT ONCE BEFORE PROCEEDING



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Project Title
Proposed Redevelopment of
The Pines Hotel,
Preston Road,
CHORLEY

Drawing Title
Planning
Site Location and Context

Scale 1:1250 and 1:500 @ A0 Date April 2017
Drawn: IOP Checked: IOP
Drawing No: LMS/001 Rev:

CAD plot date:

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APPLICATION REPORT – 17/00616/FULMAJ

Validation Date: 16 June 2017

Ward: Chorley North East

Type of Application: Major Full Planning

Proposal: Erection of 10 dwellings including access and parking

Location: Mind Chorley, South Ribble And Blackburn 208 Stump Lane Chorley PR6 0AT

Case Officer: Mr Iain Crossland

Applicant: Mr P Andrews

Agent: Tony Lawson, LMP Ltd

Consultation expiry: 11 July 2017

Decision due by: 10 November 2017

RECOMMENDATION

1. It is recommended that planning permission be granted subject to conditions.

SITE DESCRIPTION

2. The site was until recently occupied by a rather dilapidated former Lancashire County Council social services building, however, the building has been recently demolished. The site is located within the core settlement area of central Chorley and covers an area of 0.19Ha. There is no significant level change across the site.
3. The building had been empty for some time and had become the target for vandalism and anti-social behaviour. The character of the surrounding area is residential with buildings being of a mainly traditional design style set out in a typically dense urban street pattern.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The proposed development is for the erection of 10 dwellings with a vehicular access from Stump Lane. There would be parking areas to the front of the dwellings and private gardens to the rear. The dwellings themselves would be of traditional design comprising semi-detached and terraced properties.

REPRESENTATIONS

5. A single representation has been received from the local Scout association, who own the adjacent unit. Their comments relate to the following issues:
 - Concerns over damage to the property and boundaries during the construction phase
 - Request appropriate and secure boundaries are installed
 - Concern about developers encroaching onto adjacent land during and after construction

- Concern about drainage arrangements
- Concern about contamination treatment
- Security concerns
- If the site were expanded beyond its current boundaries this would cause problems for vehicle parking and turning areas.

CONSULTATIONS

6. **Lancashire Highway Services:** The proposed development is acceptable in principle.
7. **United Utilities:** No objection subject to conditions
8. **Waste & Contaminated Land:** No objection subject to conditions
9. **Lancashire County Council (Education):** Seek a contribution towards the provision of one secondary school place.

PLANNING CONSIDERATIONS

Principle of the development

10. 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.
11. Policy 1(b) of the Central Lancashire Core Strategy states that growth and investment will be concentrated in Key Service Centres including Chorley Town, where the site is located, therefore the proposed development is in line with this policy.
12. The application site is not designated within the local plan. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities, and of public transport. The Framework also states that development in sustainable locations should be approved without delay.
13. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Design and impact on the character of the area

14. The proposed development of 10 dwellings would be arranged with two pairs of semi-detached dwellings facing onto Stump Lane. This would help to create an active street frontage along Stump Lane in this location, which is beneficial to the character of the area and in terms of generating natural surveillance. This part of the development would be the most visible, but would reflect the prevailing residential frontage that exists along Stump Lane.
15. The remaining six properties would be arranged in two terraces accessed via a private driveway from Stump Lane, which would terminate in a cul-de-sac, with no through route. The proposed terraces would be set out perpendicular to Stump Lane and would be positioned to the rear of the proposed dwelling that would face Stump Lane. These dwellings would face onto the access drive, which is an appropriate arrangement in the context of the site.
16. All of the proposed dwellings would be traditional in appearance being faced in red brickwork and grey roof tiles to reflect the prevailing local vernacular and character. Features such as art stone heads and sills, brick detailing, and gables would be applied to

provide diversity and interest. It is noted that there are a range of property types in the area, and the use of a traditional design style is compatible.

17. The properties would all have garden areas providing sufficient space for the storage of bins and allocated parking. The frontages would be open plan contributing to an open and uncluttered street scene, and appropriate boundary treatments would be secured by condition.
18. The overall density of the development would reflect the urban character of the area and density of nearby housing, which consists of terraces to the south and east and semi-detached dwellings to the north and west. There would be a pedestrian only access onto Aniline Street, which would aid integration into the surrounding area and improve percolation through the site.
19. Overall the layout and design of the proposed development is considered acceptable and appropriate to the existing surrounding development and is in accordance with Policy 17 of the Core Strategy.
20. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbour amenity

21. The nearest residential properties are located to the east side of the site and comprise the gable ends of two terraces. Other dwellings are some distance away.
22. The side elevation of the proposed dwelling at plot 4 would be located approximately 8m from the side elevation of an existing dwelling at 210 Stump Lane. Although the dwelling at plot 4 would be offset slightly there would be no facing windows and the dwelling would not be directly visible from one another. There would be no impact on light, outlook or privacy and the dwelling would be located in a position similar to the previous two storey building that occupied the site.
23. The existing dwelling at 34 Aniline Street would have a blank gable end facing the application site at a distance of approximately 18m from the nearest dwelling. The proposed dwelling at plot 4 would be visible at an angle from the windows in the rear elevation of 34 Aniline Street at a distance of approximately 22m, but the properties would not face one another. As such there would be no impact on light, outlook or privacy.
24. Overall the impact on neighbour amenity is considered to be acceptable and the development meets with the Council's interface guidelines.

Impact on highways/access

25. The proposed development is for 10 dwellings, four with direct access to Stump Lane and six accessed via a private driveway from Stump Lane.
26. Stump Lane is a secondary distributor road with residential frontages and the site currently has a vehicle access onto Stump Lane. Although there are bends in the highway at this location, vehicles travel slowly due to these physical constraints.
27. A number of amendments have been proposed by LCC highways that would be required to enable adoption of the driveway access, however, the applicant has confirmed that they would not be seeking adoption of the access to the properties.
28. In terms of the parking requirements, off-street car parking would be provided in accordance with the current Chorley Council parking standard set out in Appendix A of the Chorley Local Plan 2012 - 2026, which requires two parking spaces per three bedroomed dwelling.
29. It is noted that the LCC Highways Officer considers that the proposal is acceptable and that the highway authority has no objection to the proposed development.

Sustainability

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

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

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

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

Public Open Space (POS)

32. The proposed development would generate a requirement for the provision of public open space in line with policies HS4a and HS4b of the Chorley Local Plan 2012 – 2026 and the Open Space and Playing Pitch SPD. The Council’s agreed approach is to only seek contributions towards provision for children/young people on developments of 10 dwellings or fewer. There is currently a deficit of provision in Chorley North East in relation to this standard, and a contribution towards new provision in the ward would therefore be required from this development, however, there are no identified schemes for new provision in the ward.

Education provision

33. Lancashire County Council (LCC) as Education Authority have requested a contribution towards one secondary school place (£21,432.27). The National Planning Practice Guidance states that tariff style planning obligations contributions should not be sought from small scale and self-build development. In particular, the guidance states that contributions should not be sought from developments of 10 units or less. The effect of the new national policy is that although it would normally be inappropriate to require any social infrastructure contributions on sites below the threshold 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.
34. It is considered that the benefit of securing an education contribution on the basis of ten dwellings would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is a contribution towards the costs of delivering secondary school education in the borough, 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

specific education schemes to pool small amounts of money secured through Section 106 agreements.

35. It is therefore considered that the requirement for an education contribution on the proposed scheme would not therefore meet the tests set out in the CIL Regulations (2010). Therefore an education commuted sum is not requested for this scheme.

Community Infrastructure Levy

36. 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.

Other matters

37. Concerns over damage to the property and boundaries during the construction phase: A developer should not cause damage to property not in their ownership, however, this is a civil matter between parties.
38. Concern about developers encroaching onto adjacent land during and after construction: The proposed plans indicate that the development would be contained within the existing site ownership.
39. Concern about drainage arrangements: Drainage details are to be secure by condition.
40. Concern about contamination treatment: A contamination report is to be secured by condition.
41. If the site were expanded beyond its current boundaries this would cause problems for vehicle parking and turning areas: The proposed development must be carried out within the confines of the red edge location plan, which reflects the extent of the current site ownership.

CONCLUSION

42. The proposed development would have the benefit of providing new housing in a sustainable location, and would regenerate a derelict site. The proposal would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in an overall improvement in the appearance of the site and character of the area. In addition there would be no unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

RELEVANT HISTORY OF THE SITE

Ref: 5/1/02510 **Decision:** REC **Decision Date:**
Description: Change of use to a coal storage yard

Ref: 17/00867/DEMCON **Decision:** PERDEM **Decision Date:** 6 October 2017
Description: Application for prior determination for the proposed demolition of former Day Care Centre

Ref: 90/00784/FUL **Decision:** PERMIT **Decision Date:** 6 November 1990
Description: Alterations and extensions to provide 40 place day centre for mentally ill

Ref: 88/00671/COU **Decision:** PERMIT **Decision Date:** 27 September 1988
Description: Change of use of childrens home to Day Centre/Resource Centre for Mentally Ill

Suggested Conditions

| No. | Condition | | | | | | | | | | | | | | | | | | | | | |
|------------------------|--|---------------|-------------------|---------------|---------------|------------|--------------|--------------------|------------|--------------|-------------|------------|--------------|-------------|------------|--------------|--------------|------------|--------------|------------------------|------------|--------------|
| 1. | <p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p> | | | | | | | | | | | | | | | | | | | | | |
| 2. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="336 779 1321 1003"> <thead> <tr> <th data-bbox="336 779 730 810">Title</th> <th data-bbox="730 779 1023 810">Drawing Reference</th> <th data-bbox="1023 779 1321 810">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="336 810 730 842">Location plan</td> <td data-bbox="730 810 1023 842">17/035/L01</td> <td data-bbox="1023 810 1321 842">15 June 2017</td> </tr> <tr> <td data-bbox="336 842 730 873">Proposed site plan</td> <td data-bbox="730 842 1023 873">17/035/P01</td> <td data-bbox="1023 842 1321 873">15 June 2017</td> </tr> <tr> <td data-bbox="336 873 730 904">Plots 1 - 2</td> <td data-bbox="730 873 1023 904">17/035/P06</td> <td data-bbox="1023 873 1321 904">15 June 2017</td> </tr> <tr> <td data-bbox="336 904 730 936">Plots 3 - 4</td> <td data-bbox="730 904 1023 936">17/035/P07</td> <td data-bbox="1023 904 1321 936">15 June 2017</td> </tr> <tr> <td data-bbox="336 936 730 967">Plots 5 - 10</td> <td data-bbox="730 936 1023 967">17/035/P08</td> <td data-bbox="1023 936 1321 967">15 June 2017</td> </tr> <tr> <td data-bbox="336 967 730 999">Single detached garage</td> <td data-bbox="730 967 1023 999">17/035/P09</td> <td data-bbox="1023 967 1321 999">15 June 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p> | Title | Drawing Reference | Received date | Location plan | 17/035/L01 | 15 June 2017 | Proposed site plan | 17/035/P01 | 15 June 2017 | Plots 1 - 2 | 17/035/P06 | 15 June 2017 | Plots 3 - 4 | 17/035/P07 | 15 June 2017 | Plots 5 - 10 | 17/035/P08 | 15 June 2017 | Single detached garage | 17/035/P09 | 15 June 2017 |
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| Proposed site plan | 17/035/P01 | 15 June 2017 | | | | | | | | | | | | | | | | | | | | |
| Plots 1 - 2 | 17/035/P06 | 15 June 2017 | | | | | | | | | | | | | | | | | | | | |
| Plots 3 - 4 | 17/035/P07 | 15 June 2017 | | | | | | | | | | | | | | | | | | | | |
| Plots 5 - 10 | 17/035/P08 | 15 June 2017 | | | | | | | | | | | | | | | | | | | | |
| Single detached garage | 17/035/P09 | 15 June 2017 | | | | | | | | | | | | | | | | | | | | |
| 3. | <p>Prior to the commencement of development, other than demolition and enabling works, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> | | | | | | | | | | | | | | | | | | | | | |
| 4. | <p>Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012). A Desk Study Report should include a desk study and site reconnaissance (walk over) and preliminary risk assessment as defined in 'CLR 11: Model Procedures for the Management of Land Contamination' (Environment Agency, 2004).</i></p> | | | | | | | | | | | | | | | | | | | | | |
| 5. | <p>Prior to the commencement of development, other than enabling works, 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</p> | | | | | | | | | | | | | | | | | | | | | |

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| | <p>in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>{\i Reason: To ensure that the materials used are visually appropriate to the locality.}</p> |
| 6. | <p>Prior to the construction of the superstructure of any of the dwellings hereby permitted full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>{\i Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.}</p> |
| 7. | <p>Before the development hereby permitted is first commenced, other than enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>{\i Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.}</p> |
| 8. | <p>Prior to the commencement of any development, other than enabling works, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.</p> <p>The development shall be completed in accordance with the approved details.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the National Planning Policy Framework and National Planning Practice Guidance.</i></p> |
| 9. | <p>Prior to the occupation or use of the development hereby permitted a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:</p> <ol style="list-style-type: none"> a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident’s Management Company; and b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial woks and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. |

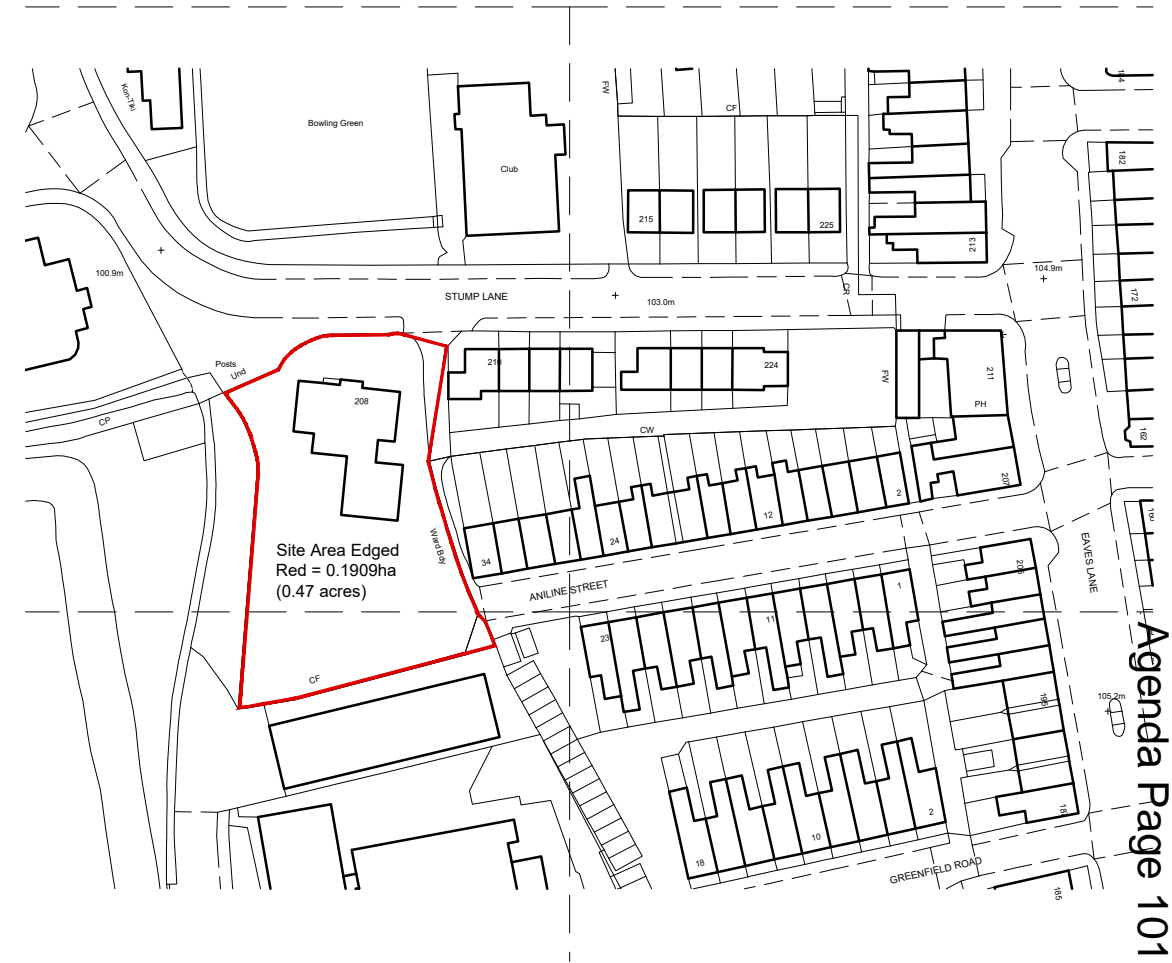
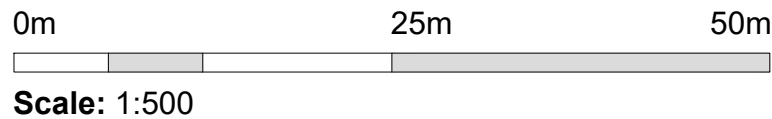
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| | <p>The development shall subsequently be completed, maintained and managed in accordance with the approved plan.</p> <p><i>Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.</i></p> |
| 10. | <p>Before the development hereby permitted is first commenced, other than demolition and enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p>{i Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.}</p> |
| 11. | <p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development, other than demolition and enabling works. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>{i Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.}</p> |
| 12. | <p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) and first use of the commercial units they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p> |
| 13. | <p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p>{i Reason: In the interests of highway safety and to prevent flooding.}</p> |
| 14. | <p>No development shall take place including any works of demolition, until a</p> |

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| | <p>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:</p> <ul style="list-style-type: none"> 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 including decorative displays and facilities for public viewing, where appropriate vi. wheel washing facilities vii. measures to control the emission of dust and dirt during construction viii. a scheme for recycling/disposing of waste resulting from demolition and construction works <p>{\i Reason: in the interests of highway safety and to protect the amenities of the nearby residents.}</p> |
| 15. | <p>Prior to the commencement of the development other than enabling works details of a scheme for the construction of the site access shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In order to satisfy the Local Planning Authority that the final details of the</p> |
| 16. | <p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access has been constructed and completed in accordance with the scheme details.</p> <p>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</p> |
| 17. | <p>Facilities shall be provided for the cleaning of the wheels of vehicles leaving the site, before the development hereby permitted is first commenced and thereafter retained at all times during construction of the development.</p> <p>{\i Reason: To prevent the tracking of mud and/or the deposit of loose material on to the highway, in the interests of highway safety.}</p> |
| 18. | <p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>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.</i></p> |
| 19. | <p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new</i></p> |

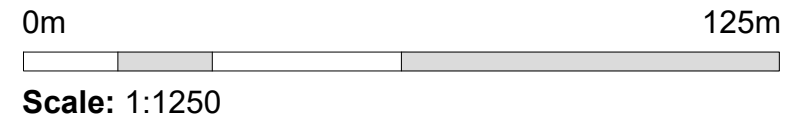
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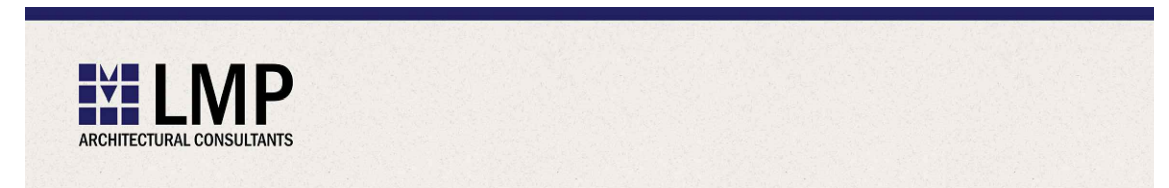
Site Layout 1:500



Location Plan
1:1250



Revision Notes:



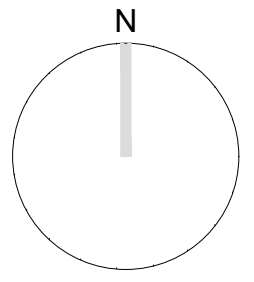
CLIENT
Andrews Properties (NW) Ltd.

PROJECT NAME
Proposed Residential Development at

208 Stump Lane, Chorley, PR6 0AT

DRAWING NAME
Existing Site & Location Plan

| SCALE | DRAWN BY | DATE | DRAWING NUMBER | REVISION |
|-------------|----------|----------|----------------|----------|
| Varies @ A3 | ASL | 05/04/17 | 17/035/L01 | - |



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APPLICATION REPORT – 17/00647/OUT

Validation Date: 11 August 2017

Ward: Astley And Buckshaw

Type of Application: Outline Planning

Proposal: Outline application for the erection of a dormer bungalow (all matters reserved save for access)

Location: Land Adjacent To 65 Studfold Astley Village

Case Officer: Mr Iain Crossland

Applicant: Mrs Jenny Taylor

Consultation expiry: 30 September 2017

Decision due by: 10 November 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises part of the garden area and a double garage associated with 65 Studfold. The site is located in the core settlement area at Astley Village. It is positioned at the end of a cul-de-sac within a large housing estate. The character of the area is predominantly residential with properties of modern design set in an estate of sylvan character.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The proposed development seeks outline planning permission for the erection of a dormer bungalow, with all matters are reserved save for access. Access would be taken from the existing driveway that serves 65 Studfold. Although the application is in outline it is proposed that the eventual scale of any dwelling on the site would be limited to a ridge and eaves height of 5.9m and 2.4m respectively.

REPRESENTATIONS

4. Objections have been received from 7 addresses. These relate to the following issues:
 - Impact on local parking conditions and congestion
 - Impact on character of the area
 - Impact on neighbour amenity in terms of outlook, privacy and light
 - Overdevelopment
 - Lack of access for construction phase
 - Subsidence
 - Lack of driveway clearance if existing adjacent garage were extended.

- The drains could not cope
- Devaluation of existing properties
- No development of this land was proposed when adjacent properties were purchased circa 1985
- Impact on the Oak tree and its possible protection
- The applicant works for Chorley Council

CONSULTATIONS

5. **Astley Village Parish Council:** objects to the proposed development for the following reasons:
 - Lack of information in the application i.e., type, size of property, height etc.
 - Confusion and lack of clarification of the access drive (sketch not adequate)
 - Items not included on the plans (i.e., garages, out houses etc.)
 - Large Oak tree disruption. The tree should be protected by a TPO.
 - Neighbouring properties privacy and boundary concerns
 - Disruptions during the build
 - Historic water-course problems in that area could cause damage to other properties
 - Parking and access issues for the flats i.e., sharing drives already
6. **The Coal Authority:** The Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.
7. **United Utilities:** No objection.
8. **Lancashire Highway Services:** No objection.

PLANNING CONSIDERATIONS

Principle of development

9. The National Planning Policy Framework (the Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
10. Policy 1(b) of the Central Lancashire Core Strategy states that growth and investment will be concentrated in Key Service Centres including Chorley Town, which includes Astley Village where the site is located, therefore the proposed development is in line with this policy.
11. The current use of the site is as part of the garden to a dwellinghouse. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location within easy access of amenities such as shops, schools, churches and community facilities. The Framework also states that development in sustainable locations should be approved without delay.
12. Policy HS3 of the Chorley Local Plan 2012 - 2026 states that development within private residential gardens on sites not allocated for housing will only be permitted for:
 - (a) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
 - (b) the conversion and extension of domestic buildings.
 - (c) infill development on gardens which is classified as the filling of a small gap in an otherwise built up street frontage which is typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
13. The proposed development does not specifically comply with any of criteria (a) or (b) due to the nature of what is proposed. With regards to criteria (c), the site does not reflect the

definition of a typical infill plot in that it does not fill a small gap in a built up frontage between dwellings, but rather fills a small gap in a corner plot of the cul-de-sac.

14. Notwithstanding this paragraph 5.29 of the preamble to Policy HS3 states that when assessing applications for garden sites the Council will also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials building to plot ratio and landscaping. The preamble also states that the Council will have regard to sustainability issues such as access to public transport, school, businesses and local services and facilities. In essence the policy has been designed to protect character.
15. It is noted that the dwellings of the estate are of differing designs but from a similar period, so there is a degree of consistency in terms of materials. The application site forms part of an unusually large garden for this area. As the indicative layout plan suggests the proposed dwelling would be set back within the corner of the site and would be located behind existing garages. The positioning would be such that it would not be particularly visible from public areas, particularly given that it would be a dormer bungalow limited in height.
16. The eventual scale of any dwelling that could be built on the plot would be smaller than the surrounding dwellings, and could be done to maintain a building to plot ratio that reflects the building density and character of the area. The proposal for a single detached dormer bungalow on the site would not harm the character of the area, subject to appropriate design, which would need to be approved through a reserved matters application.
17. Policy HS3 includes the additional sustainability criteria detailed above, and in terms of this issue there are factors which weigh in favour of the proposal. The site is located in the core settlement area at Astley Village with a good level of accessibility to shops, schools and other services and amenities, public transport and local employment opportunities.
18. The proposed development would not be contrary to the objectives that Policy HS3 has been designed to achieve, as the character of the area would not be harmed. On this basis the principle of the development is considered to be acceptable in this instance, subject to other material planning considerations being acceptable.
19. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

Impact on character and appearance of the locality

20. The proposed development is for a single dormer bungalow to be located on the garden to the side of 65 Studfold following the demolition of the existing double garage. The indicative layout plan suggests that the dwelling would be positioned to the side of the building at Studfold and set back from the building line. It would share vehicular access to the highway with 65 Studfold.
21. The proposed dwelling would not be particularly prominent as it would be partially screened from view by the dwelling at 65 Studfold and existing single garages adjacent to this property. It would also be visible to some extent from the footpath connecting Edgefield with Long Croft Meadow.
22. In terms of the eventual design and appearance of the dormer bungalow the scale would be limited to a ridge and eaves height that should not exceed a height of 5.9m and 2.4m respectively. It is expected that any proposed dwelling type would take design cues from surrounding properties, particularly in terms of facing materials.
23. The indicative positioning of the proposed dwelling would be unobtrusive and would have little impact on the street scene and character of the area. The indicative site plan suggests that adequate residential garden would remain for both 65 Studfold and the proposed

dwelling. The plans also indicated that adequate space for parking and general amenity would remain for both 65 Studfold and the proposed dwelling. No boundary scheme is included at this stage, however, this would form an important component as regards the details of any eventual development.

24. In consideration of the above it is considered that an appropriately designed dormer bungalow of the scale proposed could be accommodated on this site, without detriment to the appearance of the site and character of the street scene and wider area.

Impact on neighbour amenity

25. The application seeks outline planning permission at this stage for the erection of a dormer bungalow, however, parameters of height have been proposed and an indicative site plan provided that details the possible layout of the eventual scheme. The eventual scale of any dwelling on the site would be limited to a ridge and eaves height of 5.9m and 2.4m respectively.
26. The application site is bound by dwellings to the north, south and east. The dwelling to the north at 69 Long Croft Meadow is immediately adjacent to the site and the proposed dwelling. The main rear elevation of this property would be located at least 11m from the position of the proposed dwelling shown on the indicative layout plan provided, which would have an off-set position relative to this property. The proposed dwelling would be limited in height, by condition, and on this basis it is considered that a dormer bungalow could be designed and positioned in such a way that there would not be an unacceptable impact on outlook, privacy or light in relation to 69 Long Croft Meadow.
27. The indicative layout suggests that the proposed dwelling would be located approximately 8m corner to corner from the dwelling to the south east at 17 Edgefield. The proposed dwelling would only be visible at an angle from this dwelling, and could not have any parallel facing windows, as the two properties would not directly face one another. It is therefore considered that a dormer bungalow on the site could be designed and positioned in such a way that there would not be any unacceptable impact on outlook, privacy or light in relation to the occupiers of 17 Edgefield.
28. The indicative layout suggests that the proposed dwelling would be located approximately 12m corner to corner from the dwelling to the north west at 71 Long Croft Meadow. The proposed dwelling would only be visible at an angle from this dwelling and could not have any parallel facing windows, as the two properties would not directly face one another. It is therefore considered that a dormer bungalow on the site could be designed and positioned in such a way that there would not be any unacceptable impact on outlook, privacy or light in relation to the occupiers of 71 Long Croft Meadow.
29. The indicative layout suggests that the proposed dwelling would be located approximately 7.5m corner to corner from the dwellings at 65 and 65a Studfold to the south west. The proposed dwelling would not face those of 65 and 65a Studfold, and would therefore have no impact on privacy or outlook. As it would be located to the north there would be no impact on light.
30. A full assessment of the impact on the amenity of neighbouring occupiers would be carried out at reserved matters stage or in the event of an application for full planning permission. It is considered that a single dormer bungalow of a maximum ridge and eaves height of 5.9m and 2.4m respectively could be designed and positioned in a layout similar to that shown on the indicative site plan without causing any unacceptable impact to the occupiers of the neighbouring dwellings.
31. Some concerns have been raised in relation to the potential noise and disturbance created as a result of the implementation of any development of the site. Although it is acknowledged that the implementation phase of a development can result in some disturbance and inconvenience to local residents, this would only be a temporary situation.

Highway impact and access

32. The application seeks outline consent for a dormer bungalow comprising of an unspecified number bedrooms with all matters reserved, except the access. It is apparent from the comments received that residents of the area are concerned about the potential impact of the proposed development on the existing highway network including possible loss of existing parking spaces if the proposal were to go ahead. Residents are also concerned that the development might exacerbate the already traffic conditions in the cul-de-sac leading private accesses and driveways to become blocked by parked vehicles.
33. The proposed number of bedrooms have not been indicated, however, as the indicative layout plan shows that only two car parking spaces can be accommodated within curtilage of the proposed dwelling, it should be ensured that the eventual number of bedrooms does not exceed three, in line with the Chorley Council Parking Standard. This would be determined at reserved matters stage. The indicative layout plan shows that two car parking spaces would be retained for the occupiers of 65 Studfold, which is in line with the Chorley Council Parking Standard.
34. The site is accessed from the highway via an existing access shown to be part of the applicant's boundary. LCC Highways confirm that the access does not appear to have encroached any part of the adopted highway within the area of the cul-de-sac fronted by property numbers 61A to 71. Within this area, the adopted highway includes the following:
- the footpath extending across Studfold along the boundaries of nos 59 & 73.
 - the carriageway and its adjoining footway in front of house nos 65 to 71, including the two turning heads.
 - the footpath and the planting in front of nos. 61A to 63.
 - the grassed area adjacent no. 59 separated by the footpath.
35. All other areas of this part of the cul-de-sac are un-adopted and as such not maintainable at public expense. From a highways perspective, traffic movements associated with the two vehicles would have minimal impact on the operation of the highway network and as all two vehicles would be accommodated off-street, it is not considered they would be displaced onto the highway or cause an obstruction to private accesses and driveways, which residents are concerned about.
36. Should obstructions to private accesses and driveways occur, residents can report offenders to the Police who have powers to prosecute under the Highways Act 1980 or Town Police Clauses Act 1847. Lancashire County Council can only object to planning proposals if there are sufficient and reasonable highway grounds for doing so. In this case however, it is not considered such grounds exist for highway objection to be raised to the proposal. The access is therefore considered acceptable for use to access the proposed development of a single dormer bungalow. The layout of any reserved matters application to be submitted would be checked for compliance with current guidance and policies to ensure safety, however, it is considered that given the indicative layout and site area these standard could be achieved.

Flood risk

37. The site is relatively flat and there are no watercourses nearby. The site is not in a flood risk zone, nor is it in an area susceptible to surface water flooding.
38. Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practicable, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.
39. Surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

40. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. A condition is recommended requiring details of a surface water drainage scheme.

Public Open Space

41. The Development Plan requires public open space (POS) contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
42. 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).
43. 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.
44. 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)
45. 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.
46. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling 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.
47. Therefore, a POS commuted sum is not requested for this scheme.

Other matters

48. Lack of adequate detail submitted: The planning application is in outline only with all matters reserved. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more ‘reserved matters’, at which stage greater detail would be submitted for the Council’s consideration. Only information

about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question.

49. Subsidence: the responsibility for safe development and secure occupancy of the site rests with the developer.
50. Lack of driveway clearance if existing adjacent garage were extended: The applicant has demonstrated that they own an adequate width of driveway to facilitate the movement of cars.
51. Devaluation of existing properties: This is not a material planning consideration.
52. No development of this land was proposed when adjacent properties were purchased circa 1985: It is not possible to anticipate what future development may be proposed on a site in private ownership, and it must be considered that planning policies can and do change within periods of time extending to decades.
53. Impact on the Oak tree and its possible protection: It is not considered that the oak tree adjacent to the site is worthy of protection as the level of public amenity that it provides is limited. The tree is only visible from a limited number of receptors in the public domain, chiefly from the head of the cul-de-sac therefore its significance to the character of the local area is limited.
54. Lack of access for construction phase: The logistics of delivering any approved development is a matter for the developer to determine with regard to normal land ownership and access rights.
55. The applicant works for Chorley Council: It is noted that the applicant works for Chorley Council, however, as a resident of Chorley and owner of property in the Borough the applicant has no option but to apply for planning permission to Chorley Council as local planning authority. The Council's policy and guidance has been applied to the assessment of this application as it would be in any other case.

CONCLUSION

56. It is considered that the 'principle' of a dormer bungalow on this site is acceptable due to the sustainable credentials of the site and its characteristics. It is considered that a dormer bungalow of the height proposed could be designed and positioned without causing undue harm to the appearance and character of the area or to neighbour amenity.
57. In addition it is considered that adequate parking could be provided and that there would be no unacceptable harm to highway safety. On the basis of the above, it is recommended that planning permission be granted.

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

RELEVANT HISTORY OF THE SITE

Ref: 05/00384/INV **Decision:** APPVAL **Decision Date:**
Description: Single storey rear extension to ground floor apartment,

Ref: 05/00953/FUL **Decision:** PERFPF **Decision Date:** 21 November 2005
Description: Single storey rear extension to ground floor apartment,

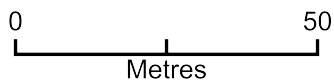
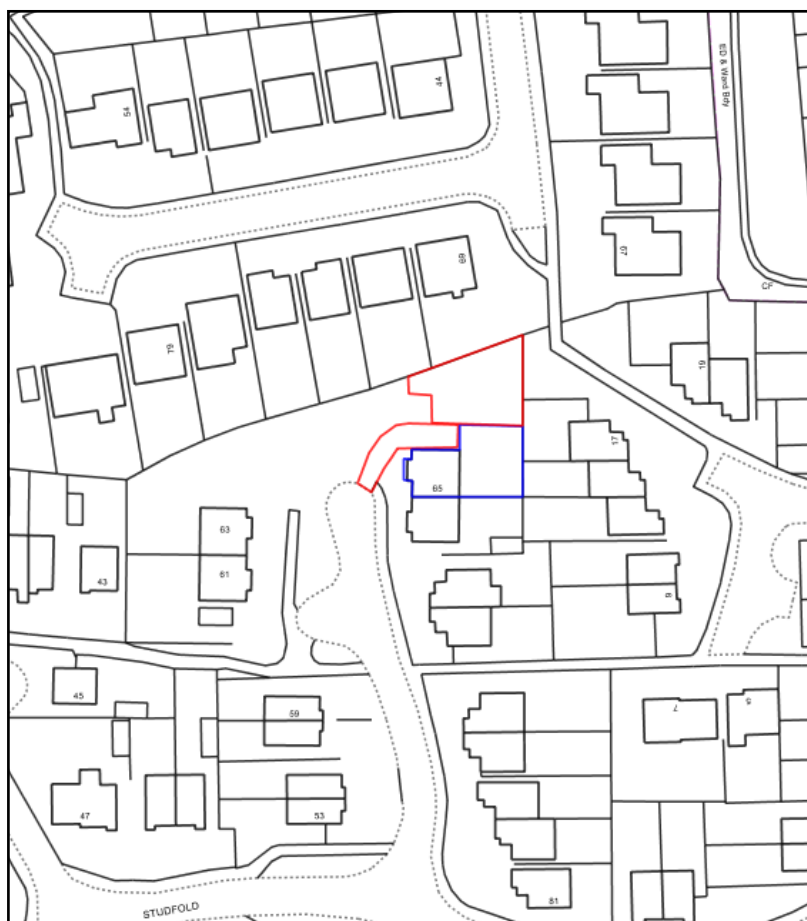
Suggested Conditions

| No. | Condition | | | | | | | | | | | | |
|-------------------------|---|-------------------|-------------------|---------------|---------------|-----|--------------|--------------------|-----|-------------------|-------------------------|-----|-------------------|
| 1. | <p>An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> | | | | | | | | | | | | |
| 2. | <p>No part of the development 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 in consultation with the Highway Authority. The details shall accord with the Chorley Council Parking Standard. The approved car parking provision shall be retained at all times thereafter specifically for this purpose.</p> <p>Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.</p> | | | | | | | | | | | | |
| 3. | <p>The development shall be limited to no more than four new dwellinghouses and shall be carried out in accordance with the following plans:</p> <table border="1" data-bbox="400 1115 1294 1272"> <thead> <tr> <th data-bbox="400 1115 767 1144">Title</th> <th data-bbox="767 1115 1038 1173">Drawing Reference</th> <th data-bbox="1038 1115 1294 1144">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="400 1173 767 1202">Location Plan</td> <td data-bbox="767 1173 1038 1202">N/A</td> <td data-bbox="1038 1173 1294 1202">27 June 2017</td> </tr> <tr> <td data-bbox="400 1202 767 1232">Proposed site plan</td> <td data-bbox="767 1202 1038 1232">N/A</td> <td data-bbox="1038 1202 1294 1232">20 September 2017</td> </tr> <tr> <td data-bbox="400 1232 767 1261">Proposed dwelling scale</td> <td data-bbox="767 1232 1038 1261">N/A</td> <td data-bbox="1038 1232 1294 1261">20 September 2017</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning</p> | Title | Drawing Reference | Received date | Location Plan | N/A | 27 June 2017 | Proposed site plan | N/A | 20 September 2017 | Proposed dwelling scale | N/A | 20 September 2017 |
| Title | Drawing Reference | Received date | | | | | | | | | | | |
| Location Plan | N/A | 27 June 2017 | | | | | | | | | | | |
| Proposed site plan | N/A | 20 September 2017 | | | | | | | | | | | |
| Proposed dwelling scale | N/A | 20 September 2017 | | | | | | | | | | | |
| 4. | <p>Either as part of any reserved matters application or prior to the commencement of the development details that the driveways/hardsurfacing areas for each of the dwellings shall be provided and approved in writing by the Local Planning Authority. This shall include details of their construction using permeable materials on a permeable base (under-drained areas can be used if ground conditions do not suit). The driveways/hardsurfaced areas shall then be provided in accordance with the approved details prior to occupation of each of the properties. The materials shall be maintained in perpetuity thereafter.</p> <p>Reason: In the interests of highway safety and to prevent flooding.</p> | | | | | | | | | | | | |
| 5. | <p>Either as part of any reserved matters application or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) Details of the colour, form and texture of all external facing materials to the proposed dwelling b) Details of the colour, form and texture of all hard ground- surfacing materials. c) Location, design and materials of all fences, walls and other boundary treatments. d) The finished floor level of the proposed dwelling and any detached | | | | | | | | | | | | |

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|------------|---|
| | <p>garages</p> <p>The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.</p> <p>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents</p> |
| <p>6.</p> | <p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</p> |
| <p>7.</p> | <p>Either as part of any reserved matters application or prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent 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 is can be assured that the design meets the required dwelling emission rate.</p> |
| <p>8.</p> | <p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p> |
| <p>9.</p> | <p>No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.</p> <p>Reason: Nesting birds are a protected species.</p> |
| <p>10.</p> | <p>Either as part of any reserved matters application or prior to the commencement of the development a scheme for the provision and implementation of a surface water regulation system shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme</p> |

| | |
|--|--|
| | <p>has been implemented in accordance with the approved plans.</p> <p>Reason: To secure proper drainage and to prevent flooding.</p> |
|--|--|

land and access map 2



Plan Produced for: jenny taylor
Date Produced: 15 Jun 2017
Plan Reference Number: TQRQM17166212832787
Scale: 1:1250 @ A4

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APPLICATION REPORT – 17/00812/FULMAJ

Validation Date: 4 September 2017

Ward: Lostock

Type of Application: Major Full Planning

Proposal: Application for Minor Material Amendment (Section 73) following grant of planning permission for application 15/00953/FULMAJ for the substitution of plots 8, 9 & 10 currently a left hand York semi, a right hand York semi and an Ascot detached house for Newbury detached, a right hand York semi and a left hand York semi-detached house respectively.

Location: 127A Station Road Croston Leyland PR26 9RP

Case Officer: Mr Ian Heywood

Applicant: Freedom House Investments Ltd

Agent: LMP Ltd

Consultation expiry: 26 September 2017

Decision due by: 4 December 2017

RECOMMENDATION

Permit Full Planning Permission

SITE DESCRIPTION

The site was previously a roofing contractor's yard located just outside the boundary to the Croston Conservation Area and close to the centre of the settlement.

Planning Permission was previously granted on this site for the erection of nine dwellings with associated access road, driveways and private gardens and the refurbishment and extension of the existing bungalow (15/00953/FULMAJ). Pre-commencement conditions attached to this permission have been discharged and construction on the site is underway at the present time.

DESCRIPTION OF PROPOSED DEVELOPMENT

The current proposal seeks to amend the site layout by substituting plots 8, 9 and 10, which are currently a left hand York semi, a right hand York semi and an Ascot detached house for a Newbury detached a right hand York semi and a left hand York semi-detached house respectively. The amount of development proposed including the number of units and the proposed floorspace overall is unchanged, it is merely the layout of plots 8,9 and 10 that it is proposed to be changed.

CONSTRAINTS

Floodzone 2
Floodzone 3

RELEVANT HISTORY OF THE SITE

Ref: 80/00443/CLEUD **Decision:** WDN **Decision Date:** 20 June 1980

Description: Established Use Certificate - Builders Yard

Ref: 80/00652/FUL **Decision:** PERFPP **Decision Date:** 4 August 1980

Description: Change of use of shop to office and extension to bungalow

Ref: 80/00674/FUL **Decision:** PERFPP **Decision Date:** 18 August 1980

Description: Change of use of general industrial and builders yard to builders yard

Ref: 12/00628/FUL **Decision:** WDN **Decision Date:** 20 August 2012

Description: To demolish the existing dwelling (127a) and other out buildings situated on the site and construct a replacement dwelling fronting Station Road and also 5 further dwellings to form a small residential street on the rest of the application site, with associated access road, driveways, private gardens and communal landscaping.

Ref: 12/00629/CON **Decision:** WDN **Decision Date:** 20 August 2012

Description: To demolish the existing dwelling (127a) and other out buildings situated on the site (development associated with 12/00628/FUL).

Ref: 12/00942/FUL **Decision:** PERFPP **Decision Date:** 12 December 2012

Description: Application to demolish the existing dwelling (127a) and other out buildings situated on the site and to build a replacement dwelling fronting Station Road and also 4 further dwellings to form a small residential street on the rest of the application site, with associated access road, driveways, private gardens and communal landscaping (resubmission of withdrawn application ref: 12/00628/FUL)

Ref: 12/00943/CON **Decision:** PERCAC **Decision Date:** 12 December 2012

Description: Application for Conservation Area Consent to demolish the existing dwelling (127a) and other out buildings situated on the site (development associated planning application 12/00942/FUL). Resubmission of withdrawn application 12/00629/CON.

Ref: 13/00496/FUL **Decision:** WDN **Decision Date:** 27 June 2013

Description: Residential development to land at 127A Station Road Croston to include conversion of the existing bungalow to form two dwellings and the erection of five new dwellings with associated access road, driveways, private gardens and communal landscaping

Ref: 13/01100/FUL **Decision:** WDN **Decision Date:** 13 January 2014

Description: S.73 Application to vary condition 3 to consent granted under 12/00942/FUL to : Retention of existing bungalow and erection of 4 detached dwelling houses on former builders merchants yard.

Ref: 14/00315/FUL **Decision:** PERFPP **Decision Date:** 4 November 2014

Description: Residential development to land at 127A Station Road Croston to include retention of the existing bungalow and the erection of four new dwellings with associated access road, driveways, private gardens and communal landscaping (Resubmission of withdrawn application: 13/00496/FUL)

Ref: 15/00953/FULMAJ **Decision:** PERFPP **Decision Date:** 14 July 2016

Description: Application for the construction of nine dwellings with associated access road, driveways and private gardens and the refurbishment and extension of the existing bungalow at 127a Station Road (to include the addition of a first floor and new roof), following demolition of existing buildings.

Ref: 15/01040/OUT **Decision:** PEROPP **Decision Date:** 14 July 2016

Description: Outline application for the construction of a single dwelling with associated parking with all matters reserved

Ref: 16/00292/FUL **Decision:** PERFPP **Decision Date:** 6 February 2017

Description: Erection of single detached dwelling with integral garage and associated parking following demolition of existing storage building (Plot 11).

Ref: 16/00958/DIS **Decision:** PEDISZ **Decision Date:** 19 December 2016
Description: Discharge of conditions 8 (Management and Maintenance Plan for the Sustainable Drainage System), 12 (Land Contamination Report), 15 (Facing Materials), 16 (External Joinery), 18 (Boundary Treatments) and 19 (Hard Landscaping) re 15/00953/FULMAJ (Application for the construction of nine dwellings with associated access road, driveways and private gardens and the refurbishment and extension of the existing bungalow at 127a Station Road (to include the addition of a first floor and new roof), following demolition of existing buildings).

Ref: 16/01032/REM **Decision:** PERFPF **Decision Date:** 31 January 2017
Description: Application for Approval of Reserved Matters (Access, Appearance, Landscaping, Layout and Scale) following the grant of Outline Planning Permission (15/01040/OUT for the Construction of a single dwelling with associated parking - Plot 3).

Ref: 16/01092/DIS **Decision:** PEDISZ **Decision Date:** 15 December 2016
Description: Application to discharge conditions 5 (lighting plan), 6 (Biodiversity Enhancement) and 14 (Dwelling Emission Rate) attached to permission granted under 15/00953/FULMAJ (Construction of nine dwellings with associated access road, driveways and private gardens and the refurbishment and extension of the existing bungalow at 127a Station Road (to include the addition of a first floor and new roof), following demolition of existing buildings)

Ref: 17/00299/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2017
Description: Discharge of conditions 4(Lighting Plan), 5(Biodiversity Enhancement), 7(Drainage), 11(Contamination), 13(Dwelling Emission Rate), 14(Materials), 15(Fenestration), 17(Hard Landscaping) and 18(Boundary Treatments) regarding 15/01040/OUT (Outline application for the construction of a single dwelling with associated parking with all matters reserved).

Ref: 17/00434/MNMA **Decision:** PEMNMZ **Decision Date:** 15 May 2017
Description: Non-Material Amendment following the grant of planning permission (16/01032/REM - erection of one dwelling) to slightly enlarge the proposed kitchen.

Ref: 17/00811/MNMA **Decision:** PEMNMZ **Decision Date:** 29 August 2017
Description: Minor Non-Material Amendment following the grant of planning permission: 15/00953/FULMAJ (for the erection of 9 dwellings with associated access road, driveways and private gardens and the refurbishment and extension of the existing bungalow to include the addition of a first floor) to amend the facing materials for the bungalow.

REPRESENTATIONS

None received.

CONSULTATIONS

Croston Parish Council: No comments received.
 Lancashire Highway Services: No comments received.
 CIL Officers: No comments received.

PLANNING CONSIDERATIONS

In cases such as this the planning considerations have already been reviewed and found to be acceptable. The area for consideration now is simply whether the amended proposal upholds the principles that were accepted under the previously approved and now partially implemented scheme.

The proposal here is simply to transpose a pair of semis on plots 8 and 9 with a detached house type and swap a detached house type on plot 10 for a pair of semis of an already approved house type. The detached house type is being changed from an Ascot to a Newbury. Both are very similar designs with many similar features, all of which are to be seen repeated throughout the overall development site.

In this case therefore it is considered that the amended proposal does adhere to the considerations that were accepted under the previously approved scheme (15/00953/FULMAJ).

CIL

The CIL Liability notice has already been issued for the approved scheme. The floorspace of the proposed layout is the same as that for the approved scheme. That being the case there is no requirement to issue a further notice.

FINANCIAL IMPLICATIONS

The Council has previously received and accepted a viability case whereby the development was found to be not capable of supporting any financial contributions.

CONCLUSION

The application is recommended for approval, subject to conditions.

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

In this case the specific relevant policies are:
 Policies 7, 10, 16, 22, 27 and 29 of the Central Lancashire Core Strategy (2012);
 Policies BNE1, BNE8, HS3, HS4A, HS4B and ST4 of the Adopted Chorley Local plan 2012 – 2026;
 S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990;
 Paragraphs 129, 131, 132, 133, 134, 136 and 137 of the Framework.

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 Plan | 15/048/L02 REV A | 14 August 2017 |
| Newbury (Plot 8) Proposed Plans and Elevations | 15/048/P16 | 14 August 2017 |
| Proposed Site Layout | 15/048/P01 REV K | 14 August 2017 |

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

3. In order to minimise the impacts on other protected species the following precautionary measures are required as part of the development hereby approved:

- Should any trenches or excavations be required, an escape route for animals that enter the excavation must be provided.
- Ramps should be no greater than 45 degrees in angle.
- Any holes dug should be securely covered to ensure no animals are trapped during works.
- All excavations left open overnight or longer should be checked for mammals prior to the continuation of works or infilling.
- Back filling shall be completed immediately after any excavations.
- Contractors should be observant for protected species and should any species be found during works, then works should cease immediately and advice sought from a suitably qualified ecologist

Reason: To safeguard protected and endangered species and their habitats

4. No external lighting shall be attached to the development hereby permitted.

Reason: To safeguard protected and endangered species and their habitats and to ensure that any lighting (during construction and post development) be directed away from any of the retained trees.

5. The development hereby permitted shall be completed in accordance with the Tyrer Partnership report submitted on 25 November 2016.

Reason: To safeguard protected and endangered species and their habitats and provide biodiversity enhancements

6. The development hereby permitted shall be managed in accordance with the Management and Maintenance Plan for the sustainable drainage system as approved on 19 December 2016 and the S.104 Sewers Adoption Agreement dated 12 December 2016.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained; to ensure there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate maintenance of the sustainable drainage system.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted development Order) 1995 or any order revoking and re-enacting that Order with or without modification, no structure shall be erected as delineated on the proposed permeable surfacing as shown on 2959-SHD-00-ZZ-DR-C-0010/Rev P2 Proposed Drainage GA.

Reason: to ensure that there is no flood risk on or off the site resulting from the proposed development.

8. The development hereby permitted shall be implemented in accordance with the recommendations of the submitted Scott Hughes Flood Risk Assessment received on 4 February 2016.

Reason: To minimise the risk of the development increasing the incidence of flooding in the area.

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

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

10. 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.

11. The development hereby permitted shall be completed using the materials as approved on 19 December 2016 unless otherwise approved in writing by the Local Planning Authority.

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

12. The development hereby permitted shall be completed in accordance with the joinery details as shown on drawing 15/048/P15 as approved on 19 December 2016 unless otherwise approved in writing by the Local Planning Authority.

Reason: To maintain the integrity of the historic area.

13. 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.

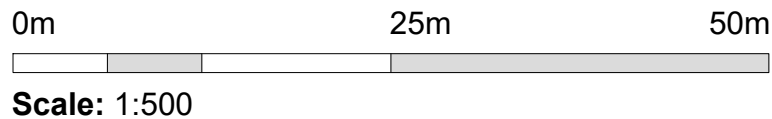
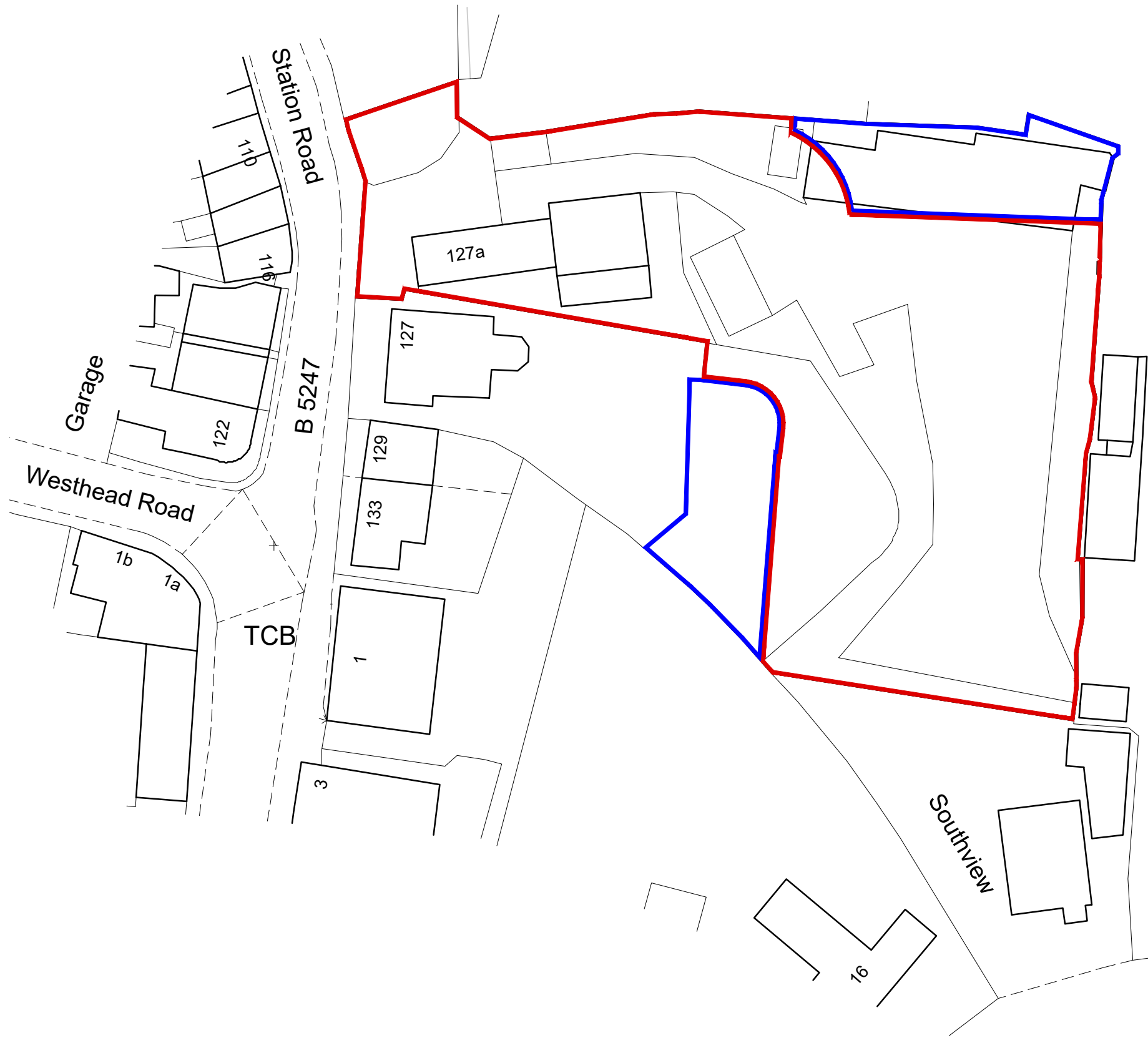
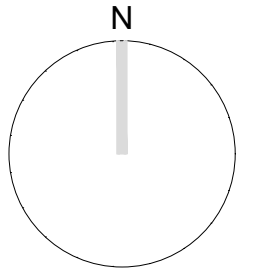
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14. The fences and walls within the development hereby approved shall be completed in accordance with drawing 15/048/P14 as approved on 19 December 2016 unless otherwise approved in writing by the Local Planning Authority.

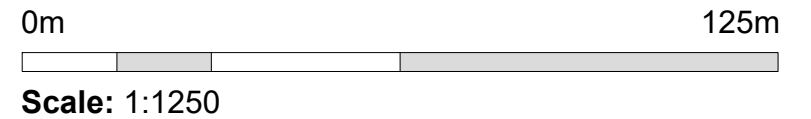
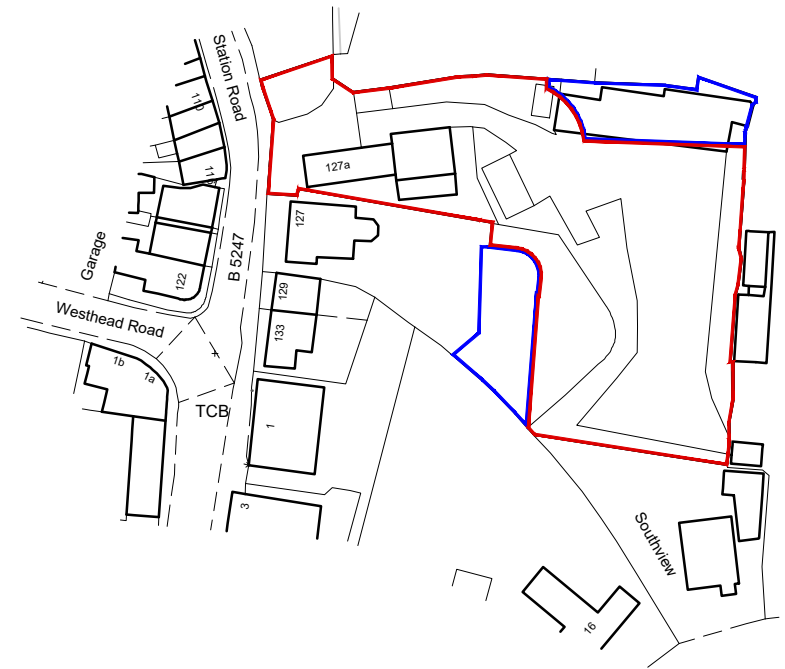
Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

15. The landscaping of the development hereby permitted shall be completed in accordance with the landscaping details as shown on drawing 15/048/P14 as approved on 19 December 2016 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.



Site Layout 1:500



Location Plan
1:1250

Revision Notes:
A: Changes to red boundary following confirmation from Land Registry.

WA 22/03/16



CLIENT
Ellwood New Homes Ltd

PROJECT NAME
Proposed Residential Development at

127A Station Road, Croston, Preston

DRAWING NAME
Location Plan

| SCALE | DRAWN BY | DATE | DRAWING NUMBER | REVISION |
|-------------|----------|----------|----------------|----------|
| Varies @ A3 | WA | 19/10/15 | 15/048/L02 | A |

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APPLICATION REPORT – 17/00719/FUL**Validation Date: 17 July 2017****Ward: Heath Charnock And Rivington****Type of Application: Full Planning****Proposal: Erection of single storey dwelling house following demolition of existing stables building****Location: Land North Of 125 Rawlinson Lane Heath Charnock****Case Officer: Mr Iain Crossland****Authorising Officer: CT****Applicant: Miss L.J. Calderbank****Agent: Mr Simon Lewis-Pierpoint****Consultation expiry: 1 September 2017****Decision due by: 10 November 2017**

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions.

SITE DESCRIPTION

2. The application site consists of a rectangular shaped 8 bay stable building located on Rawlinson Lane, Heath Charnock and is in the Green Belt. The stables building is constructed in timber under a low pitched corrugated metal sheet roof with associated equestrian facilities located to the west side of Rawlinson Lane to the north-west of Heath Charnock. The site is bound by the highway and a dense hedgerow to the east and is open on all other sides. Immediately to the west of the stable block lies a ménage, to the north is the access track and turning area characterised by hardstanding and post and rail fencing to the boundary. To the south is a pond. Beyond the application site lie open fields within the ownership of the applicant.
3. The application site lies close to a ribbon of residential development stretching appropriately 300 meters north towards the A5106 Wigan Lane on the opposite side of Rawlinson Lane. The built form is largely characterised by semi-detached two storey properties constructed in brick and render to the elevations under hipped concrete tile roofing. Three brick built bungalows are located within the immediate vicinity of the application site. The south is largely open to countryside with sporadic predominantly low rise residential development of varying design and palette of materials.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The proposal seeks the demolition of the existing stable block and the erection of a detached single storey dwelling house, set perpendicular to the highway. The proposed property has a contemporary appearance with extensive use of glazing and timber cladding beneath a flat roof. The proposed dwelling would make use of the existing vehicular access and the curtilage would reflect that of the developed part of the site.

REPRESENTATIONS

5. Five objections have been received that raise the following issues:
 - Erosion of the Green Belt.
 - Protection of wildlife particularly with regards to great crested newts in the nearby pond.
 - If this application is approved a further application for stables for the displaced horses would be required.
 - Current planning regulations appear to be flawed.
 - The Government's approach to Green Belt policy needs to be challenged by Chorley Council.
 - The applicant follows a repetitive pattern in the area and should be resisted.
 - The volume exceeds existing.
 - The footprint is different to existing buildings.
 - To be considered as an exception development in a Green Belt area should have very exceptional features in terms of design, sustainability, and sympathy with environment and ecology, this proposal has none of these.
 - Encroachment of the Green Belt.
 - The development would result in an isolated home.
 - Loss of green fields.
 - Local residents do not want this.

CONSULTATIONS

6. **The Coal Authority:** No objection to the proposed development subject to the imposition of a condition.
7. **Greater Manchester Ecology Unit:** No objection.
8. **United Utilities:** No objection.
9. **Heath Charnock Parish Council:** The Parish Council considered the application, which is very similar to 16/00905/FUL. In light of the discussion and the comments from residents it had received, the Parish Council confirmed its objections on the grounds that:
 - i. The site is within the greenbelt and should be protected from residential development. Even though the proposal would create one single storey property, it will have an incremental impact changing the character of what should be an 'open' area
 - ii. The current stable building is a sectional building. Once it is taken down it should have no impact on the 'greenfield' condition of the land. The stables should be capable of being dismantled and the site being re-instated to its former condition, and
 - iii. Concern that if granted, the proposed application represents a 'back-door' route to planning permission for residential development in what should be a protected area of greenbelt. Local residents and the Parish Council are concerned that the initial securing of planning permission for an acceptable agricultural use seems now to be a way to get round the spirit of planning legislation and the accepted Development Framework that is in place until 2026 within the Chorley BC area.

For these reasons the Parish Council agreed to ask that Chorley Borough Council, as the planning authority, refuse this planning application.

PLANNING CONSIDERATIONS

11. The application site is located wholly 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.
12. Heath Charnock is not specified as an area for growth within 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."
13. 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.*
14. The application site comprises buildings that are in equestrian use. Equestrian uses are not excluded from the definition of previously developed land set out in the Framework. There is therefore the potential to engage with bullet point six of paragraph 89 of the Framework in this instance.

15. Policy BNE5 of Chorley Local Plan 2012 – 2016 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 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.*
16. 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'.
17. It is considered that in respect of the Framework that the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
18. Whether the proposed buildings have 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.
19. The proposed development of a single dwelling would have a similar overall footprint to the existing buildings on the site, whilst the volume would be slightly greater (23%) in relation to the existing buildings. The height of the proposed dwelling would be similar to the existing buildings on the site. Overall it is considered that the proposed building would have no greater impact on the openness of the Green Belt. Although the siting of the building would differ from the position of the existing buildings it would be located on the area of the sand paddock within the developed part of the site. It would not therefore result in the site encroaching any further than it already does.
20. Given the above it is considered that the proposed development would not have a greater impact on the openness of the Green Belt and as such would not represent inappropriate development in the Green Belt.
21. In addition to the above it is considered that the proposed development would not interfere with any of the five purposes of the Green Belt, and would result in the efficient use of part of this previously developed site.

Impact on character and appearance of the locality

22. Policy BNE1 of the Local Plan states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ration, height, scale and massing, design, orientation and use of materials.

23. Paragraph 56 of the Framework states that 'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'
24. Additionally, the paragraph 60 advocates that 'Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.'
25. The proposal seeks the construction of a contemporary timber framed dwellinghouse faced with a mixture of timber cladding and glazing panels beneath a flat roof. Further to undertaking a site visit and reviewing the amended plans, it is considered that the simple contemporary approach identified within the design is appropriate in the context of this semi-rural location and the low level buildings that exist on site.
26. In respect to the height and scale of the proposed development it is not considered that the scheme is too dissimilar in size from the existing stables, albeit located more centrally within the site, and therefore does not have any greater impact upon the overall massing of built form as viewed from the public domain. Fencing and gating details have not been provided alongside this application and therefore to ensure the rural character and appearance streetscape is maintained, a condition is recommended to provide such details prior to first occupation of the dwellinghouse.
27. As seen within the wider context, the proposal lies close to a ribbon of residential development along Rawlinson Lane and would not be seen as an incongruous land use in this particular setting. The design is noticeably distinctive from other neighbouring properties, however a contemporary low level design approach utilising timber and glazing has the ability to assimilate more successfully within the wider rural landscape than a more traditional built form, which is likely to be more bulky in appearance, and a greater departure from the existing built form on site.
28. Taking this into account it is considered that the development promotes originality through a contemporary design approach which endorses local distinctiveness. There would no discernible impact upon the character and appearance of the street scene and therefore the development complies with paragraph 56 of the NPPF and policy BNE1 of the Local Plan.

Impact on Neighbour Amenity

29. The proposed dwelling would be located over 40m from the nearest dwellings at 170 Rawlinson Lane to the north east of the site. It is not considered that there would be any adverse impacts upon the amenities of other properties along Rawlinson Lane given the position, orientation, degree of natural screening and distances between neighbouring occupiers within the surrounding area.
30. The proposal therefore meets the requirements of Policy BNE1 of the Local Plan.

Highway Impact and Access

31. It is noted that there is already vehicular access to the site from Rawlinson Lane, which would be used to provide access to the proposed dwelling. It is noted that the site is currently accessed by vehicles using the stables and facilities on the land. The access track is wide with a wide entry onto the highway and Rawlinson Lane is straight and flat in this location. It is considered that the creation of a single dwelling in place of the existing equestrian facility would have a limited impact on the highway network in this location, which would not result in a severe cumulative impact.
32. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars would be provided. On this basis the scheme would comply with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.

Ecology

33. The applicant has provided adequate ecological information supplied by an experienced ecological consultancy. No evidence of bats was found and the building has been assessed as low risk. Similarly the pond was assessed as low risk. The presence of swallows nesting in the stables was confirmed.
34. The pond adjacent to the site was assessed as having poor potential for great crested newts and is of low value habitat. As a precaution an informative would be attached to any grant of planning reminding the developer that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If a great crested newt is found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newt(s).
35. As the presence of nesting swallows has been confirmed, it is recommended that a condition relating to landscaping specifically requests mitigation for loss of bird nesting habitat.

Public Open Space

36. The Development Plan requires public open space (POS) contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
37. 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).
38. 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.
39. 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)
40. 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.
41. It is considered that the benefit of securing a public open space contribution on the basis of one dwelling 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 Section106 agreements.

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

Community Infrastructure Levy

43. The proposed development is CIL liable, however, It is likely that a self-build exemption will be applied for in respect of the proposals which may result in a £0 CIL liability on the proviso that the correct procedures are adhered to including the submission of an assumption of liability form.

CONCLUSION

44. It is considered that the proposed dwelling on this site would not be inappropriate development as the proposal represents the redevelopment of previously developed land, which will not have a greater impact on the openness of the Green Belt or conflict with the Green Belt purposes. The impact on the appearance and character of the area are acceptable as the proposed dwelling is appropriately designed, of an appropriate scale and relates well to the street scene. The impact on neighbour amenity is considered to be acceptable as is the impact on highway safety.

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

RELEVANT HISTORY OF THE SITE

Ref: 04/00727/FUL **Decision:** WDN **Decision Date:** 2 September 2004
Description: Erection of stable block, barns and formation of sand paddock,

Ref: 04/00969/FUL **Decision:** PERFPP **Decision Date:** 30 September 2004
Description: Erection of stables, tack room and midden and formation of sand paddock,

Ref: 05/00465/INV **Decision:** APPVAL **Decision Date:**
Description: AGR Application for an agricultural building

Ref: 05/01035/AGR **Decision:** WDN **Decision Date:** 28 October 2005
Description: Application for Determination in respect of an agricultural building

Ref: 07/00255/FUL **Decision:** PERFPP **Decision Date:** 23 May 2007
Description: Revision to Planning Permission 04/969/FUL by modification of condition 11 - no machinery or vehicles (including horseboxes and trailers) shall be stored or kept within the site overnight.

Ref: 07/00825/FUL **Decision:** WDN **Decision Date:** 27 September 2007
Description: Proposed hay store for the storage of hay to feed assorted animals

Ref: 07/01132/FUL **Decision:** PERFPP **Decision Date:** 16 November 2007
Description: Erection of hay store,

Suggested Conditions

| No. | Condition |
|-----|---|
| 1. | The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory</i> |

| | <i>Purchase Act 2004</i> | | | | | | | | | | | | |
|-----------------------------|--|---------------|-------------------|---------------|-----------------------------|-----------------------|--------------|---------------------|-----------------------|--------------|----------------|-----------------------|--------------|
| 2. | <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan and site plan</td> <td>0282 (S)2-01-PP Rev.A</td> <td>15 July 2017</td> </tr> <tr> <td>Proposed elevations</td> <td>0282 (E)5-01-PP Rev.A</td> <td>15 July 2017</td> </tr> <tr> <td>Proposed plans</td> <td>0282 (P)4-01-PP Rev.A</td> <td>15 July 2017</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p> | Title | Drawing Reference | Received date | Location plan and site plan | 0282 (S)2-01-PP Rev.A | 15 July 2017 | Proposed elevations | 0282 (E)5-01-PP Rev.A | 15 July 2017 | Proposed plans | 0282 (P)4-01-PP Rev.A | 15 July 2017 |
| Title | Drawing Reference | Received date | | | | | | | | | | | |
| Location plan and site plan | 0282 (S)2-01-PP Rev.A | 15 July 2017 | | | | | | | | | | | |
| Proposed elevations | 0282 (E)5-01-PP Rev.A | 15 July 2017 | | | | | | | | | | | |
| Proposed plans | 0282 (P)4-01-PP Rev.A | 15 July 2017 | | | | | | | | | | | |
| 3. | <p>Notwithstanding the details shown on the submitted plans, the proposed car parking and turning areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p> | | | | | | | | | | | | |
| 4. | <p>Before the development hereby permitted is first commenced, other than demolition and enabling works, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p> | | | | | | | | | | | | |
| 5. | <p>Prior to the commencement of development, other than demolition and enabling works, samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p> | | | | | | | | | | | | |
| 6. | <p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species..</p> <p><i>{\i Reason: In the interest of the appearance of the locality.}</i></p> | | | | | | | | | | | | |
| 7. | <p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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.</i></p> | | | | | | | | | | | | |
| 8. | <p>Prior to the commencement of the development, other than demolition and enabling works, details shall be submitted to and approved in writing by the Local</p> | | | | | | | | | | | | |

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| | <p>Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</p> |
| <p>9.</p> | <p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</p> |
| <p>10.</p> | <p>No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA. <i>Reason: To prevent harm to British birds nests and eggs, which are protected by Section 1 of the Wildlife & Countryside Act 1981.</i></p> |
| <p>11.</p> | <p>No development shall take place (including any demolition, ground works, site clearance) until a scheme of intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority. The intrusive site investigations shall thereafter be carried out in accordance with the approved scheme.</p> <p>Reason: The application site is within an area where coal existed at or close to the surface which may have been worked at some time in the past. In addition, whilst the information available identifies coal outcrops beyond the site's southern boundary, the report suggests that geological maps may contain slight inaccuracies, and as a result, it is considered possible that the outcrops to these coal seams may actually lie slightly further to the north and may therefore impact upon the proposed development. This is required to be a pre-commencement condition to ensure the site is, or can be made, safe and stable for the proposed development before building works commence.</p> |
| <p>12.</p> | <p>No development shall take place (including any demolition, ground works, site clearance) until a report of the findings arising from the intrusive site investigations, including the results of gas monitoring, has been submitted to and approved in writing by the Local Planning Authority. The report shall include the submission of a scheme of remedial works for approval. The development shall thereafter be carried out in accordance with the approved remedial works.</p> <p>Reason: The application site is within an area where coal existed at or close to the surface which may have been worked at some time in the past. In addition, whilst</p> |

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| | <p>the information available identifies coal outcrops beyond the site's southern boundary, the report suggests that geological maps may contain slight inaccuracies, and as a result, it is considered possible that the outcrops to these coal seams may actually lie slightly further to the north and may therefore impact upon the proposed development. This is required to be a pre-commencement condition to ensure the site is, or can be made, safe and stable for the proposed development before building works commence.</p> |
| <p>13.</p> | <p>No development shall take place (including any demolition, ground works, site clearance) until a method statement for swallows has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) Purpose and objectives for the proposed works; b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) Extent and location of proposed works shown on appropriate scale maps and plans; d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) Persons responsible for implementing the works; f) Initial aftercare and long-term maintenance; <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter</p> <p>Reason: In the interests of nesting Swallows and associated habitat.</p> |
| <p>14.</p> | <p>Prior to the construction of the new dwelling hereby permitted the existing stables on the site shall have been demolished in full.</p> <p>Reason: the development is located in the Green Belt and has been considered acceptable on the basis that the existing buildings would be replaced.</p> |

Project Information:

Client: Miss L. Calderbank
Project Title: Proposed New Dwelling
Project Address: Stables Opposite 188 Rawlinson Lane
Project Stage: Planning Consent Application
Date of Drawing: 12.05.17

Drawn By: AH
Inspected By: SW
Drawing Sheet Size: A1 (841 x 594)
Drawing Scale: As indicated on drawing
Site Volume: Existing 448.38 m³
Site Volume: Proposed 439.55 m³

Site Plan, as 'Existing & Proposed'

Job Number: 0282 (S)2-01-PP
Drawing Number: A
Revision: A

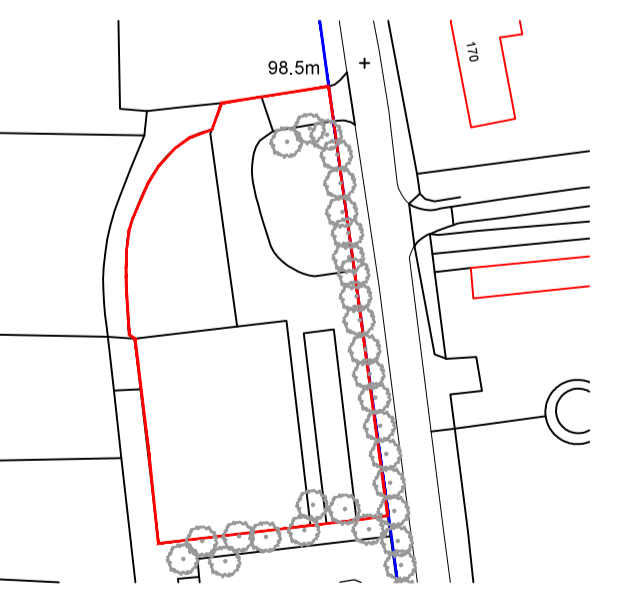
DO NOT SCALE ONLY USE DIMENSIONS SHOWN
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Drawing Revisions

| Rev. | Date | Description |
|------|----------|---|
| A | 02.06.17 | Amendments made to Title Plans as requested by client |

Agenda Page 133

Site Ordnance Survey: 1:1250



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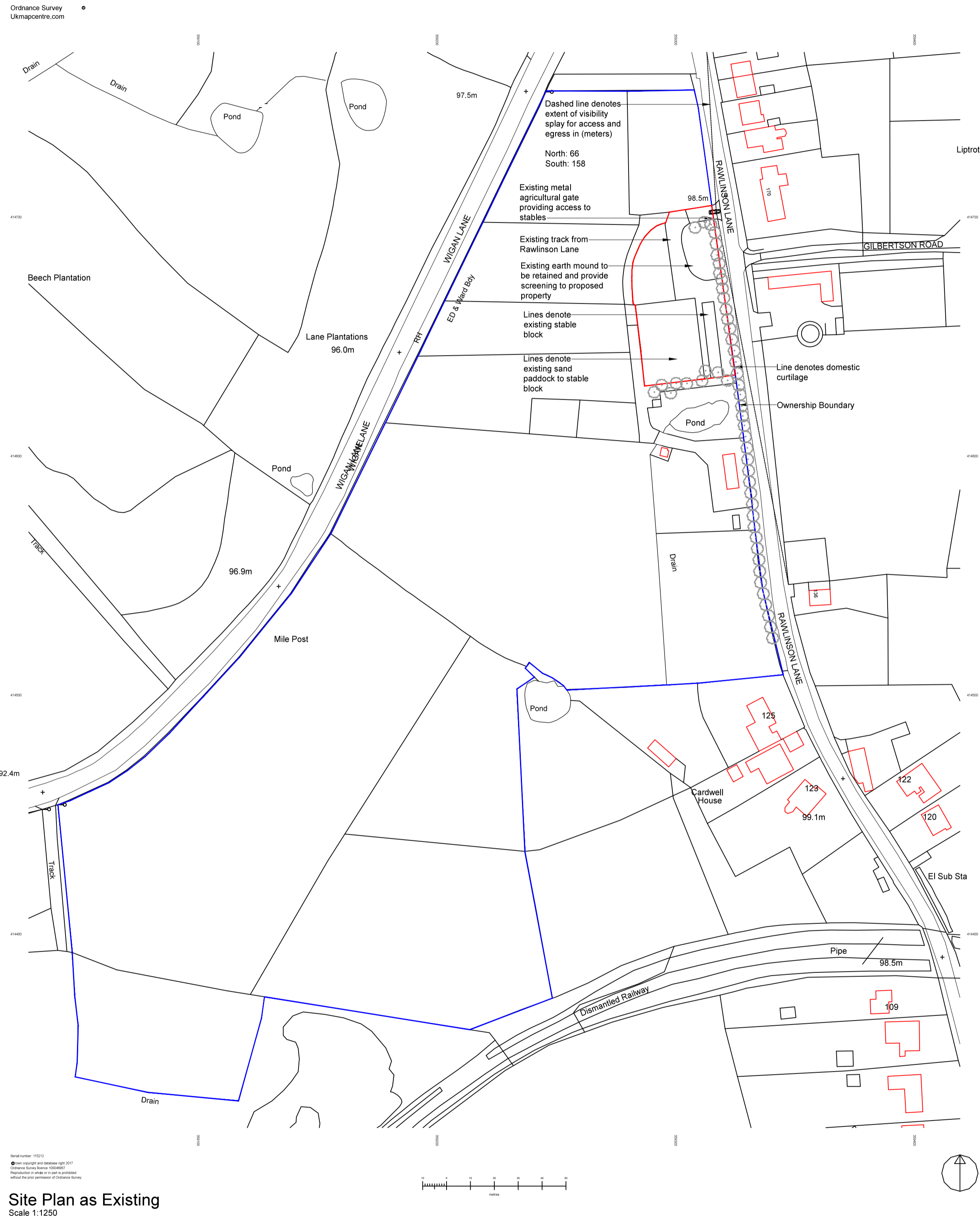
Deviating from these drawings without consultation and/or agreement with the employer is unacceptable. This drawing is indicative and exact dimensions should be checked and confirmed on site by the nominated contractor or competent persons prior to commencement of building works. All drawings and dimensions shall be verified by the relevant contractor on site prior to commencement of any works, ordering of materials or setting out. Any discrepancies should be reported in writing to SDA Architecture Ltd.

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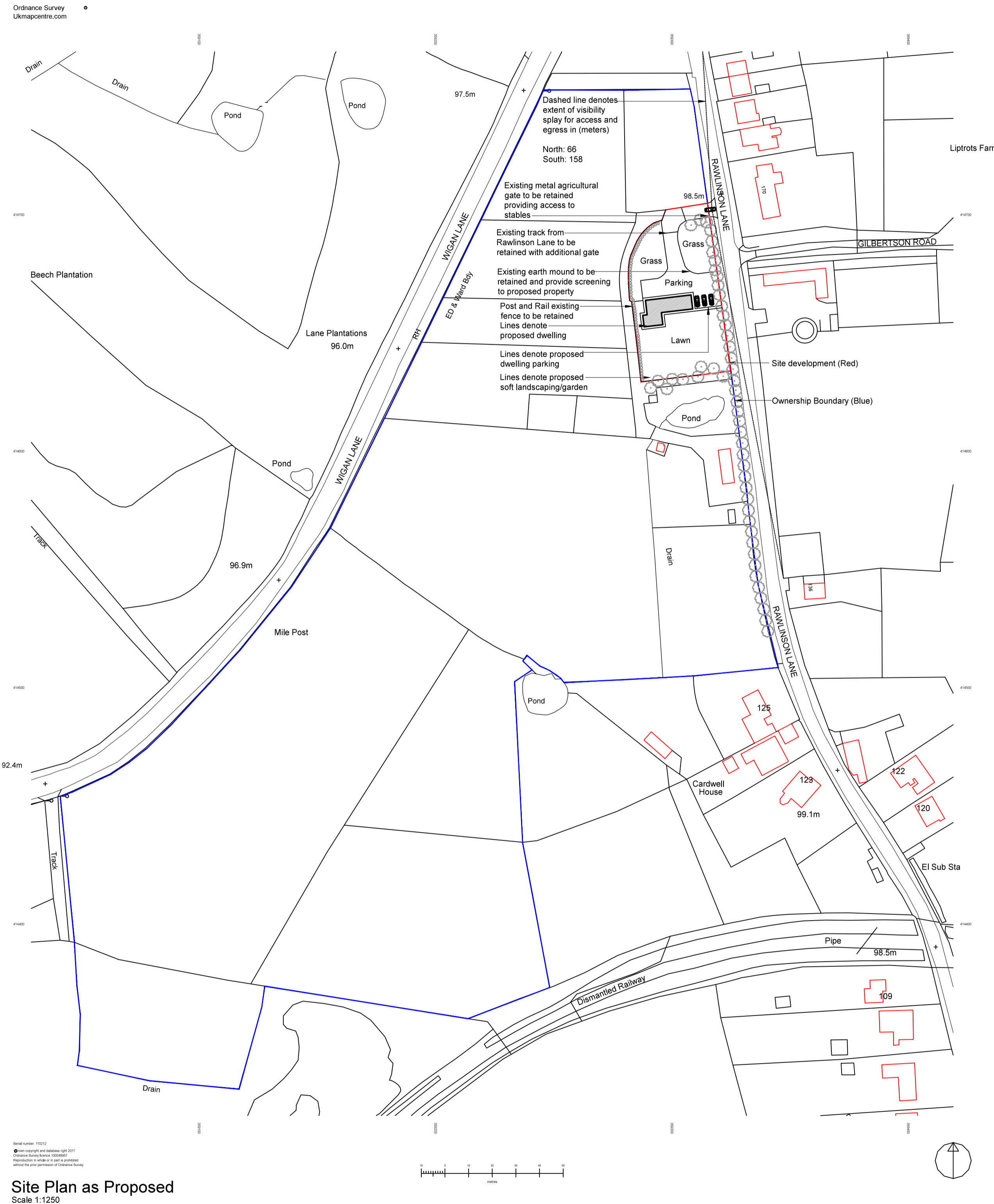
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For all structural aspects please refer to Structural Engineers project information and cross reference all drawings, details and calculations with the architectural drawing prior to commencement of building works.

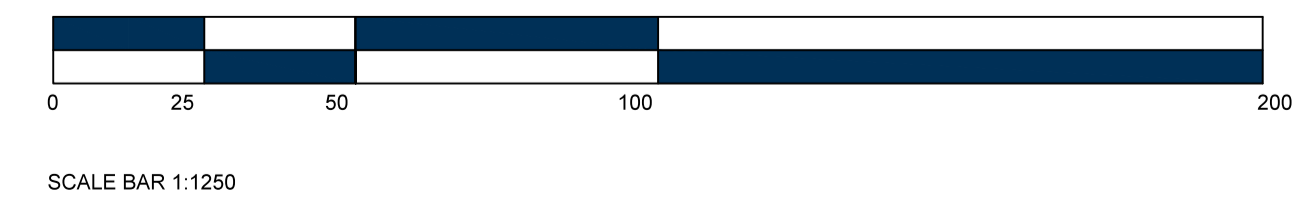
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Site Plan as Existing
Scale 1:1250



Site Plan as Proposed
Scale 1:1250



Agenda Item 3m

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| Report of | Meeting | Date |
|-------------------------------|-------------------------------|-----------------|
| Director (Customer & Digital) | Development Control Committee | 7 November 2017 |

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 3 OCTOBER 2017 AND 30 OCTOBER 2017

PLANNING APPEALS LODGED

Planning Application: 17/00522/FULHH - Inspectorate Reference: APP/D2320/D/17/3182816

Appeal by Mr Sam Manifold against the delegated decision to refuse full planning permission for erection of an attached side garage and a front porch extension.

1 Greenside, Euxton, Chorley, PR7 6AS.

Inspectorate letter received 22 September 2017.

Planning Application: 17/00782/FULHH - Inspectorate Reference: APP/D2320/D/17/3186770

Appeal by Mr Gary Heaton against the delegated decision to refuse full planning permission for erection of a first floor extension above detached garage and two storey front extension linking garage to the original dwelling

17 Stonegate Fold, Heath Charnock, Chorley, PR6 9DX.

Inspectorate letter received 16 October 2017.

Planning Application: 17/00468/FUL - Inspectorate Reference: APP/D2320/W/17/3187932

Appeal by Mr Peter Hindle against the Development Control Committee decision to refuse full planning permission for the erection of a free standing building to increase child places from 55 to 71. Application for costs has also been submitted.

The Little Acorns Nursery, 34 Sheep Hill Lane, Clayton-Le-Woods, Chorley, PR6 7JH.

Inspectorate letter received 30 October 2017.

APPEAL DECISIONS

None

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

| Report Author | Ext | Date | Doc ID |
|----------------------|------------|-----------------|---------------|
| Adele Hayes | 5228 | 30 October 2017 | *** |