

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 21ST MAY 2019, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

### **AGENDA**

#### **APOLOGIES**

- 1 **MINUTES OF MEETING THURSDAY, 25 APRIL 2019 OF DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 4)

- 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 twelve 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 **19/00162/FUL - CHORLEY HOSPITAL, PRESTON ROAD, CHORLEY**

(Pages 5 - 10)

- B **19/00163/ADV - CHORLEY HOSPITAL, PRESTON ROAD, CHORLEY**

(Pages 11 - 16)

- C **18/01211/FULMAJ - LAND 10M SOUTH OF 21 DUNROBIN DRIVE, EUXTON (REPORT TO FOLLOW)**

- D **18/00821/OUT - LAND SOUTH OF THE STRAITS, THE STRAITS, HOGHTON**

(Pages 17 - 32)

<b>E</b>	<b>18/00813/FUL - BERKELEY FARM, SHADY LANE, CUERDEN, BAMBER BRIDGE, PRESTON</b>	(Pages 33 - 46)
<b>F</b>	<b>18/00855/FULMAJ - THE HOP POCKET, CARR LANE, CHORLEY</b>	(Pages 47 - 56)
<b>G</b>	<b>19/00106/FUL - CANAL BOAT CRUISES, RILEY GREEN MARINA, BOLTON ROAD, WITHNELL, PR5 0SP (REPORT TO FOLLOW)</b>	
<b>H</b>	<b>19/00075/FULMAJ - BROOK HOUSE HOTEL, 662 PRESTON ROAD, CLAYTON-LE-WOODS, CHORLEY</b>	(Pages 57 - 62)
<b>I</b>	<b>19/00091/FULMAJ - HASLEM PRINTERS LTD, STANDISH STREET, CHORLEY, PR7 3AJ (REPORT TO FOLLOW)</b>	
<b>J</b>	<b>19/00214/FUL - CHURCH FARM LIVERY STABLES, HIGH STREET, MAWDESLEY, ORMSKIRK, L40 3TD (REPORT TO FOLLOW)</b>	
<b>K</b>	<b>19/00220/FULMAJ - UNIT 1 BRINDLE MILL, BOURNES ROW, BRINDLE (REPORT TO FOLLOW)</b>	
<b>L</b>	<b>19/00294/FULHH - 14 THE WARINGS, HESKIN, CHORLEY, PR7 5NZ</b>	(Pages 63 - 68)
<b>4</b>	<b>ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR</b>	

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to all Councillors for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or [chorley.gov.uk](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

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



**MINUTES OF DEVELOPMENT CONTROL COMMITTEE**

**MEETING DATE** Thursday, 25 April 2019

**MEMBERS PRESENT:** Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Danny Gee, Tom Gray, Yvonne Hargreaves, Keith Iddon, Alistair Morwood, Neville Whitham and Alan Whittaker

**RESERVES:** Councillor Sheila Long

**OFFICERS:** Alex Jackson (Legal Services Team Leader), Adele Hayes (Planning Services Manager), Caron Taylor (Principal Planning Officer) and Philippa Braithwaite (Democratic and Member Services Officer)

**APOLOGIES:** Councillors Aaron Beaver, Martin Boardman, Henry Counce, John Dalton and Paul Walmsley

**19.DC.70 Minutes of meeting Tuesday, 2 April 2019 of Development Control Committee**

**Decision – That the minutes of the Development Control Committee held on 2 April 2019 be approved as a correct record for signature by the Chair.**

**19.DC.71 Declarations of Any Interests**

One declaration of interest was received.

Councillor Alan Whittaker declared an interest on item 3c) 19/00150/REMAJ– Euxton Mill Dawbers Lane Euxton Chorley.

**19.DC.72 Planning applications to be determined**

The Director of Customer and Digital submitted six items 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 19/00060/FULMAJ - Land North Of Units A1- A4 Buckshaw Link, Ordnance Road, Buckshaw Village**

After careful consideration it was proposed by Councillor Chris France, seconded by Councillor Danny Gee and a decision was subsequently taken (unanimously) **that**

**full planning permission be granted, subject to the conditions in the report and addendum.**

**b 19/00100/REM - Goodyear Business Park, Gorseley Lane, Mawdesley**

After careful consideration it was proposed by Councillor Chris France, seconded by Councillor Alistair Morwood and a decision was subsequently taken (9:0:1) **that reserved matters consent be granted, subject to the conditions in the report and addendum.**

**c 19/00150/REMAJ - Euxton Mill, Dawbers Lane, Euxton, Chorley**

After careful consideration it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (9:0:1) **that reserved matters consent be granted, subject to the conditions in the report and addendum.**

**d 19/00162/FUL - Chorley And South Ribble District General Hospital, Preston Road, Chorley, PR7 1PP**

After careful consideration it was proposed by Councillor Alan Whittaker, seconded by Councillor Yvonne Hargreaves and a decision was subsequently taken (6:4:0) **that the application be deferred to allow members of the Development Control Committee the opportunity to visit the site.**

**e 19/00163/ADV - Chorley And South Ribble District General Hospital, Preston Road, Chorley, PR7 1PP**

After careful consideration it was proposed by Councillor Alan Whittaker, seconded by Councillor Yvonne Hargreaves and a decision was subsequently taken (6:4:0) **that the application be deferred to allow members of the Development Control Committee the opportunity to visit the site.**

**f 19/00235/ADV - Primrose Gardens Retirement Living, Fleet Street, Chorley**

After careful consideration it was proposed by Councillor Chris France, seconded by Councillor Neville Whitham and a decision was subsequently taken (unanimously) **that advertisement consent be granted, subject to the conditions in the report.**

**19.DC.73 Appeals report**

The Director of Customer and Digital submitted a report which set out planning appeals lodged between 31 March 2019 and 15 April 2019.

Members noted that one appeal had been lodged which had been allowed.

Chair

Date

**APPLICATION REPORT – 19/00162/FUL**

**Validation Date: 27 February 2019**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Installation of lighting columns with phantom cameras, external cabinets, traffic poles, fixed barriers, payment kiosks and column protectors to facilitate the provision of a car park management system.**

**Location: Chorley And South Ribble District General Hospital Preston Road Chorley PR7 1PP**

**Case Officer: Chris Smith**

**Applicant: ParkingEye Ltd**

**Agent: N/A**

**Consultation expiry: 21 March 2019**

**Decision due by: 24 May 2019**

---

**UPDATE REPORT**

**Members will recall that this application was deferred at the Development Control Committee meeting held on 25 April 2019 to allow time for Members to visit the site.**

**The recommendation remains that full planning permission be granted subject to conditions.**

**The original committee report from 25 April 2019 follows on below.**

---

**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application relates to the car park at Chorley Hospital which is located within the settlement area of Chorley and the immediate locality is relatively mixed in terms of character and land uses. The car park provides approximately 800 car parking spaces which sit within and around the main cluster of hospital buildings.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks planning permission (retrospectively) for the installation of a range of equipment and apparatus required to facilitate the provision of an automatic number plate recognition (ANPR) system within the car park. The equipment is located at various points across the site and can be summarised as follows:

- Approximately 5m high lighting columns with phantom cameras
- Approximately 0.9m high external cabinets
- Approximately 1m high traffic poles
- 4no. types of fixed hoop barriers measuring approximately 0.45m, 0.6m, 0.75m and 0.9m in height respectively
- Payment kiosks with a maximum height of approximately 1.7m and a width of approximately 0.7m

## REPRESENTATIONS

4. Three representations have been received citing the following grounds of objection:

- People visiting the hospital may have no other choice than to travel by car and often don't have the energy to contest a wrongly issued parking charge notice.
- The signs ANPR system has been installed without going through proper planning procedures.
- The installation of ticket machines has meant that children and pensioners have been queuing within roads which is highly hazardous.
- The machines are not fit for purpose and are not illuminated so as to be easily useable at night time.
- The ANPR system has known flaws which cause a lot of stress to people who attend the hospital.
- The application has been submitted two months after the apparatus and signs were installed.
- The system that has been installed does not function correctly on a daily basis.

## CONSULTATIONS

5. Lancashire County Council Highway Services (LCC) – Have confirmed that they do not have any objections regarding the installation of the equipment and are of the opinion that it does not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

## PLANNING CONSIDERATIONS

### Principle of the development

6. The application site is located in the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.

7. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

### Design and impact on the character and appearance of the immediate locality

8. Policy BNE1 of the Chorley Local Plan 2012 – 2026 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 ratio, height, scale and massing, design, orientation and use of materials.

9. The equipment is relatively modest in terms of size and scale and is viewed entirely within the context of the wider site which contains large hospital buildings. The lighting columns have a sleek and unobtrusive design and are of a size and scale normally associated hospital car parks and they are viewed entirely within the context of the immediate locality.

10. Although the payment kiosks are approximately 1.7m in height, they are set well back within the site and are located in close proximity to existing hospital buildings. It is not considered they have a significantly greater or more adverse impact on the character of the immediate locality than the existing buildings within the site.

11. Whilst a large number of equipment items have been installed, they are not highly visible from beyond the application site and direct views towards the equipment are partly obscured by the existing hospital buildings and associated structures.

#### Impact on amenity

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

13. Residential properties bound with the site to the south and west, however, given that the equipment is of a modest and low-profile design, it is not considered that there is any unacceptable adverse impact on neighbouring amenity. The site contains several large and visually prominent hospital buildings and the equipment does not have any greater or more adverse impacts on neighbouring amenity than these.

14. There are neighbouring residential properties to the north at Euxton Lane, however, as this is a busy public highway it severs the site from these properties and acts as a visual barrier which mitigates any potential impact upon the levels of amenity currently enjoyed by the occupiers of the neighbouring properties.

#### Highway safety

15. 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 residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

16. LCC Highways have confirmed that they do not have any objections to the development and it is considered that the development does not have an adverse impact on highway safety.

### **CONCLUSION**

17. The development does not have an unacceptable adverse impact on the character and appearance of the existing site or the surrounding area, nor does it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with policy BNE1 of the Chorley Local Plan 2012 – 2026. Consequently, it is recommended that the application is approved.

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

### **RELEVANT HISTORY OF THE SITE**

There is a lengthy planning history associated with the hospital, however, it is not considered to be relevant to this application for advertisement consent.

#### Suggested conditions

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

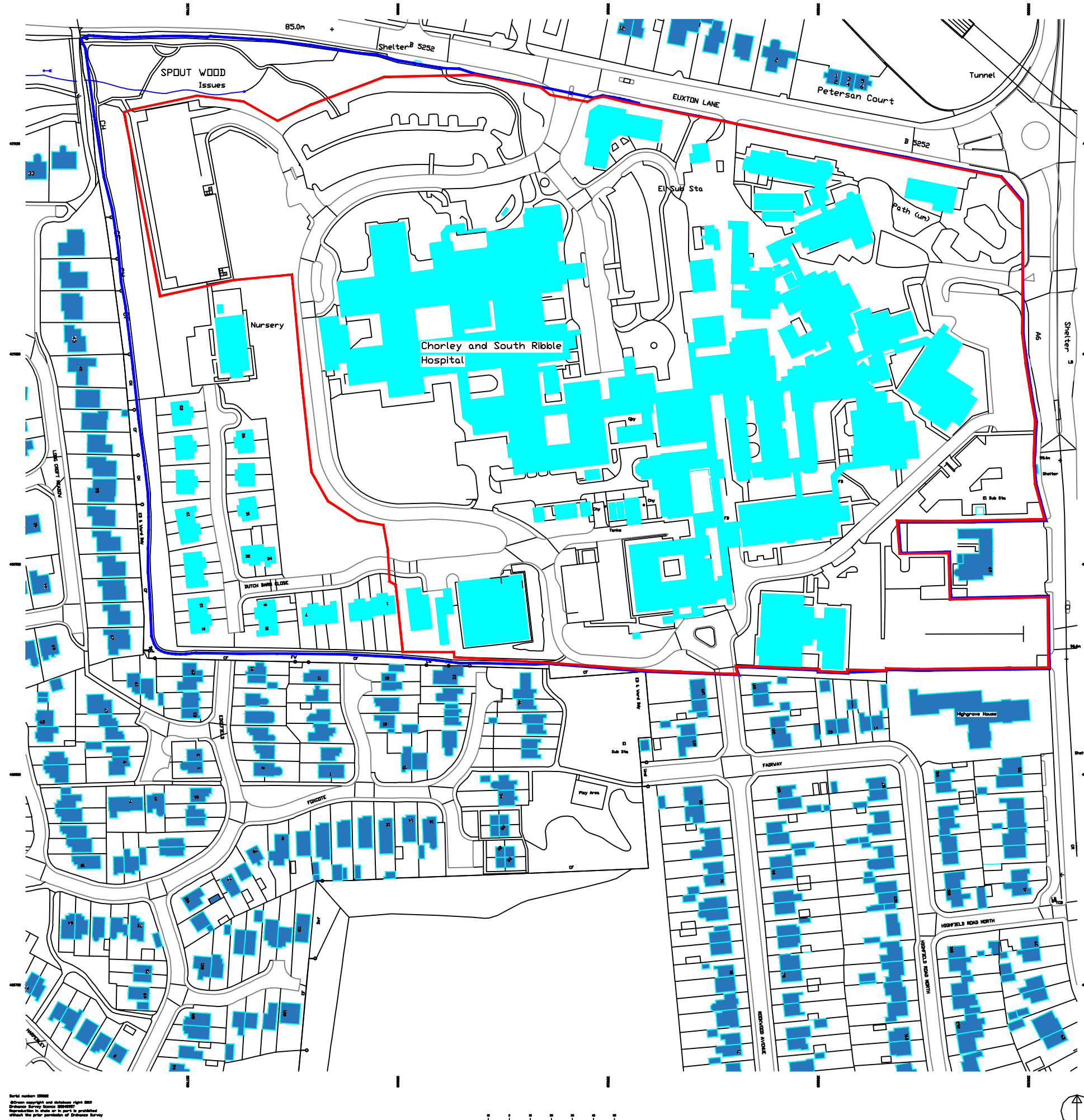
*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

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

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	C-24049-001 Rev: A	22 February 2019
Location Plan	C-24049-012 Rev: A	22 February 2019
Site Plan	C-24049-025 Rev: A	22 February 2019
Site Plan	C-24049-024 Rev: A	22 February 2019
Site Plan	C-24049-023 Rev: A	22 February 2019
Site Plan	C-24049-022 Rev: A	22 February 2019
Site Plan	C-24049-021 Rev: A	22 February 2019
Site Plan	C-24049-002 Rev: A	22 February 2019
Root Fixed Hoop Barrier Details	D-0000-004 Rev: A	22 February 2019
Passively Safe Urban Traffic Pole	D-0000-002 Rev: A	22 February 2019
Glyde Omnia + Payment Kiosk	F-000-004 Rev: A	22 February 2019
External Cabinet Details	C-0000-004 Rev: A	22 February 2019
Preston/Chorley Hospital Barrier	D-0000-010 Rev: A	22 February 2019
Phantom Camera Details	C-0000-006 Rev: A	22 February 2019
Column Protector	D-0000-006 Rev: A	22 February 2019
Design and Access Statement	N/A	22 February 2019

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





Scale: 1:1000  
© Crown copyright and database right 2019  
Drainage Survey\* Ukmapcentre.com

**Notes:**

1. Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
2. Work to figured dimensions only and to be checked before commencement of work on site.
3. Do not scale off this drawing.
4. All dimensions in millimeters unless otherwise stated.

**Legend**

- Location Plan
- Site Plan

Rev	Purpose Of Issue	Drn	Ckd	App	Date
-----	------------------	-----	-----	-----	------



Office Contact:  
40 Eaton Avenue, Matrix Park  
Buckshaw Village, Chorley,  
Lancashire, PR7 7NA

Tel: 01772 450 970  
Fax: 01772 450 979  
Email: [ops.civils@parkingeye.co.uk](mailto:ops.civils@parkingeye.co.uk)

Client:  
Lancashire Teaching Hospital NHS

Project:  
Chorley And South Ribble Hospital

Title:  
Location Plan

Purpose: Information	Drawn: <i>Faden Fish</i>	Date: 12/02/2019
Status: Planning	Checked: <i>S. Lang</i>	Date:
Scale @ A3: To Fit	Approved: <i>S. Lang</i>	Date:

Drg. No: C-24049-001	Rev: A
-------------------------	-----------

This page is intentionally left blank

**APPLICATION REPORT – 19/00163/ADV**

**Validation Date: 22 February 2019**

**Ward: Chorley North West**

**Type of Application: Advertisement**

**Proposal: Application for advertisement consent for the display of 347no. non-illuminated car park signs.**

**Location: Chorley And South Ribble District General Hospital Preston Road Chorley PR7 1PP**

**Case Officer: Chris Smith**

**Applicant: ParkingEye Ltd**

**Agent: N/A**

**Consultation expiry: 19 March 2019**

**Decision due by: 24 May 2019**

---

**UPDATE REPORT**

**Members will recall that this application was deferred at the Development Control Committee meeting held on 25 April 2019 to allow time for Members to visit the site.**

**In response to concerns raised by Members and some members of the public regarding the height of some of the proposed signs, the applicant's agent has indicated a willingness to reduce the height of several signs and it is anticipated that amended plans will be received to demonstrate these amendments. An update will be provided on the committee addendum.**

**The recommendation remains that advertisement consent be granted subject to conditions.**

**The original committee report from 25 April 2019 follows on below.**

---

**RECOMMENDATION**

1. It is recommended that advertisement consent is granted subject to conditions.

**SITE DESCRIPTION**

2. The application relates to the car park at Chorley Hospital which is located within the settlement area of Chorley and the immediate locality is relatively mixed in terms of character and land uses. The car park provides approximately 800 car parking spaces which sit within and around the main cluster of hospital buildings.

## DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks advertisement consent (retrospectively) for the display of 347no. non-illuminated signs which are being used in conjunction with an automatic vehicle number plate recognition system (ANPR). The signs face in towards the car park and are mounted on lighting columns, signage poles, barrier boxes, walls and fences. The signs are sited at various locations within the car park as shown on the submitted site location plan.
4. The application has been submitted in conjunction with an application for planning permission for the installation of the equipment required to facilitate the provision of the ANPR system (ref 19/00162/FUL).

## REPRESENTATIONS

5. Three representations have been received citing the following grounds of objection:
  - People visiting the hospital may have no other choice than to travel by car and often don't have the energy to contest a wrongly issued parking charge notice.
  - The signs have been installed without going through proper planning procedures.
  - The installation of ticket machines has meant that children and pensioners have been queuing within roads which is highly hazardous.
  - The machines are not fit for purpose and are not illuminated so as to be easily useable at night time.
  - The ANPR system has known flaws which cause a lot of stress to people who attend the hospital.
  - The application has been submitted two months after the apparatus and signs were installed.
  - The system that has been installed does not function correctly on a daily basis.

## CONSULTATIONS

6. Lancashire County Council Highway Services (LCC) – Have confirmed that they have no objections regarding the proposed signs and are of the opinion that they do not have an adverse impact on highway safety.

## PLANNING CONSIDERATIONS

7. The National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### Impact on amenity

8. Whilst it is acknowledged that a relatively large number of signs are being displayed, it is considered that they are relatively unobtrusive and are not highly visible or overly prominent features within the street scene. In terms of design, size and scale the signs are considered to be typical of a car park of this type and they are viewed entirely within the context of the existing site, hospital buildings and other associated infrastructure such as lighting columns and other existing hospital signs.

### Public safety

9. The signs are of a size and scale normally associated hospital car parks. They are viewed in the context of the wider site and are not unduly prominent or distracting in the street scene. LCC Highways have stated that they do not have any objections to the signs and are of the opinion that they do not have an adverse impact on highway safety.

### Other matters

10. Whilst it is acknowledged that objections have been raised that the ANPR system has not been functioning correctly, this application relates only to the display of signs which are subject to control only in the interests of amenity and public safety.

### CONCLUSION

11. The signs do not result in any detrimental harm to the visual amenity or character of the area or public safety. Therefore, it is considered that the advertisements accord with the Framework and the application is accordingly recommended for approval.

**RELEVANT POLICIES:** The National Planning Policy Framework

### RELEVANT HISTORY OF THE SITE

There is a lengthy planning history associated with the hospital, however, it is not considered to be relevant to this application for advertisement consent.

#### Suggested conditions

1. The consent hereby granted is for a period not exceeding FIVE YEARS from the date of this consent.

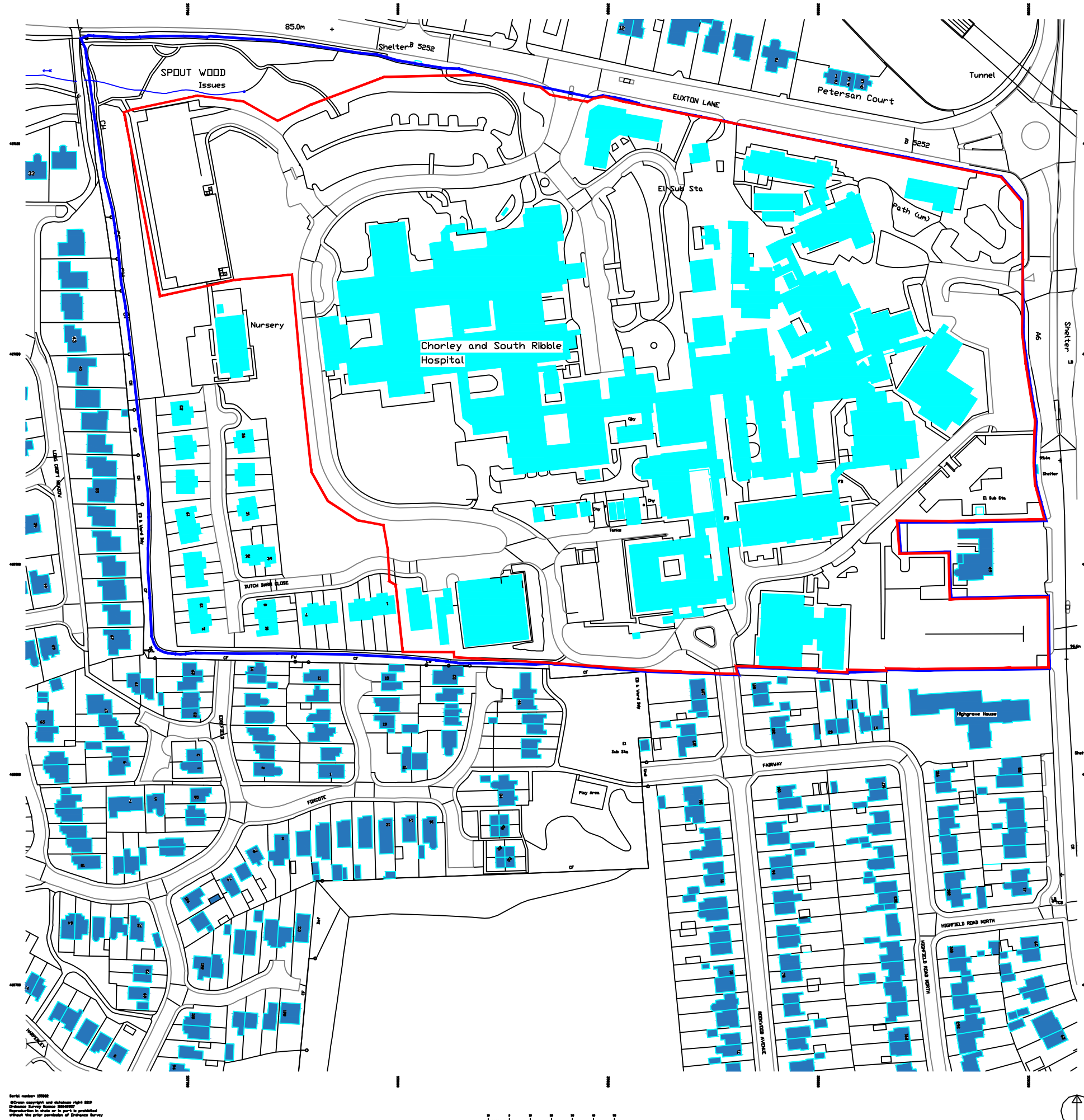
*Reason - Required to be imposed pursuant of the Town and Country Planning (Control of Advertisements) Regulations 2007.*

2. The signs hereby permitted shall be displayed in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	C-24049-001 Rev: A	22 February 2019
Signage Plan	C-24049-037 Rev: A	22 February 2019
Signage Plan	C-24049-036 Rev: A	22 February 2019
Signage Plan	C-24049-035 Rev: A	22 February 2019
Signage Plan	C-24049-34 Rev: A	22 February 2019
Signage Plan	C-24049-033 Rev: A	22 February 2019
Signage Plan	C-24049-032 Rev: A	22 February 2019
Signage Plan	C-24049-03 Rev: A	22 February 2019
Design and Access Statement	N/A	22 February 2019

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

This page is intentionally left blank



Scale: 1:1000  
© ParkingEye Limited. The copyright and other intellectual property rights in this drawing and the works depicted are the property of ParkingEye Limited and/or its licensors. It may not be copied, reproduced or altered in any way (in whole or in part) without the express written authorisation of ParkingEye Limited. All rights reserved.

**Notes:**

1. Contractors to check dimensions and notify any discrepancies or errors to the company immediately.
2. Work to figured dimensions only and to be checked before commencement of work on site.
3. Do not scale off this drawing.
4. All dimensions in millimeters unless otherwise stated.

**Legend**

- Location Plan
- Site Plan

Rev	Purpose Of Issue	Drn	Ckd	App	Date



Office Contact:  
40 Eaton Avenue, Matrix Park  
Buckshaw Village, Chorley,  
Lancashire, PR7 7NA

Tel: 01772 450 970  
Fax: 01772 450 979  
Email: [ops.civils@parkingeye.co.uk](mailto:ops.civils@parkingeye.co.uk)

Client:  
Lancashire Teaching Hospital NHS

Project:  
Chorley And South Ribble Hospital

Title:  
Location Plan

Purpose: Information	Drawn: <i>Faden Fish</i>	Date: 12/02/2019
Status: Planning	Checked: <i>S. Lang</i>	Date:
Scale @ A3: To Fit	Approved: <i>S. Lang</i>	Date:

Drg. No: C-24049-001	Rev: A
-------------------------	-----------

This page is intentionally left blank



**APPLICATION REPORT – 18/00821/OUT****Validation Date: 30 August 2018****Ward: Brindle And Hoghton****Type of Application: Outline Planning****Proposal: Outline application for the erection of 9no. dwellings (with all matters reserved save for access)****Location: Land South Of The Straits The Straits Hoghton****Case Officer: Mr Iain Crossland****Applicant: Brook View Developments Ltd.****Agent: PWA Planning****Consultation expiry: 26 September 2018****Decision due by: 24 May 2019**

---

**RECOMMENDATION**

1. It is recommended that outline planning permission is refused for the following reason:

The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. There would also be other moderate visual harm through the urbanising effect of the access road. 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.

**SITE DESCRIPTION**

2. The application site is located partially within the settlement of Hoghton and partially within the Green Belt to the western edge of Hoghton. It comprises agricultural land made up of grassland pasture to the south of The Straits and Station Road and is bound by woodland to the south, a railway line to the east, dwellings and highway to the north with open land to the west. The character of the area is that of a village surrounded by open agricultural land.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. This application seeks outline planning permission, with all matters reserved save for access, for the erection of nine dwellings. Therefore, details of appearance, landscape, layout, and scale are reserved and are not for consideration at this time. Only the acceptability of the principle of providing nine residential dwellings on the site and the impact of the proposed access is for consideration.
4. An indicative layout has been submitted that illustrates the nine dwellings occupying a field within the settlement area to the rear of dwellings facing Station Road and The Straits with access via a new road connecting with The Straits through a field that is in the Green Belt. This plan demonstrates how nine properties could be set out on the site and how the access

could be laid out, and that it is possible to accommodate nine dwellings on the site. However, the indicative layout is not for consideration at this stage.

## REPRESENTATIONS

5. Representations have been received from the occupiers of 40 no. addresses citing the following grounds of objection:
  - Approving the proposed development would set a precedent.
  - Impact on the character of the area.
  - Impact on amenity of neighbouring occupiers.
  - Impact on highway safety and the efficient functioning of the highway network.
  - Impact on the Green Belt through encroachment.
  - The location is not a sustainable one.
  - Housing would not be affordable.
  - No further housing required to meet the supply of housing in Chorley.
  - Ecological impact.
  - Impact on trees.
  - Surface water drainage would cause flooding downstream.
  - Lack of consultation.
  - Impact on local house prices.

## CONSULTATIONS

6. **Hoghton Parish Council:** have the following observations.
  1. Road safety  
It was felt that the construction of an additional junction would add to the traffic hazards already experienced in this area. Two junctions are not sustainable.
  2. Access road.  
It was understood this was to be constructed on Green Belt land.
  3. Future development.  
The application if granted would set a precedent for future housing development. There is already over capacity in Chorley.
  4. Wildlife  
The development would have a significant affect on the wildlife in the area.
  5. Environment.  
There would be a loss of privacy and light for existing properties.
  6. Infrastructure  
The development would have a detrimental effect on the local services such as schools, and national health services.  
  
It was also felt that there has been a distinct lack of consultation locally.
7. **Greater Manchester Ecology Unit:** Have no objection subject to conditions.
8. **Lancashire County Council Highway Services:** Have no objection subject to conditions.
9. **United Utilities:** Have no objection subject to conditions.

## PLANNING CONSIDERATIONS

### Principle of development

10. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012 - 2026 as within the Settlement Area of Hoghton. Within these areas there is a

presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.

11. Hoghton 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."
12. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a reasonably sustainable location with some access to public transport and local amenities such as a village shop, public houses, village hall and the means to access other amenities relatively easily. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Chorley Local Plan.
13. It is considered that Hoghton can be classified as a 'smaller village'. It is also considered that the proposed development of nine dwellings is small scale. Nine dwellings would be an appropriate amount of development, within the settlement boundary of a village of this size. There are a range of property types in Hoghton, and although detached properties are common in the immediate vicinity, the proposed dwellings would add to the housing mix.
14. It is considered that the 'principle' of the proposed dwellings themselves is acceptable in compliance with Chorley Local Plan policy V2 and Core Strategy policy 1 and the Framework.
15. Part of the application site, to west of Torwood, falls within the Green Belt. The illustrative site plan shows an access road passing through this part of the site and connecting the proposed dwellings with the highway at The Straits.
16. The Framework sets out at Chapter 13 that 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, and their purposes are set out as below:  
  
*134. Green Belt serves five purposes:*
  - a) *to check the unrestricted sprawl of large built-up areas;*
  - b) *to prevent neighbouring towns merging into one another;*
  - c) *to assist in safeguarding the countryside from encroachment;*
  - d) *to preserve the setting and special character of historic towns; and*
  - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
17. Paragraph 143 sets out that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*
18. Paragraph 144 of the Framework goes on to state that:  
*"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."*
19. The indicative site plan suggests that the element of the proposal that would be located within the Green Belt is an access road linking the dwellings to the highway at The Straits; the buildings would be located within the settlement boundary of Hoghton, which is not in the Green Belt. With regards to the development of a road within the Green Belt, paragraph 146 of the Framework states that:

*“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*a) mineral extraction;*

*b) engineering operations;*

*c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

*d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*

*e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

*f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

20. The access road is considered to be an engineering operation in accordance with paragraph 146 of the Framework. Engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within Green Belt.
21. As such there are two considerations in respect of the proposal and the appropriateness of the development in the Green Belt as follows:
22. 1) Will the development preserve the openness of the Green Belt? Whilst the test for sites such as this relates to preserving openness it is important to note that the Framework contains no specific definition of ‘openness’. It is noted that the road itself would be low lying, however, any proposed street lighting columns or fencing would have some effect on openness. The indicative layout plan suggest that low level bollard lighting would be used and a combination of Cheshire railings and a timber post and rail fencing. These in themselves would have a limited impact on openness.
23. 2) Will the development conflict with the purposes of including land in the Green Belt? Paragraph 134 of the Framework sets out the five Green Belt purposes, which the scheme is assessed against as below:
24. Purpose 1 (to check the unrestricted sprawl of large built-up areas).  
The proposal does not relate to a large built up area.
25. Purpose 2 (to prevent neighbouring towns merging into one another)  
Development of the site would not lead to the coalescence of neighbouring towns. In respect of the neighbouring villages, the development would not lead to a coalescence of neighbouring villages.
26. Purpose 3 (to assist in safeguarding the countryside from encroachment;).  
On the basis of the indicative site plan the proposed access road would have a carriageway width of 5.5m, in addition to a 2m wide footway along the length of the access road and two 2m wide footways at the junction with The Straits. The access road and footway would have a cumulative length of approximately 100m through the field that is in the Green Belt, and would be clearly visible from The Straits. Although it is recognised that the applicant has attempted to minimise the impact of the road though a less formal approach the overall impact of providing such an access road would be to introduce an intrusion of urban development into Green Belt countryside, and along with the repeated encroachments of vehicles passing to and fro along the access road the cumulative impact would result in a harmful encroachment into the Green Belt, when considered in relation to the existing open field.
27. Purpose 4 (to preserve the setting and special character of historic towns;).  
This does not apply as the site is not located near a historical town
28. Purpose 5 (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land).

It is not considered that the proposal conflicts with this purpose.

29. Whilst the proposed access track would effectively preserve the openness of the Green Belt, given that structures such as lighting and fencing would be low level structures, it is considered that the access track, footway and lighting would conflict with one of the purposes of including land in Green Belt (encroachment) having an urbanising effect upon open pasture land, and would not, therefore, be in accordance with paragraph 146 of the Framework. The proposal does, therefore, represent inappropriate development within this Green Belt location. Substantial weight should be attached to the harm by reason of inappropriateness as set out at paragraph 144 of the Framework.
30. As the proposed development would result in definitional harm to the Green Belt there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm and any other harm that is identified.

Visual impact and impact on the character and appearance of locality

31. The application seeks outline planning permission with all matters reserved. Therefore, no details of how the proposed dwellings would look, their scale or where they would be sited have been provided, although there is an indicative layout of how the development could be laid out. From the information submitted with the application this demonstrates that the applicant's intention is to develop nine detached properties, which are likely to have 3 or 4 bedrooms each and three of which would be bungalows.
32. The prevailing dwelling types within the vicinity of the application site are detached properties of varying design set in large plots. However, elsewhere in Hoghton, other dwelling types exist, including terraced cottages and bungalows.
33. It is considered that nine detached properties in this location can assimilate with the built form of Hoghton, providing a logical infill to the village settlement. The dwellings themselves in this position would fill the space between existing dwellings to the north, the railway to the east (beyond which are dwellings) and a woodland to the south, and would therefore be contained within a physically defined parcel of land.
34. Should this application be approved it is considered that the siting of the proposed dwellings would require careful consideration as part of a subsequent reserved matters application. The siting of the dwellings as illustrated on the indicative site plan would be an appropriate layout, although it is considered that an improved vista on entering the estate could be achieved through the rearrangement of plots 4 and 5 to create a focal point at the terminus of the estate road. The properties themselves appear as large dwellings set in large plots, which would be an appropriate design response to the prevailing character of the immediate locality.
35. The estate road would be clearly visible from The Straits and would wind through the field to the west Torwood and into the parcel of land where the proposed dwellings are shown. The proposed access road would be 5.5m wide with a 2m wide pedestrian path provided at the mouth of the entrance on both sides and along the eastern edge of the length of the access road. Indicative landscaping proposals illustrate Cheshire railings and a native plant hedge to the entrance. A new timber post and rail fence with a mixed native plant hedge would be planted to the west of the access track and the access road would be lit by low-level bollard lighting. This arrangement would be a low impact response to what is an open field of agrarian character. It would, however, result in an urbanising impact when viewed from The Straits that is at odds with its current appearance.
36. In order to facilitate the new pedestrian and vehicular access track to the site, two sections of hedgerow would be removed, together with one tree. This would have some impact on the appearance of the site and character of the area contributing to the urbanising effect of the development, when viewed from The Straits.
37. Whilst no details have been provided in respect of the appearance, layout, scale and landscaping it is considered that nine dwellings could be accommodated on the application

site without causing harm to the character and appearance of the locality, however, it is considered that there would be some moderate visual harm through the loss of the tree, hedges and the introduction of an access road resulting in an urbanising effect.

#### Neighbour amenity

38. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
39. Consent is not sought for matters of layout at this stage and the final position of the dwellings may change from that which is indicatively shown. However, having regard to the position and location of the adjoining properties along Station Road and at Willowfield Chase, and the area of the site identified for housing, it is considered that a development of nine dwellings could be designed in such a way that would accord with the Council's interface standards. It is, therefore, considered that the development could be delivered without adversely affecting the amenity of any existing or future occupiers.

#### Highway safety

40. Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. The present and proposed traffic systems have therefore been considered in and around the area of the proposed development by LCC. The additional vehicles to be generated by the proposed development would result in higher flows on the surrounding network and as the proposed residential development is on the edge of the existing built environment, suitable approach measures would be required to integrate the site with the built environment and the wider community. If these steps are not taken, the impact of the proposed development might exacerbate existing traffic conditions.
41. The applicant's submissions include a Transport Statement (TS) setting out the transport issues relating to the proposed development. The TS was analysed taking into account the proposed access strategy, measures to reduce need to travel by car, accessibility of the site by sustainable modes of travel such as walking, cycling and public transport; and the impacts of trips associated with the development on the existing highway network.
42. The site is adjacent an existing property 'Torwood' and extends along the rear of properties from Torwood to 5 Willowfield Chase up to the railway line. The submitted plan shows the proposed houses would be concentrated at the rear of the existing properties and served by a new access road from the highway. The site is fronted by a section of the A675 Hoghton Lane also known as The Straits where the speed limit is restricted to 40mph. Although there are good quality footways on both sides of the road, the average width is less than the recommended minimum width of 2.0m. There are no public rights of way within close proximity of the site.
43. Visibility in both directions at the proposed access is good and meets the expected standards. LCC confirm that there has been no recorded traffic accident within 100m of the proposed site in the past 5 years. There were however recorded traffic accidents on Hoghton Lane approximately 90m east of Hoghton Lane/Station Road and at Hoghton Lane/Quaker Brook Lane further to the west of the proposed site access, but none of which resulted in personal injury. It is also worth mentioning there was a recorded fatal accident on Hoghton Lane in 2014 at a location approximately 150m north of Hoghton Lane/Dover Lane, which is more than 1.5km from the proposed site access. As there are no recorded traffic accidents within close proximity of the site, no accident mitigation measures would be required from the applicant.
44. There are bus stops opposite the site and outside the wider site boundary, however the services are limited as the only service for the general public is service 152, Burnley - Preston which operates every half an hour from 06:15 to 23:15 Mondays-Fridays and on Saturdays; and hourly on Sundays and bank holidays from 10:15 to 19:15. The other services, 776, 796 and 984 which operate from these bus stops are school services. While the proposal would not be objected to on grounds of lack of accessibility by public transport,

measures necessary for promotion of sustainable modes of travel are required. It is considered improvements should be carried out to the two bus stops by providing disability compliant raised boarding platforms and kerbs, new bus stop bays and associated carriageway and worded markings. Clearways and signage/information panels should also be provided.

#### *Site access*

45. The applicant proposes to provide a new access road to the A675 Houghton Lane at the location of the existing field access to the west of Torwood. The new access would be 5.0m wide with 2.0m wide footways on both sides extended to connect the existing footways on Houghton Lane. While the footway on the east side of the access road is proposed to be extended for the full length of the access road, that on the west side would only be 15.0m long as it would be terminated and replaced with soft landscaping.
46. The access road appears to have been designed to be self-enforcing in terms of vehicle speeds in line with LCC Highways requirements and would incorporate two random physical calming features located midway its length. As pedestrian access is proposed at a point between the traffic calming features to the adjoining woodland which is part of the applicant's wider site, a short length of footway is proposed along the access road between the traffic features for the benefit of pedestrians. As the plan is indicative, this would be dealt with at the reserved matters stage of the application.
47. LCC confirm that the parameters of the proposed access based on the Design Manual for Roads and Bridges (DMRB) are acceptable. The corner radii of the access should however be 6.0m to ensure smooth transition, particularly of large vehicles between the highway and the new access road.

#### *Layout and parking*

48. The applicant is not seeking approval of the layout at this stage, therefore this would be dealt with in detail following the submission of reserved matters, however, according to the current indicative plan, the proposed development would involve the construction of an access road for a considerable distance within the Green Belt, but, this is a matter for the Local Planning Authority. From highways perspective, the required geometric parameters of the junction of the access with the existing highway have been met, including the proposed access road, the design of which seems to have been informed by nationally recognised guidance with emphasis on the need of pedestrians. The design has incorporated speed control measures and a turning area with sufficient attention to servicing, delivery, waste collection and parking. As in paragraph 4.2 of the TS, the development would be provided parking in accordance with the Chorley Council Parking Standard. The proposed garages should be provided to sizes of 6.0 x 3.0m for a single garage and 6.0m x 6.0m for a double garage in order to be counted as a parking space.
49. Given the size of the application site it is considered that adequate parking spaces could be accommodated to serve nine 3 or 4 bedroom dwellings, by way of garages and/or driveway space. This would ensure that the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
50. LCC would normally expect road layouts serving developments of more than 4 dwellings to meet its adoptable design guidance and be offered for adoption. However, it appears the applicant wishes for the development to remain un-adopted given that the access road has been marked 'Private Road' on plan. Nonetheless, the applicant is encouraged to create and provide the layout to adoptable standard for ease of maintenance and to ensure satisfactory access.

#### *Off-site highway works*

51. LCC has obligations to maintain the reliability of the highway network and must ensure with regard to relevant policies that development proposals do not potentially endanger safe movement of residents, the general public and goods on the highway which can adversely affect good quality of life.

52. When highways assessment of the proposal was carried out on Monday, 24 September 2018 in clear weather, visual observations were made of how the proposed access would impact the junction of Hoghton Lane and Station Road which is rather extended and open. On several occasions, it was noted that rather than wait near the centre line at the road intersection for west bound traffic on Hoghton Lane to pass before turning left onto Hoghton Lane, traffic exiting Station Road carried on moving along the give-way markings until they are able to join Hoghton Lane and as the drivers kept looking back on Hoghton Lane for moving traffic, they seemed oblivious to hazards on the footway outside the adjacent properties 'The Bungalow' and 'Woodside' and have occasionally overrun the footway. Other times when vehicles were parked on-street outside Woodside, the problem of footway overrun appeared slightly improved as traffic leaving Station Road was deflected away from the footway towards the centre line markings. This slight improvement was, however, negated by difficulties experienced by residents of The Bungalow, Woodside and Torwood in exiting their properties due to lack of clear sightline towards Station Road.
53. The accident record of Hoghton Lane/Station Road and the section of Hoghton Lane fronting the site is comparatively good at present, however, once the use of the proposed site commences there would be more pedestrians using the footway at the junction and the area as a whole. It is therefore essential that measures are implemented for improved safety at the junction and to mitigate the impact of the proposed development. Therefore, given its duty under the provisions of the Highways Act 1980 to request planning obligations to mitigate adverse impacts of development proposals, the applicant should put forward a proposal towards improving the junction of Hoghton Lane and Station Road. The proposal should consider possible narrowing and realignment of the junction in order to deflect traffic leaving Station Road away from pedestrian walking areas and closer to the centre line for a more rationalised arrangement of the junction to ensure safer exit of Station Road. As this would be a significant change to the junction, the improvement scheme preliminary design should be subject to a Stage 1 Road Safety Audit to provide an independent assessment of the design and operating arrangement of the junction. The Road Safety Audit should identify potential safety issues or problems that may affect all users of the junction and recommend measures to eliminate or mitigate these problems.
54. In response to the initial consultation response provided by LCC the applicant submitted proposed highway improvement measures (referenced, PROP-HOGHTON F01 rev. B). The measures include proposed improvements to two bus stops and a scheme of road markings at the junction of the A675 Hoghton Lane and Station Road, and are considered to be acceptable.
55. The road marking scheme would be subject to Stage 1 Road Safety Audit and any adverse findings of the Audit would be expected to be addressed to ensure safe use of the junction by all modes of transport. These improvements and the highway works involved in the formation of the new site access would be undertaken through s278 agreement with all associated costs borne by the applicant.

#### Ecology

56. The application site consists of managed grassland and is not considered to provide any substantive nature conservation importance. The information submitted with the application did not identify any ecological constraints. This survey has been undertaken by a licensed and experienced ecological consultant whose work is known to the Greater Manchester Ecology Unit (GMEU), who are the Council's ecology advisors.
57. The site was assessed for its potential to provide habitat for protected species such as bats, great crested newts and badger. It was concluded that there was negligible risk of any such species other than bats being impacted upon. For bats the risks identified were indirect impacts from lighting, on foraging habitat along hedgerows and woodland edge and loss of roosting potential associated with two trees. As both trees identified are to be retained and external lighting impacts minimal, the consultants concluded that these risks were also low. GMEU agree with the conclusion of the report and state that no further surveys or measures are required.



58. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The development would result in the loss of one mature tree and two short sections of hedgerow. Replacement trees and hedgerow are proposed within the illustrative site plan that would be adequate to provide satisfactory mitigation. The development would also result in the loss of improved grassland, a low value ecological habitat, with potential for enhancement of the retained grassland to the north. Mitigation should also be provided for loss of bird nesting habitat. It is considered that these enhancements could be secured through a condition attached to any grant of planning permission requiring a landscaping plan. This should aim to create new habitat through the inclusion of domestic plant species.

#### Affordable housing

59. Policy 7 of the Core Strategy relates to affordable housing and this site would require 35% on-site affordable housing as the site is located within a rural location. 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. The nature of the site is such that on-site affordable housing provision would not be appropriate on this site therefore a financial contribution for off-site provision is required.
60. However, following publication of the revised Framework in 2018 and in accordance with paragraph 63, Local Planning Authorities can no longer seek affordable housing provision on developments in rural areas of less than 10 dwellings unless the site is 0.5ha or greater.
61. The higher threshold was introduced in a Ministerial Statement in 2014 and re-introduced into National Planning Practice Guidance(NPPG) in 2016 following a successful court appeal judgment. Since this time, Chorley Council, as the local planning authority have continued to apply the lower threshold as set out in Core Strategy policy 7 as it was considered that the borough wide need for affordable housing outweighed the guidance. However, now that the higher threshold is set out in the Framework, rather than the NPPG it is no longer possible to take this approach, and no affordable housing contribution can be sought from the development.

#### Public open space

62. Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
63. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.
64. In the determination of planning applications, the effect of the national policy, which was issued in 2016 following a Court of Appeal judgement, 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.
65. 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 10, or fewer, dwellings.
66. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
67. There is currently a deficit of provision of this typology in Hoghton, a contribution towards new provision in the settlement is, therefore, required from this development. However, a financial contribution for off-site provision can, however, only be requested if there is an

identified scheme for new provision. At present there are no identified schemes within the catchment.

68. Therefore, a public open space commuted sum is not requested for this scheme.

#### Sustainability

69. 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:

*“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.”*

70. 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. This could be controlled by conditions.

#### Community Infrastructure Levy

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

#### Green Belt balancing exercise

72. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and there is considered to be other harm amounting to some moderate visual harm through the loss of a tree, hedges and the introduction of an access road resulting in an urbanising effect.

73. With a view to demonstrating very special circumstances the applicant’s agent has set out the following;

- One third of the scheme (3no. dwellings) would be bungalows, considered to be attractive to the older population and delivered at greater expense to the applicant than for standard two storey housing;
- Provision of new, high quality, family homes within the settlement boundary in an area that has seen very little in the way of new housing development in recent years;
- Appropriate use of a vacant plot of land within the settlement boundary, which cannot be reached, except through the proposed access route;
- Contribution to Chorley’s housing delivery targets through development of a sustainable site; and
- Full provision of 35% affordable housing offered as a commuted sum (see Affordable Housing Statement).

- The impact of the access road in relation to encroachment into the countryside would result in minimal harm through the provision of a more informal access road arrangement.
74. The inclusion of 3no. bungalows within the development would contribute to a mix of house types in the area. It is recognised that the latest Central Lancashire Strategic Housing Market Assessment dated September 2017 (Final Draft Report, by GL Hearn) states that market signals indicate strong demand for 3-bed properties and in particular bungalows and detached units. With regards to specialist housing in reference to homes for older people, the author of the report states that their experience indicates that demand for bungalows is typically high, and that where developments include bungalows it is clear that these are very popular with older people wishing to down-size. The assessment states that it should be acknowledged that providing significant numbers of bungalows involves cost implications for the developer given the typical plot size compared to floor space – however, providing an element of bungalows should be given strong consideration on appropriate sites, allowing older households to down-size while freeing up family accommodation for younger households. On this basis it is considered that moderate weight should be attached to this benefit.
75. The development of new housing in Hoghton, an area that has received limited housing development in recent years, is a benefit, and it is recognised that the part of the site that falls within the settlement area presents one of the few opportunities available for new housing provision in Hoghton. However, Hoghton is not identified an area for housing growth within the Core Strategy and development is constrained in and around Hoghton as it is not identified for growth. As such only limited weight can be attached to this benefit.
76. It is acknowledged that the part of the site that falls within the settlement area is not readily accessible other than via that which is proposed, as other options would involve third party land and possible demolition. This does not, however, justify using land within the Green Belt and no weight can be attached to this.
77. The proposed development would make a small contribution towards Chorley's housing targets. Whilst the Borough has in excess of a 5 year housing land supply and has over delivered when compared to the Core Strategy target in recent years this figure is not a maximum and the development would contribute to the Borough's housing land supply in the short to medium term within the Local Plan period. The contribution would, however, be a small one, and therefore only limited weight can be attributed to this benefit, given the Council has a five year supply.
78. Making full provision against the Council's affordable housing requirement as set out in Policy 7 of the Core Strategy would simply make the development policy compliant and would provide no benefit over and above that which would normally be required in any event. Since the planning statement was devised, however, a higher threshold than the local policy has been set out in the updated Framework (July 2018), rather than in the NPPG, and therefore it is no longer possible to require affordable housing from such a development. No affordable housing contribution can therefore be sought, and therefore no weight can be attributed to this.
79. It is acknowledged that the proposed access road has been devised with the intention of limiting the urban appearance of the road and the extent of the encroachment that would occur, through a more informal arrangement. This includes positioning the site entrance as far east as possible to reduce the distance between the entrance and existing built development to the east, the provision of a single footway along the eastern side of the access road only to limit the total width of the road, provision of low level bollard lighting, to limit the visual impact of the road and reduce its urbanising effect in this location; and boundary treatment and landscaping to retain a rural feel to this area of the site. This would result in a less urban character than might otherwise result through a more standard arrangement, however, the impact of encroachment and the urbanising effect would occur nonetheless, given the need for tarmac surfacing and concrete kerbing, the width of highway

required and use of lighting (albeit low level bollards) in addition to the vehicles that would pass to and fro along the road.

80. Although it is recognised that the proposed development would provide benefits in relation to the provision of housing and the inclusion of bungalows that would be provided in an area of the borough with few opportunities for new housing development it is not considered that the matters set out above amount to the very special circumstances required to overcome the definitional harm to the Green Belt, which must be accorded substantial weight in line with the Framework, in addition to moderate visual harm caused through the introduction of an access road and resulting urbanising effect

#### Other matters

81. *There is an overcapacity of housing in Chorley:* Although the Council has a 5 year housing supply, there is an ongoing need to supply housing within the borough, and part of this supply is anticipated to be delivered through windfall sites, which this is. In addition, there are few opportunities for new housing development in Hoghton, and there is no upper limit to the amount of housing that can be delivered in an area.
82. *Would set a precedent for future housing development:* Each planning application must be determined on its individual merits and precedent does not form a justification for unacceptable development proposals.
83. *The development would be detrimental to local infrastructure:* The proposed development is a minor development and therefore the impact would be low. There is no evidence to suggest that local infrastructure would not be able to accommodate the needs of any future residents, and in some instances new development can help to support the viability of local services, particularly in more rural areas.
84. *Lack of consultation:* It is recommended that developers engage with local residents prior to submitting planning applications, however, Local Planning Authorities cannot ensure that this takes place. In terms of the Council's responsibility to advertise the application letters of notification were sent to the 20 addresses most affected by the proposed development. In addition to this, a site notice posted close to the proposed site entrance, the Parish Council were notified, and the application available to view on the Council website.
85. *Impact on local house prices:* The impact that a development may or may not have on house prices is not a material planning consideration.

#### **CONCLUSION**

86. The proposed development would require the construction of an access road that would pass through an open field in Green Belt. This element of the scheme would be inappropriate development in the Green Belt and would result in other moderate visual harm. The development of the proposed dwellings in the settlement area would be acceptable in principle and would not result in any harm to the character of the area or amenity of neighbouring occupiers. Nor would the development have any unacceptable impact on highway safety. However, this does not overcome the harm to the Green Belt in any event, and it is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm. It is therefore recommended that the application be refused on this basis.

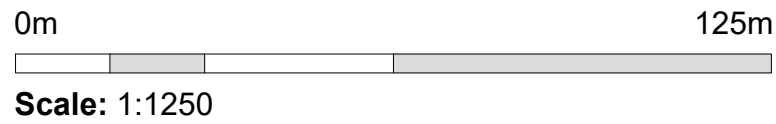
#### **RELEVANT HISTORY OF THE SITE**

There is no relevant site history.

**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.

This page is intentionally left blank



Revision Notes:

	CLIENT Brook View Developments Ltd				
	PROJECT NAME Proposed residential development at				
	Land 100m south of The Straits, Hoghton, Preston				
	DRAWING NAME Location Plan				
SCALE 1:1250 @ A3	DRAWN BY ASL	DATE 29/08/18	DRAWING NUMBER 16/108/L02	REVISION -	

This page is intentionally left blank



**APPLICATION REPORT – 18/00813/FUL**

**Validation Date: 24 August 2018**

**Ward: Clayton-le-Woods West And Cuerden**

**Type of Application: Full Planning**

**Proposal: Erection of 3 detached dwellings and extension to existing bungalow following demolition of storage barn, stables and outbuildings**

**Location: Berkeley Farm Shady Lane Cuerden Bamber Bridge Preston PR5 6AU**

**Case Officer: Mr Iain Crossland**

**Applicant: Ms Ann Woodhouse**

**Agent: Mr Chris Weetman**

**Consultation expiry: 10 October 2018**

**Decision due by: 24 May 2019**

---

**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions and a Section 106 Agreement to secure a commuted sum payment towards the provision or improvement of public open space.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt and comprises an equestrian centre, dwellinghouse and associated outbuildings to the western side of Cuerden Park. The application specifically relates to a strip of land running north to south alongside the stone wall that forms the boundary of the park. The site is characterised by this prominent wall and large mature trees around the periphery.
3. There are several buildings across the site including a series of red brick stables buildings, a bungalow, a large steel storage warehouse and several mobile structures with extensive areas of hardstanding used for outdoor storage.
4. The site has a single track providing access to Berkeley Drive, which is in different private ownerships. This track serves the existing bungalow and the outbuildings as well as converted former farm buildings on the eastern side of the track. This part of the site is characterised by buildings that have been converted to residential and office uses.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. This application seeks full planning permission for the erection of two detached dwellings, the conversion of existing stables buildings to a dwelling and an extension to the existing bungalow following demolition of the storage barn and outbuildings. It is proposed to erect two detached dwellings in place of the storage building and outbuildings to the south of the bungalow. The new dwellings would back onto Shady Lane, as does the existing bungalow.

6. The stables to the north of the site form a courtyard arrangement with the existing bungalow and would be converted to form a new dwelling and extension of the habitable accommodation serving the existing bungalow.
7. All dwellings would be serviced by the existing driveway from Berkeley Drive. The proposal also includes two detached garages to serve the dwellings and a turning head to the south of the proposed development.
8. It is noted that the scheme originally included the demolition of the stables and erection of three new dwellings, however, this has since been amended through the retention and conversion of the stables and erection of only two new build dwellings.

## REPRESENTATIONS

9. Representations in objection have been received from the occupiers of six addresses. These raise the following issues:
  - Modern two storey houses are not in keeping with the character of the area.
  - Impact on privacy.
  - Maintenance of the driveway
  - Impact on highway safety
  - Access arrangements for the use of the private access roads.
  - 87 dwellings are proposed with access to Nell Lane.
  - There has been no consideration to the character of the area.
  - Harm to the historic significance of the heritage assets.
  - Ecological impact.
  - Impact on the Green Belt.
  - No exceptional circumstances.
  - Loss of trees.
  - Parking provision.

## CONSULTATIONS

10. Cuerden Parish Council: Have commented that the proposals are out of keeping with the area and seem to contravene the Local Development Plan in relation to Green Belt and Heritage assets.
11. Greater Manchester Ecology Unit: Have no objection subject to conditions.
12. Lancashire Highway Services: Have no objection subject to conditions.
13. United Utilities: Have no objection.
14. Cuerden Valley Park Trust: Have concern over the use of the private drive and the financial implications towards the upkeep of the unadopted road. Also have concern about the introduction of a double gate at the southern end of the proposed development, which appears to obstruct or alter the right of access over the existing track to access Cuerden Valley Park with farm machinery.
15. The Wildlife Trust for Lancashire, Manchester & North Merseyside: Support the ecological advice proffered by the Greater Manchester Ecology Unit and do not have specific comment in their role as the occupants of 'The Barn' on nearby Berkeley Drive. They have advised the applicant to liaise with the Cuerden Valley Park Trust if that has not already occurred.

## PLANNING CONSIDERATIONS

### Principle of the development and impact on the Green Belt

16. The application site is located wholly within the Green Belt.
17. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

133. *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.*

134. *Green Belt serves five purposes:*

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

143. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

144. *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 resulting from the proposal, is clearly outweighed by other considerations.*

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

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

18. The application site is in use for equestrian activities and residential use and as such is considered to be previously developed land in the Green Belt.
19. This part of Cuerden 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."* The proposed development would be small scale.
20. 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.*

21. 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'.
22. 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 existing buildings 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".
23. Whether the proposed building has a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exception of paragraph 145.g) of the Framework, which is reflected in policy BNE5 of the Chorley 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.
24. The part of the application site upon which the two new dwellings and detached garages would be located comprises a large steel storage warehouse and several mobile structures with extensive areas of hardstanding used for outdoor storage.
25. The proposed dwellings would be positioned partially within the footprint of the main storage building and entirely within the area of hardstanding. The volume of the existing steel storage building itself is greater than that of the two proposed new build dwellings and garages, even before considering the removal of the mobile structures. The proposed dwellings and garages would have a smaller footprint in comparison with the footprint of the existing steel storage building, although the height of the proposed dwellings would be slightly taller than this structure.
26. Given these factors, it is considered that the proposed development would not have a greater impact on the openness of the Green Belt than the existing development and as such would not represent inappropriate development in the Green Belt.
27. With regards to the conversion of the existing stables building to a dwelling, and to provide an extension to the habitable accommodation at the existing bungalow, the Framework sets out that certain other forms of development are also not inappropriate in the Green Belt provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt. Paragraph 146.d) allows for the re-use of buildings provided that the buildings are of permanent and substantial construction.
28. This is reflected in policy HS9 of the Chorley Local Plan 2012 – 2026, which allows for the re-use of existing buildings in the Green Belt subject to the following criteria being met:
  - a) The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;
  - b) The proposal would not harm the character or quality of the countryside or landscape;
  - c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;
  - d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;
  - e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;
  - f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to

curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;

g) The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;

h) The development would not result in the loss of or damage to any important wildlife habitat or protected species.

29. The existing stables are traditional brick structures of substantial construction and would be converted in their entirety, with no additions or extensions required. As such there would be no impact on openness and the development would not conflict with any of the purposes of the Green Belt. The development would not harm the character of the buildings and it is noted that a number of nearby buildings have already been converted to dwellings and office uses. As such the development would be in line with policy HS9 of the Chorley Local Plan 2012 – 2026 and it is not considered that it would represent inappropriate development in the Green Belt.
30. 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.

Impact on character and appearance of the locality

31. The application site is located to the south west of Cuerden Hall and comprises a traditional red brick stables building set out in a courtyard arrangement, and incorporating a dwelling. There is also a large steel storage shed and various mobile structures in addition to areas of outdoor storage. The site is prominent from Shady Lane and Berkeley Drive and the boundary wall, and stables in particular, form a distinctive boundary with Shady Lane, which is adjacent to the site. The stables building is a low level structure, which reflects other buildings to the east of the site that previously formed part of the same site but have since been converted to other uses. The stables building contributes positively to the character of the locality, whilst the remainder of the site to the south, and in particular the steel shed, detracts from the appearance of the site and character of the area.
32. The application originally proposed the development of three new build dwellings and the demolition of the stables building. This was since revised following negotiations between planning officers and the applicant resulting in a scheme for the retention and conversion of the stables building and erection of two new build dwellings. The conversion of the stables building and retention of the existing boundary wall with Shady Lane are positive aspects of the proposed development that would secure these existing structures for the future and maintain the character of the area. As this is the most sensitive part of the site in terms of its appearance and as part of the character of the locality the retention of the stables buildings is an important amendment to the scheme that would ensure the character of the area is not harmed.
33. The proposed new build dwellings are of standard traditional design and would be located to the south of the site, where they would be visible from Shady Lane beyond an existing boundary wall and mature trees that would be retained. The retention of the trees would help to soften the development, retain character and filter any views of the proposed dwellings. Although the new build dwellings would differ in form and appearance from the converted buildings to the north east of the site they are not dissimilar to existing dwellings on the opposite side of Shady Lane at Cuerden Cottage and at numbers 1 and 2 Nell Lane, and would not, therefore, be out of context in this locality. In addition the two new build dwellings would replace an existing steel shed of industrial appearance and unsightly mobile structures, which would result in a positive outcome in terms of the appearance of the site.
34. Overall it is not considered that the proposed development would be harmful to the character of the area, and would have a positive impact on the appearance of the application site.

Impact on neighbour amenity

35. The application site is essentially split between the new build elements and the stables building that would be converted. As the stables exist currently their conversion would have very little impact upon the nearest dwelling at Bothy Cottage. No facing windows would be introduced facing Bothy Cottage and there would be no unacceptable impact on privacy as a result.
36. The proposed new build dwellings would face Woodcutters Cottage to the east. The dwelling at plot 3 would face the garden of this property at a distance of approximately 13m, and there would be windows to bedrooms at first floor in the front elevation. The Council's interface standards state that "*Windows to habitable rooms at first floor level which overlook neighbouring garden areas should be a minimum of 10 metres from the boundaries they face.*" Plot 3 would exceed this minimum standard by a distance of 3m. It is also noted that the garden area at Woodcutters Cottage is unusually large and that this does not form the most private outdoor space at the property, with a more private courtyard to the north providing this function.
37. The dwelling at plot 2 would face the western elevation of Woodcutters Cottage at a distance of approximately 12m. There are no facing windows in the western elevation of this dwelling and the courtyard area beyond would be over 18m away, therefore, no unacceptable loss of privacy would occur.
38. In terms of the interface distances between the proposed properties themselves, these are considered to be acceptable in relation to the Council's guidelines. The proposal is, therefore, considered to be acceptable in terms of the relationship with the existing surrounding properties and between the proposed properties themselves.

Impact on non-designated heritage assets

39. The site is located on what was once part of the Cuerden Hall estate, being adjacent to the former kitchen gardens, and dates back to the early 19th Century. The building at the northern end of the site appears to have been originally constructed as stables, probably for horses that worked the land rather than those that pulled the fine carriages that would have been used by the occupants of the hall. The other buildings currently occupying the site are modern and of no historic interest.
40. At the time of listing, 1984, the building had long been separated, in terms of ownership and use, from Cuerden Hall. The estate had been significantly fragmented in the 1950s when significant parcels were sold at auction, including the buildings that then occupied the application site. That being the case the building that occupies the northern part of the site, whilst it was extant as at 1 July 1948, does not fall within the curtilage of Cuerden Hall because of the aforementioned position at the time of listing.
41. Notwithstanding this the stable building is nonetheless of some historic significance, sufficient to warrant its classification as being a 'heritage asset' as defined by Annex 2 to the Framework.
42. The southern half of the site is currently occupied by a significant collection of scrap metal and other items and a modern portal framed building and is of less concern from a heritage perspective. This part of the site was historically open land. Whilst the proposed dwellinghouses are perhaps of a somewhat standard design, they are inoffensive and not dissimilar to others to be found on the opposite side of Shady Lane. The replacement of the current steel shed building, mobile structures and outdoor storage that cover this part of the site would considerably enhance the setting of the stables building.
43. Since the original submission the applicant has submitted amended plans that see the retention of the stables building and its conversion to residential use. As a result of the amendments the essential character and appearance of the stables buildings would be retained and respected, and as such it is considered that the proposed development would be acceptable as it would sustain the significance of the heritage asset.

44. It is, therefore, considered that the proposed development would be in conformity with section 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012 – 2026.

#### Highway safety

45. The site is to be accessed from Berkeley Drive via an internal access road. Both of these access roads are un-adopted and would require the owners' consent for use to access the proposed development. Consents for the use of access are a private matter between parties and should not normally be treated as material considerations in planning applications. The application demonstrates that access is achievable, subject to any private dispute being resolved, and, therefore, the proposed development should be assessed in relation to the physical nature of that access rather than whether any right of access agreement is in place.
46. The internal access road serving the site has no footways, however, its width is noted to be 5.0m and over at some sections. This width is adequate to ensure safe shared use by pedestrians and cars, however, it is noted that HGVs and agricultural machinery and tractors associated with other properties and Berkeley Farm often use the access road, raising pedestrian safety concerns if footways are not provided.
47. While LCC Highways would not insist on footways being provided to separate pedestrian walking areas from vehicles, given the straight alignment of the access road, there is potential for vehicles to travel at high speeds at the risk of pedestrian safety, especially children, the elderly and other vulnerable pedestrians. Therefore, as the greater length of the access is within the applicant's boundary, LCC Highways requested measures incorporated in the design of the proposed layout to control vehicular speeds.
48. LCC Highways does not normally adopt developments less than 5 dwellings and where the development is served by privately maintained access roads. The development would therefore remain private, but, the applicant is encouraged to create a layout that is to an adoptable standard to ensure safe and satisfactory access. The applicant has agreed to provide a speed control measure in this regard by introducing road humps at two locations, which is considered to be an acceptable solution.
49. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars per dwelling can be provided. On this basis, the scheme complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.

#### Ecology

50. The information submitted with the application includes a bat and bird survey. This survey has been undertaken by a licensed and experienced ecological consultant whose work is known to the Greater Manchester Ecology Unit (GMEU), who are the Council's ecology advisors. It is considered that the ecological consultant has undertaken a detailed survey of the site and carried out an appropriate level of survey.
51. The survey found that while some of the buildings on site have moderate bat roosting potential, no evidence of a bat roost was detected. The proposal should, therefore, have no impact on bats. However, as bats are highly mobile creatures it is advised that an informative be attached to any permission to remind any developer that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
52. Evidence of swallow were found at the site. The surrounding trees and scrubs may also be used by nesting birds. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended) any demolition and clearance works should take place outside of the main bird breeding season, and therefore an appropriate condition is recommended.
53. A scheme for the provision of mitigation measures for the loss of swallow nesting sites and provision of bat roosting features should be provided. It is anticipated that any such scheme

shall include measures to enhance biodiversity at the site, in line with the requirements of the Framework. It is therefore recommended that a scheme for mitigation and biodiversity enhancement be required by condition.

#### Trees

54. There are mature trees within the site along the western site boundary adjacent to Shady Lane. These are protected by a group Tree Preservation Order (TPO). A tree survey has been submitted by a qualified arborist in support of the application, which accurately represents the situation. The trees make a valuable contribution to the character of the area and appearance of the site as they are highly prominent. As such extensive retention is required. All the trees on or bordering the site have been surveyed and it is identified that several trees would need to be removed to give a feasible development footprint. The trees to be removed are mostly unclassified Sycamores, whilst the majority of trees would be retained.
55. The retention of the majority of trees is welcomed, whilst the limited tree removal proposed is accepted, given the nature of the proposed development. The extent of tree removal proposed would have a limited impact on the appearance of the site, given the nature of the trees to be removed and level of retention. The selective removal of trees also has the potential to benefit those remaining trees and better specimens through removing competition. Overall it is considered that the proposal level of removal is acceptable to enable the development to proceed, however, it is recommended that the trees to be retained are protected below ground by suitable fencing to prevent soil disturbance and compaction in root protection areas throughout the course of development.

#### Public open space

56. Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
57. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.
58. In the determination of planning applications, the effect of the national policy, which was issued in 2016 following a Court of Appeal judgement, 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.
59. 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 10, or fewer, dwellings.
60. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
61. There is currently a deficit of provision in Clayton Le Woods West and Cuerden ward in relation to this standard. A contribution towards new provision in the Clayton Le Woods West and Cuerden ward is therefore required from this development. The amount required is £134 per dwelling. A financial contribution for off-site provision can only be requested if there is an identified scheme for new provision. There is an identified scheme for new play equipment at Site Ref: 1715 Broom Close Play Area.

#### CIL

62. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging



commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

Other matters

- 63. Maintenance of the driveway: The maintenance of private access roads is a matter to be agreed between the landowner and those with, or seeking, a right of access. This is not a material planning consideration.
- 64. 87 dwellings are proposed with access to Nell Lane: It is noted that there is an application for the development of 87 dwellings on a nearby land parcel with access to Nell Lane, however, each application must be treated individually of one another and on its individual planning merits.

**CONCLUSION**

65. It is considered that the proposed development would not be inappropriate development as the proposal represents the redevelopment of previously developed land and conversion of an existing building, which would not have a greater impact on the openness of the Green Belt. The impact on the character and appearance of the area is considered to acceptable, and there would be no impact on the significance of any heritage assets. There would be no unacceptable impact on neighbour amenity and there would be no adverse impact on highway safety, ecology or trees.

**RELEVANT HISTORY OF THE SITE**

There is no relevant planning history.

**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.

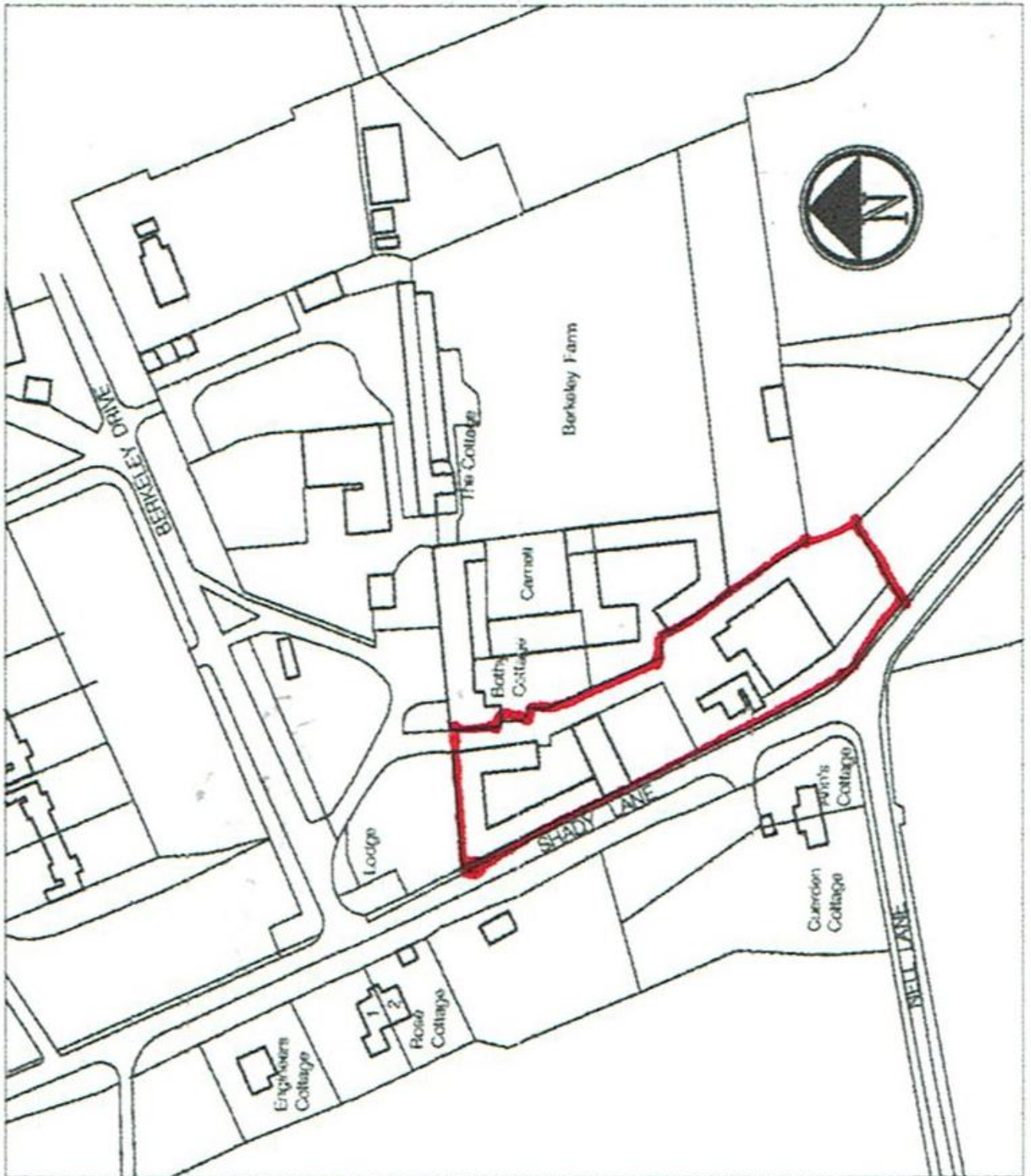
Suggested conditions

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 for one dwelling shall be carried out in accordance with the following approved plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>KM/18/06/010</td> <td>24 August 2018</td> </tr> <tr> <td>Site plan</td> <td>KM/18/08/020B</td> <td>19 March 2019</td> </tr> <tr> <td>Stable building conversion plans and elevations</td> <td>KM/18/08/105</td> <td>19 March 2019</td> </tr> <tr> <td>Plot 2 plans and elevations</td> <td>KM/18/08/045A</td> <td>12 November 2018</td> </tr> <tr> <td>Plot 3 plans and elevations</td> <td>KM/18/08/050A</td> <td>12 November 2018</td> </tr> <tr> <td>Garage plans and elevations</td> <td>KM/18/08/080</td> <td>12 November 2018</td> </tr> </tbody> </table>	Title	Reference	Received date	Location plan	KM/18/06/010	24 August 2018	Site plan	KM/18/08/020B	19 March 2019	Stable building conversion plans and elevations	KM/18/08/105	19 March 2019	Plot 2 plans and elevations	KM/18/08/045A	12 November 2018	Plot 3 plans and elevations	KM/18/08/050A	12 November 2018	Garage plans and elevations	KM/18/08/080	12 November 2018
Title	Reference	Received date																				
Location plan	KM/18/06/010	24 August 2018																				
Site plan	KM/18/08/020B	19 March 2019																				
Stable building conversion plans and elevations	KM/18/08/105	19 March 2019																				
Plot 2 plans and elevations	KM/18/08/045A	12 November 2018																				
Plot 3 plans and elevations	KM/18/08/050A	12 November 2018																				
Garage plans and elevations	KM/18/08/080	12 November 2018																				

	<p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>
3.	<p>Prior to the erection of the superstructures of the new build dwellings hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</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>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>
6.	<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 Planning Authority demonstrating that each new build dwelling will meet the required Dwelling Emission Rate. 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 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.</i></p>
7.	<p>No new build 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 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.</i></p>

8.	<p>Prior to the erection of the superstructures of the dwelling hereby approved full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
9.	<p>No part of the development hereby approved shall commence, other than demolition and enabling works, until a scheme for re-grassing of the highway verge and the off-site works of highway improvement (removal of planters and reinstatement highway verge and kerbs) has 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 are acceptable before work commences on site.</i></p>
10.	<p>No part of the development hereby approved shall be occupied until the approved scheme for re-grassing of the highway verge and the off-site works of highway improvement has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: To avoid the possibility of potential highway hazards and to maintain the construction of Sandy Lane in the interest of highway safety.</i></p>
11.	<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.</i></p>
12.	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p> <p><i>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</i></p>
13.	<p>The development hereby approved shall be carried out in accordance with the details contained in the approved Tree Protection Plan (Drawing No. 0926/TCP/001 with the tree survey received 24 August 2018). All remaining trees must be fully safeguarded in accordance with BS5837.2012 for the duration of the site works unless agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect habitat for roosting bats and safeguard the trees to be retained.</i></p>
14.	<p>No removal of or works to any hedgerows, trees or shrubs works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active birds' nests immediately before the vegetation is cleared and the buildings are</p>

	<p>demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
15.	<p>The development hereby approved shall be carried out in accordance with the mitigation and biodiversity enhancement measures set out in paragraph 11.3 and Appendix II of the ecological survey and assessment report by The Tyrer Partnership, dated 09 October 2017.</p> <p><i>Reason: Due to the loss of swallow nesting and bat roosting opportunities at the site and need for biodiversity enhancement.</i></p>
16.	<p>No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwelling(s) hereby approved shall not be occupied until the approved Scheme has been implemented.</p> <p><i>Reason: The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.</i></p>



This page is intentionally left blank

**APPLICATION REPORT – 18/00855/FULMAJ**

**Validation Date: 24 October 2018**

**Ward: Chorley South East**

**Type of Application: Major Full Planning**

**Proposal: Erection of 8no. dwellings including alterations to access and demolition of existing public house.**

**Location: The Hop Pocket Carr Lane Chorley PR7 3JQ**

**Case Officer: Amy Aspinall**

**Applicant: C&M Contractors**

**Agent: Eden Building Design**

**Consultation expiry: 20 May 2019**

**Decision due by: 26 May 2019**

---

**RECOMMENDATION**

1. It is recommended that the application is approved, subject to conditions and a s106 legal agreement.

**SITE DESCRIPTION**

2. The application site is comprised of a vacant public house and associated car park. Access is gained via Carr Lane. Surrounding land uses are mixed, with residential dwellings to the northern boundary and commercial to the west. Opposite the site is Telent Technology Services. The site is situated wholly within the settlement of Chorley, as defined by Chorley Local Plan Policies Map.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The application seeks full planning permission for the demolition of the existing building, the erection of 8no. dwellings and access. These would be comprised of 3no. pairs of semi-detached three bedroomed dwellings and 2no. detached four bedroomed dwellings, with associated parking.

**REPRESENTATIONS**

4. 1no. representation of support has been received and 3no. objections. It should, however, be noted that these comments were received in relation to the original scheme for 10no. dwellings and that no further comments have been received in relation to the revised scheme, following on re-notification.

5. The original objections are available to view on the Council's website and the key points are summarised below:

- Scale of development – three storeys, width and depth
- Mock-ups have been submitted by the occupier of 69 Melrose Way to show the impact of plots 6 and 7 on this property – domination of landscape and skyline

- Obscure views from neighbouring properties / intrusion into the skyline accruing from plots 1 to 5
- Rooflines higher than Hop Pocket / unreasonably high / incongruous visual impact
- Intrusion and loss of privacy of 69 Melrose Way
- Impact on enjoyment and quality of life of occupiers of 69 Melrose Way
- Loss of property values
- Impact on plant and produce growth of 69 Melrose Way
- Impact of proposed development on existing traffic and highways risks / volumes of traffic / problems with parked vehicles / articulated delivery vehicles / school and nursery drop off and collection

## CONSULTATIONS

6. **The Coal Authority:** Currently awaiting a further consultation response.
7. **Lancashire County Council Highway Services:** Have no objections subject to conditions.
8. **Greater Manchester Ecology Unit:** Have raised no objection and have advised that an appropriate level of survey has been carried out. A roost of bats has been identified in the building, but suitable mitigation measures would ensure their favourable conservation status is maintained. Conditions recommended in relation to a Natural England licence, nesting birds and biodiversity enhancements.
9. **Regulatory Services - Environmental Health:** Have no objection.
10. **Waste & Contaminated Land:** Land contamination assessment advised.
11. **Council's Tree Officer:** Has no objection; tree protection measures advised.
12. **CIL Officers:** Comment that this development is subject to the CIL Charge for 'Dwelling Houses' as listed in Chorley Councils CIL Charging Schedule
13. **United Utilities:** Drainage conditions advised and presence of a sewer highlighted.
14. **Lead Local Flood Authority:** Previous objection withdrawn. Conditions recommended.
15. **Lancashire County Council Education:** Have requested financial contributions in respect of 2no. primary school places and 1no. secondary school place.

## PLANNING CONSIDERATIONS

### Principle of development

16. The National Planning Policy Framework (the Framework) at paragraph 59 provides, among other things, that the Government's objective is to significantly boost the supply of homes; and that it is important that a sufficient amount and variety of land can come forward where it is needed.
17. At paragraph 68 the Framework states that to promote the development of a good mix of sites Local Planning Authorities should support the development of windfall site through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
18. Policy 1 of the Core Strategy seeks, among other things, to focus growth and investment on well located brownfield sites including the Key Service Centre of Chorley.
19. The principle of residential development is therefore acceptable, subject to other policy considerations.



### Loss of public house

20. Policy HW6 Chorley Local Plan 2012 – 2026 (Community Facilities) sets out that development proposals involving the change of use or loss of any premises or land currently or last used as a community facility (including public houses) will be permitted where it can be demonstrated that:

- a) The facility no longer serves the local needs of the community in which it is located;
- b) Adequate alternative provision has been made, or is already available, in the settlement or local area; and
- c) The use is no longer financially viable; and
- d) The facility is in an isolated location remote from public transport routes; or
- e) There is an amenity or environmental reason why the facility is no longer acceptable.

21. The Framework at paragraph 92 also seeks to guard against the loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

22. The application provides that the pub has been vacant since May 2018, and that the tenant moved to a different pub as the Hop Pocket was not financially viable. It also states that the pub has been marketed by Fleurets, with offers only being for an alternative use.

23. The pub has not served the community for the last year as it has been closed and sold off by the brewery. There are a number of pubs within Chorley, with approximately 21 pubs within a 1 mile radius and two pubs being within 800 metres of the site (The Yarrow Bridge is less than 300 metres away and The Mitre is less than 800 metres away). As such, it is considered that alternative provision is available in the area, having regards to criterion (b). The application states that the pub was not financially viable. Whilst the pub is not in an isolated area, the redevelopment of the site would result in a significant enhancement of the site in the street scene.

24. The loss of the Hop Pocket public house would not reduce the community's ability to meet its day-to-day needs as similar facilities exist elsewhere in the locality. It is also noted that the pub is not registered as an asset of community value and none of the objections received are in relation to the loss of the pub. The proposal is considered to meet the criteria of policy HW6 and the loss of the public house is, therefore, acceptable in policy terms.

### Highway safety

25. Revised plans have been submitted since the application was originally submitted with an amended layout and a reduction in the number of dwellings proposed. The layout is now arranged around a single access point with turning head and parking to serve each plot, in accordance with the Council's parking standards. A vehicle tracking drawing has also been submitted to demonstrate that a large vehicle can enter and exit the site in a forward gear.

26. Lancashire County Council Highways raise no objection to the scheme and advise that the proposal would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. In addition, they also advise that the highway layout would be acceptable for adoption under s38 of the Highways Act. Due to the location of the site close to a primary school, LCC Highways have requested a Traffic Management Plan to ensure that deliveries take place outside school drop off and collection times, and that deliveries and contractor vehicles park off the highway. This could be secured by way of condition and should also alleviate some neighbouring concerns in relation to traffic at peak times/school drop off.

27. A s278 agreement would be required for the works to the highway, and LCC Highways require the reinstatement of footways. A detailed scheme would be required and could be conditioned accordingly.

28. Having regard to the above and subject to appropriate conditions, the proposed development would be acceptable in highways safety terms and accords with the provisions of policy BNE1 (d) of the Chorley Local Plan 2012 -2026 in respect of highways matters.

### Design

29. The number of dwellings and their height has been reduced and the layout amended to form a courtyard around the turning head. A single access would be provided to Carr Lane, with a dual-fronted dwelling sited either side. Landscaping is identified to the front of the site, which would provide an attractive frontage to Carr Lane, and full details could be conditioned accordingly.

30. The scale of the built form in this area is relatively mixed, with bungalows to the north, the adjacent single storey parade, two storey employment site opposite and two / three storey residential development off Carr Lane. The 2.5 storey scale of the dwellings is, therefore, considered to be compatible with the area and would not appear out of scale or incongruous in the street scene. The proposed dwellings have a modern appearance which is considered to be acceptable given the mix of property types and styles in the area. In addition, the proposed development would result in an enhancement of the appearance the site in the street scene, compared to the current situation.

31. In design terms the proposed development is considered to be acceptable having regard to policy BNE1 (a) of the Chorley Local Plan 2012 – 2026.

### Impact on amenity

32. The application proposes 8no. dwellings in a courtyard arrangement with access via Carr Lane.

33. The revised plans now show three pairs of semi-detached dwellings would be sited to the rear of the site, with the gardens of plots 2, 3 and 4 adjoining the northern boundary with 69 Melrose Way. The rear garden depths would be in excess of 10 metres and this would ensure a reasonable level of privacy and outlook for occupiers of the neighbouring property, and would ensure an acceptable standard of amenity, having regard to the Council's separation standards and policy BNE1 (b) of the Chorley Local Plan 2012 2026. There are level changes across the site and site levels would be secured by way of condition.

34. The principal front elevation of plots 2 and 3 would face the side elevation of plot 1, which contains a number of windows at first floor which serve bedrooms. The same relationship exists between plots 6 and 7 which would face the side elevation of plot 8 which contains a number of bedroom windows at first floor. The separation distances between these falls below the Council's separation standards, which does create a tight relationship between these plots. However, the relationship is somewhat unusual in that the bedrooms have a dual aspect and, on balance, it is considered that the benefits of this revised proposal in overcoming other matters detailed elsewhere in this report, outweigh the potential harm caused to future occupiers of the development due to applying the separation standards in a more flexible manner.

35. Each dwelling would benefit from sufficient private garden area for future occupiers to carry out day to day domestic activities.

36. To the west of the site, adjacent to plots 1 and 2 are commercial premises, i.e. a shop and a takeaway. However, in the absence of any concerns being raised by Environmental Health due to the presence of the extraction equipment associated with the takeaway and the proximity to the proposed dwellings and private garden areas, it is not considered that future residents would be adversely affect by odour. If, however, this became an issue in the future, this could be controlled under the relevant Environmental Health legislation. The area is comprised of a mix of uses and it is considered that the proposed residential use is a compatible form of development.

37. The proposed development would not adversely affect the residential amenity afforded to neighbouring properties, or that of future occupiers of the proposed development. The application accords with policy BNE1 (b) of the Chorley Local Plan 2012 - 2020 in respect of amenity.

### Ecology

38. The application is accompanied by an ecological survey which has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU).

39. This found evidence that the building to be demolished is being used as a day roost by singular / small number of bats, i.e. Pipistrelle. Day roosts of pipistrelle bats (i.e. small numbers of common species, not a maternity site) are of 'low' conservation significance. The report provides that no sign of a roost of higher conservation significance (such as a maternity roost or hibernation roost) has been detected; and advises that the building is not considered to be suitable for use by hibernating bats due to its construction type.

40. In terms of foraging and commuting bats, the habitats within the site were assessed as having negligible suitability; whereas the surrounding area provides habitats of high suitability. Trees were also assessed; however, none were identified as supporting features suitable for use by roosting bats.

41. Bats and their roosts are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended); and details of mitigation measures have been provided. GMEU confirm that the mitigation measures are satisfactory and that such measures would ensure that the favourable conservation status of bats would be maintained at the site.

42. The works would require a licence from Natural England, with the report suggesting that the proposal meets the criteria for a Natural England Bat Mitigation Class Licence: Low Impact (BMCL). This is, however, a matter for Natural England and the applicant would need to ensure that appropriate licences are secured.

43. In considering the three tests of the Habitat Regs 2017, the proposal would deliver social and economic benefits through the delivery of housing in a sustainable location, on a brownfield site. The proposal would also deliver environmental enhancements through the landscaping of the site and additional features, such as bat boxes, which could be conditioned accordingly. In terms of test 2, to do nothing would mean that the public benefits cannot be delivered and the enhancements, in particular for roosting bats, would not be delivered. The identified day roost is of low conservation concern, but nonetheless, favourable conservation status of the population of the species would be maintained.

44. A suitable condition to ensure proposed The Mitigation Strategy is recommended.

45. The trees and scrub on site were considered suitable for use by nesting birds; in addition the building may also hold features suitable for nesting birds. Accordingly a condition to prevent clearance or demolition during bird nesting season (1st March and 31st August inclusive), unless a competent ecologist has undertaken a detailed check is recommended.

46. A landscaping scheme for the site could also be secured by condition and would provide for biodiversity enhancement.

47. Having regard to the above, the proposed development accords with policy BNE9, Biodiversity and Nature Conservation, of the Chorley Local Plan 2012 – 2020.

### Impact on trees

48. The application is accompanied by a Tree Survey which assesses the trees on site. This identifies that trees are primarily grade B and C, with 5 no. U grade trees. Several trees are identified for removal and crowning works are also proposed. The loss of existing trees is not considered to pose a significant constraint to the proposed development given that they are not protected by way of a Tree Preservation Order and the Tree Officer has not recommended the retention of any tree identified for removal. Tree protection measures for retained trees would be conditioned accordingly.

Public open space

49. Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

50. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.

51. In the determination of planning applications, the effect of the national policy, which was issued in 2016 following a Court of Appeal judgement, 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.

52. 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 10, or fewer, dwellings.

53. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

54. There is currently a surplus of provision in Chorley South East Ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (Site: Ref. 1974 Spurrier Square (0.2862ha) low/low); Site: Ref. 1529 Opposite 21 Amber Drive (0.0263ha) low/high). A contribution towards improvements to one of these sites is, therefore, required from this development. The amount required is £134 per dwelling, equating to a total financial contribution of £1,072.

55. The contribution identified above would be secured by way of a s106 legal agreement.

Coal mining

56. The application site falls within the defined Development High Risk Area and, therefore, the impact of coal mining legacy on the proposed development needs to be assessed.

57. Additional further information has been provided since the application was originally submitted, including intrusive site investigations. The Coal Mining Risk Assessment provides that there is no significant risk from coal workings to the proposed development.

58. A mine entry is, however, identified and previous investigations some time ago, have been carried out. The Coal Authority consider that the historic investigations are dated and were not in the context of the specific proposed development as contained in the current application. The Coal Authority advise that an attempt should be made to locate this feature and establish its condition. They also advise that the investigations should be used to calculate the zone of influence for this feature to inform an appropriate no-build zone and subsequently inform the site layout, demonstrating adequate separation between the mine entry and any proposed building.

59. The Coal Authority comment that the mine entry could be located under the existing building and that it might not be possible to undertake further investigations prior to determination. They suggest that where it is not possible to locate the mine entry prior to determination of the application, the best known location for the mine entry should be plotted with adequate separation between the mine entry and any building proposed, based on worst case scenario.

60. Further information has been submitted and sent to the Coal Authority for comment. A consultation response is currently awaited at the time of report preparation and will be reported to committee by way of the addendum. Notwithstanding the above, a practical solution could be that further investigative works are secure by condition, should it be necessary to investigate underneath the existing building. Any necessary remediation or mitigation works required.

#### Drainage

61. Further information has been provided since the application was originally submitted in order to overcome an objection from the Lead Local Flood Authority. The submitted Flood Risk Assessment addresses the drainage hierarchy, and concludes that there are no viable alternatives than discharging into the combined sewer. The Lead Local Flood Authority is satisfied with the Flood Risk Assessment and have withdrawn their objection. They do, however, recommended a number of conditions, including full drainage details and these would be conditioned accordingly.

#### Education

62. Lancashire County Council have requested financial contributions for primary school provision in order to mitigate the impact of the development on education provision.

63. When considering this request, it should be noted that the Council operate a CIL Charging schedule which was implemented on 1<sup>st</sup> September 2013. The Regulation 123 list allows the charging authority to set out a list of projects or types of infrastructure that the levy is intended to fund. The purpose of the list is to ensure clarity on what CIL might be spent on and to prevent duplication ('double dipping') between CIL and S106 agreements in funding the same infrastructure projects.

64. Education is listed in the Council's Regulation 123 list and therefore education infrastructure falls under the remit of CIL; and all housing schemes coming forward will be subject to the levy. Accordingly, such applications should not normally be subject to separate planning obligations to secure education contributions, regardless of whether or not they are windfall sites. Whilst not completely excluding site specific education contributions in exceptional cases, National Planning Practice Guidance is clear that this should not normally be sought and, where it is, it must be justified by specific evidence publicly available at the examination into the CIL list.

65. Planning obligations cannot be used where CIL accounts for the specific infrastructure requirements as set out in the list, as this would breach Regulation 123 and would lead to duplication. Accordingly, it is not considered that an education contribution should be required in this instance.

#### **CONCLUSION**

66. The site is situated within a sustainable location within the settlement of Chorley, which is identified for growth under policy 1 of the Central Lancashire Core Strategy. Although the proposal would result in the loss of a public house, the criteria of policy HW6 of the Chorley Local Plan 2012 - 2026 is considered to be met, and the benefits of the proposed development in the delivery of housing weigh heavily in favour of the development. The proposed development would not be harmful to the residential amenity of neighbouring dwellings or that of future occupiers; and it would enhance the appearance of the site in the street scene. Subject to conditions, the proposed development would be acceptable in highways safety terms and would not be detrimental to nature conservation and protected species interests. Drainage could be conditioned accordingly, and an update will be provided in relation to coal mining legacy issues associated with the site.

67. The application is recommended for approval, subject to conditions and a s106 legal agreement to secure a financial contribution towards provision for children / young people.

**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:** 74/00364/FUL      **Decision:** PERFPP      **Decision Date:** 8 July 1974  
**Description:** Shopping development and public house

**Ref:** 74/00689/OUT      **Decision:** REFOPP      **Decision Date:** 6 November 1974  
**Description:** Outline application for public house, squash club and car park

**Ref:** 77/00054/ADV      **Decision:** PERADV      **Decision Date:** 1 March 1977  
**Description:** Illuminated signs

**Ref:** 88/00062/FUL      **Decision:** PERFPP      **Decision Date:** 23 February 1988  
**Description:** Display of illuminated signs

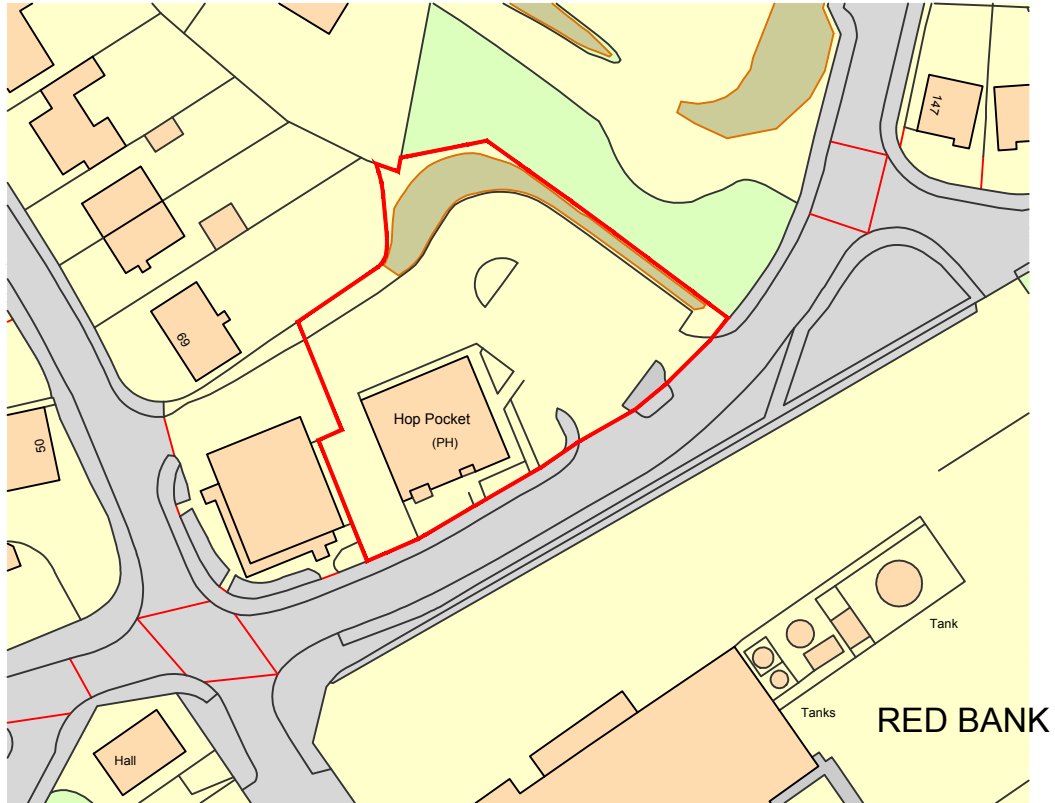
**Ref:** 06/00837/FUL      **Decision:** WDN      **Decision Date:** 5 December 2006  
**Description:** Retrospective application to erect 6ft trellis fencing behind the wall on the southern boundary

**Ref:** 07/00265/FUL      **Decision:** WDN      **Decision Date:** 23 May 2007  
**Description:** Erection of an aluminium and glass canopy to the front of the building,

**Ref:** 07/00614/FUL      **Decision:** PERFPP      **Decision Date:** 30 July 2007  
**Description:** Proposed covered area to include heating and lighting to form an additional garden area

#### Suggested conditions

To follow.



TLMA Consultancy, 9 Padstow Drive, Stafford  
Tel: 07967 401 484



<b>Client:</b>	<b>C&amp;M Contractors (Manchester) Limited</b>
<b>Project:</b>	<b>Hop Pocket, Carr Lane Chorley</b>
<b>Title:</b>	<b>Site Plan</b>
<b>Scale:</b>	<b>1:1250 @ A4</b>
<b>Date:</b>	<b>5th April 2019</b>
<b>Drawn:</b>	<b>SH</b> <b>Checked:</b> <b>N/A</b>
<b>Drg No:</b>	<b>TLMA/CM-3.01</b>

This page is intentionally left blank



**APPLICATION REPORT – 19/00075/FULMAJ**

**Validation Date: 6 March 2019**

**Ward: Clayton-le-Woods North**

**Type of Application: Major Full Planning**

**Proposal: Change of use from hotel to 14 flats**

**Location: Brook House Hotel 662 Preston Road Clayton-Le-Woods Chorley PR6 7EH**

**Case Officer: Mr Iain Crossland**

**Applicant: M & G Sobti Ltd**

**Agent: Mr Gurprit Benning**

**Consultation expiry: 29 March 2019**

**Decision due by: 5 June 2019**

---

**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions and a s106 legal agreement to secure a financial contribution towards the off-site provision of public open space.

**SITE DESCRIPTION**

2. The application site comprises a large detached building that is currently in use as a hotel. The building was originally a dwelling but became a guest house in the 1980s, and has been extended and altered over time to increase accommodation. The building is of a traditional appearance and is faced in white render. It occupies a prominent corner position between Preston Road and Clayton Brook Road and has an established vehicular access from Preston Road to a car park that is positioned to the front and side of the building.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. Planning permission is sought for the change of use from a hotel to 14 no. residential flats.

**REPRESENTATIONS**

4. No comments have been received.

**CONSULTATIONS**

5. Lancashire Fire And Rescue Service: Standing advice recommended.
6. Lancashire County Council (Education): Comment that an education contribution is not required at this stage in regards to this development.
7. Lancashire County Council Highway Services: LCC Highways is of the opinion that the proposed change of use from hotel to 14 flats would not have a detrimental impact on highway safety in the immediate vicinity of the site and raise no objection to the proposal.

8. Clayton le Woods Parish Council: No comments have been received.
9. United Utilities: Have no objection.

## **PLANNING CONSIDERATIONS**

### Principle of development

10. The National Planning Policy Framework (The Framework) sets out the three dimensions of sustainable development having an economic, social and environmental role. This sets out a presumption in favour of sustainable development. For plan making, that means that the needs of the population are taken into account and for decision taking, where the Local Plan is absent or out of date that any adverse impacts should significantly outweigh the benefits for permission to be refused. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Chorley Local Plan 2012 - 2026.
11. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012 - 2026 as within the Settlement Area of Clayton le Woods. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
12. Clayton le Woods is specified as an Urban Local Service Centre under the Central Lancashire Core Strategy Policy 1 (d), where some growth and investment will be encouraged.
13. It is therefore considered that the 'principle' of the proposed development is acceptable in compliance with Chorley Local Plan policy V2, Core Strategy policy 1, and the Framework.

### Impact on character

14. No physical alterations are proposed as part of the application, other than the insertion of a window in the ground floor south west facing elevation on a section of the building to the rear. This would have a limited impact on the appearance of the building. The subdivision of the building into flats would have a very limited impact on the character of the area, given that the area is predominantly residential in character and that the site is already occupied in a more transitory nature by guests of the hotel.

### Impact on neighbour amenity

15. The proposed development comprises no external physical alterations other than the insertion of a window in the ground floor south west facing elevation. The use of the site for flats would be less intensive than its current use as a hotel, which accommodates more people, employs staff, has a kitchen and holds events such as weddings. As such there would be no greater impact on neighbour amenity over and above the existing situation.

### Highway safety

16. The site is accessed from the A6, which is a major route for all vehicles. There are large volumes of traffic, which is expected for an A road. The existing vehicular access arrangements would be retained and would serve the car park associated with the resultant flats.
17. To promote sustainable forms of transport and improve pedestrian movements it is requested that the applicant enters into a s278 agreement for the introduction of bus stop markings at the nearest bus stops south east to the site. It is also requested that the pedestrian dropped crossings have tactile paving introduced at the two pedestrian refuges within close vicinity to the site and at the roundabout junction with Clayton Brook Road.
18. There would be 14 car parking spaces available to serve the 14 apartments 12 of which are one bedroomed and 2 are two bedroomed. This falls below the standard set out in policy ST4 of the Chorley Local Plan 2012 - 2026. It is noted, however, that policy ST4 allows for a deviation from the parking standards where there are sustainable credentials. The

application site is in an urban area with excellent pedestrian links, is located on a high frequency bus route, and is close to schools, shops and other local amenities. There would also be provision for cycle storage. In addition LCC Highways consider that 14 car parking spaces is adequate in this instance.

19. It is therefore considered that a relaxation of the parking standards is justified in this instance and that there would be no unacceptable impact over and above the current situation.

#### Public open space

20. Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided. 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.
21. There is no potential to provide the public open space on site and therefore a s106 agreement would be required in order to secure a contribution towards the off-site provision or improvement of amenity green space, allotments and playing pitches.

### **CONCLUSION**

22. The proposed change of use of the building into 14 no. flats would not have any unacceptable impact on the character of the area, neighbour amenity or highway safety. It is, therefore, recommended that the application is approved subject to conditions and a Section 106 agreement to secure a financial contribution towards the provision of public open space.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 07/00446/COU      **Decision:** REFFPP      **Decision Date:** 23 July 2007  
**Description:** Retrospective application to extend existing car park area into landscaped area

**Ref:** 06/00731/FUL      **Decision:** PERFPP      **Decision Date:** 17 October 2006  
**Description:** Erection of conservatory and structural improvements

**Ref:** 96/00242/COU      **Decision:** PERFPP      **Decision Date:** 12 June 1996  
**Description:** Change of use of private hotel to rest home

**Ref:** 99/00741/FUL      **Decision:** PERFPP      **Decision Date:** 9 November 1999  
**Description:** Erection of conservatory and beer store to side

**Ref:** 94/00249/FUL      **Decision:** PERFPP      **Decision Date:** 16 May 1994  
**Description:** Two storey front extension and erection of conservatory to front

**Ref:** 90/00325/FUL      **Decision:** PERFPP      **Decision Date:** 12 June 1990  
**Description:** Rebuild ground floor with first floor rooms over east wing

**Ref:** 87/00554/FUL      **Decision:** PERFPP      **Decision Date:** 10 November 1987  
**Description:** Change of use of part of stables to flat

**Ref:** 87/00553/FUL      **Decision:** PERFPP      **Decision Date:** 10 November 1987  
**Description:** Extension to guest house

**Ref:** 86/00526/FUL      **Decision:** PERFPP      **Decision Date:** 30 September 1986  
**Description:** Rebuilding of outbuilding to form 4 bedrooms

**Ref:** 83/00635/COU      **Decision:** PERFPP      **Decision Date:** 25 October 1983  
**Description:** Change of use of dwelling to dwelling and guest house

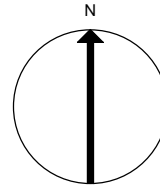
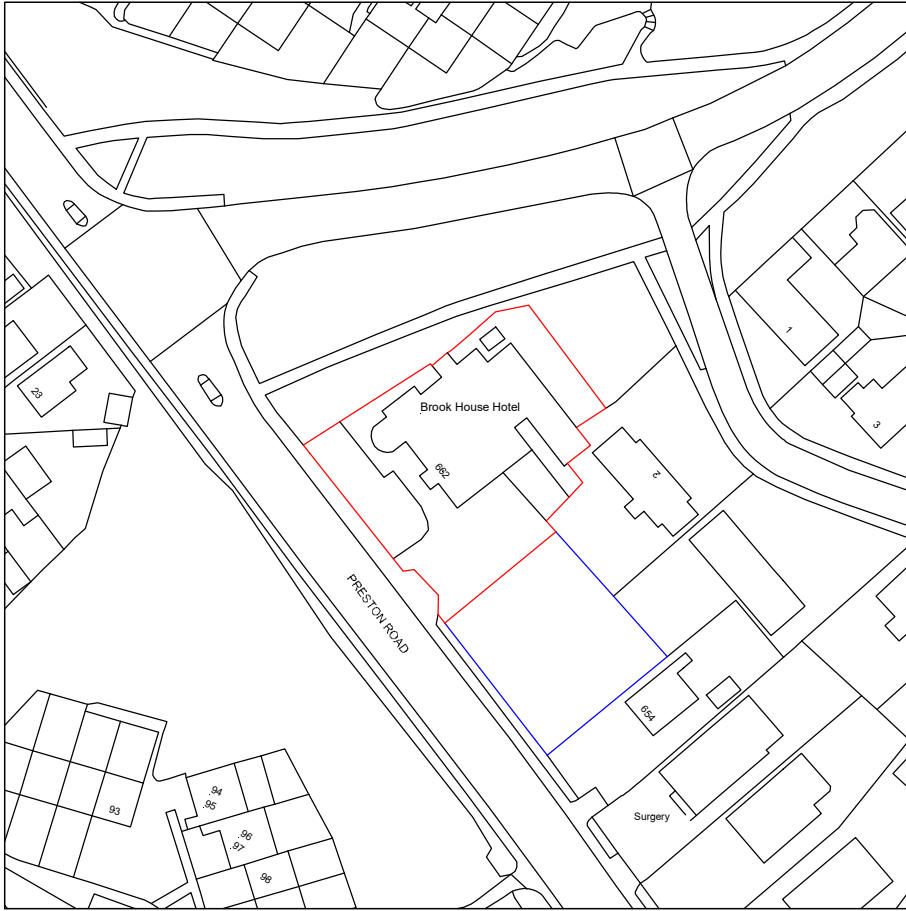
**Ref:** 74/00453/FUL      **Decision:** WDN      **Decision Date:** 3 June 1975

**Description:** Erection of detached house

**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

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 parking and associated manoeuvring and access 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 any of the dwellings hereby approved; 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>															
3.	<p>Secured cycle storage for fourteen bicycles in the position identified on the block plan hereby approved shall be installed and made available in accordance with the approved plan prior to the occupation of any of the dwellings hereby approved; such facilities shall thereafter be permanently retained for the purposes of secure cycle storage (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).</p> <p><i>Reason: To encourage sustainable transport modes.</i></p>															
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="352 1422 1334 1599"> <thead> <tr> <th data-bbox="352 1422 746 1469">Title</th> <th data-bbox="746 1422 1038 1469">Drawing Reference</th> <th data-bbox="1038 1422 1334 1469">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="352 1469 746 1503">Location plan</td> <td data-bbox="746 1469 1038 1503">N/A</td> <td data-bbox="1038 1469 1334 1503">28 January 2019</td> </tr> <tr> <td data-bbox="352 1503 746 1536">Proposed block plan</td> <td data-bbox="746 1503 1038 1536">MSB125 – 06</td> <td data-bbox="1038 1503 1334 1536">18 March 2019</td> </tr> <tr> <td data-bbox="352 1536 746 1570">Proposed ground floor layout</td> <td data-bbox="746 1536 1038 1570">MSB125 – 04</td> <td data-bbox="1038 1536 1334 1570">23 April 2019</td> </tr> <tr> <td data-bbox="352 1570 746 1599">Proposed first floor layout</td> <td data-bbox="746 1570 1038 1599">MSB125 – 07</td> <td data-bbox="1038 1570 1334 1599">24 April 2019</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	N/A	28 January 2019	Proposed block plan	MSB125 – 06	18 March 2019	Proposed ground floor layout	MSB125 – 04	23 April 2019	Proposed first floor layout	MSB125 – 07	24 April 2019
Title	Drawing Reference	Received date														
Location plan	N/A	28 January 2019														
Proposed block plan	MSB125 – 06	18 March 2019														
Proposed ground floor layout	MSB125 – 04	23 April 2019														
Proposed first floor layout	MSB125 – 07	24 April 2019														
5.	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p> <p><i>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</i></p>															



LOCATION PLAN  
SCALE 1:1250

This page is intentionally left blank

**APPLICATION REPORT – 19/00294/FULHH**

**Validation Date: 3 April 2019**

**Ward: Chisnall**

**Type of Application: Householder Application**

**Proposal: Dormer to side elevation**

**Location: 14 The Warings Heskin Chorley PR7 5NZ**

**Case Officer: Eleanor McCleary**

**Applicant: Mr Alan Whittaker**

**Agent: Mr Roger Latham**

**Consultation expiry: 29 April 2019**

**Decision due by: 29 May 2019**

---

**RECOMMENDATION**

1. It is recommended that planning permission is granted subject to conditions.
2. This application is required to be determined at Development Control Committee as the applicant is a Ward Councillor and member of the Development Control Committee.

**SITE DESCRIPTION**

3. The application property is a detached bungalow located within the Green Belt on The Warings, Heskin. It currently has a dormer window that serves a bathroom. There are properties of a similar style and size in the immediate vicinity.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for a dormer to the side elevation.

**REPRESENTATIONS**

5. No representations have been received.

**CONSULTATIONS**

6. **Heskin Parish Council** – No comments have been received.
7. **Chorley Council's Tree Officer** – Has recommended that all machinery and building materials are kept to the front of the property to avoid any damage to the group of protected trees at the rear. A suitable condition is recommended to ensure that the existing trees are protected during the construction of the proposed dormer.

## PLANNING CONSIDERATIONS

### Principle of the development in the Green Belt

8. *The National Planning Policy Framework (The Framework) states that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It also states that local authorities should regard the construction of new buildings as inappropriate in the Green Belt; exceptions include 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.*
9. *The Central Lancashire Rural Development SPD states that proposals for extensions to dwellings in the Green Belt which have an increase of over 50% of the volume of the original building that stood in 1948, will be considered inappropriate.*
10. *Policy HS5 of the Chorley Local Plan 2012-2026 states that permission will be granted for the extension of dwellings in the Green Belt provided that the proposed extension does not result in a disproportionate increase in the volume of the original dwelling. Increases of up to 50% (volume) are not considered disproportionate.*
11. *The volume increase which would occur as a result of the proposed development would be less than 50% of the volume of the original dwelling. As this is the case, it is not considered that the proposed development would result in a disproportionate addition over and above the size of the original building. The proposed development is, therefore, considered acceptable in principle.*

### Design and impact on the dwelling and street scene

12. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
13. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that proposed dormers shall be contained well within the body of the roof, by being well set back from the party/end walls, below the ridge of the roof and above the eave gutterline.*
14. *The proposed dormer would be positioned on the right hand side roof plane and would be visible in the street scene. It would be set down from the main roof ridge and set up from the eaves in order to appear subservient to the main roof and would be of a similar design to side dormers in the immediate street scene. Several properties on The Warings have large dormer extensions on the side elevation(s), some of which are flat roofed or pitched roofed, and some which are sloping roof dormers, like the proposed design. It is considered, therefore, that the proposed dormer would have an acceptable appearance in the street scene.*

### Impact on the amenity of neighbouring occupiers

15. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
16. *The Householder Design Guidance SPD seeks to ensure that property extensions have a satisfactory relationship with existing neighbouring buildings, do not have overbearing impacts on adjacent properties and amenity areas and do not lead to the excessive loss of daylight or overshadowing of habitable rooms and amenity spaces of adjacent properties. Furthermore, it asserts that extensions should be located, and windows orientated, to*



*prevent direct overlooking of habitable rooms or private amenity space that belongs to nearby properties.*

17. No representations have been received.
18. The proposed dormer would contain two bedroom windows, one of which would directly face an existing dormer at the neighbouring property, no. 12 The Warings. However, this window is obscurely glazed and it is understood that it serves a bathroom. Therefore, whilst the resultant relationship between the proposed dormer and neighbouring property would be slightly unusual, the proposed dormer would not result in any significant reduction in the level of residential amenity currently enjoyed by the occupiers of this dwelling.

#### Highway safety

19. *Policy HS5 of the adopted Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety.*
20. *The Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages*
21. The resultant dwelling would have 3no. bedrooms. There is parking for 2no. vehicles on the existing driveway and it is considered, therefore, that the proposed development would not result in an unacceptable adverse effect on highway safety.

#### **CIL**

22. This development is currently exempt from CIL under Reg.42 - Exemption for Minor Development.

#### **CONCLUSION**

23. The proposed development would not be inappropriate development in the Green Belt and would not have an adverse impact on the character and appearance of the existing property or the surrounding area. Nor would it cause any significant harm to the amenity of neighbouring residents or highway safety. It is, therefore, considered that the development accords with the National Planning Policy Framework, policy HS5 of the Chorley Local Plan 2012 – 2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application is approved.

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

#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 99/00750/TPO      **Decision:** PERTRE      **Decision Date:** 1 December 1999  
**Description:** Pruning of 3 trees covered by Tree Preservation Order No22 (Heskin) 1991,

**Ref:** 03/00641/FUL      **Decision:** PERFPP      **Decision Date:** 27 August 2003  
**Description:** Erection of pergola,

**Ref:** 06/00696/TPO      **Decision:** PERTRE      **Decision Date:** 18 August 2006  
**Description:** Proposed tree works to two oak trees. Tree Preservation Order 22 (Heskin) 1991.

**Ref:** 10/00412/TPO      **Decision:** WDN      **Decision Date:** 25 June 2010  
**Description:** Removal of three low branches on Beech tree covered by TPO 22 (Heskin)1991

**Ref:** 10/00537/TPO      **Decision:** PERTRE      **Decision Date:** 7 October 2010  
**Description:** Removal of three low branches on Beech tree covered by TPO 22 (Heskin)1991

**Ref:** 10/01037/TPO      **Decision:** PERTRE      **Decision Date:** 24 December 2010  
**Description:** Felling of diseased Beech Tree covered by Tree Preservation Order No 22 (Heskin) 1991

**Ref:** 11/01075/TPO      **Decision:** PERTCN      **Decision Date:** 7 June 2012  
**Description:** Works to 2no. oak trees covered by TPO 22 (Heskin) 1991 to the rear of the dwelling because of structural damage and subsidence. Specific works to include the removal of a lower limb (growing towards the house), crown reduction by 20% and removal of any deadwood within the canopy of tree (T1), and the removal of tree (T2) with a replacement tree to be planted in rear garden.

**Ref:** 18/00375/TPO      **Decision:** PERTRE      **Decision Date:** 11 June 2018  
**Description:** Works to protected trees: Chorley BC TPO No. 22 (Heskin) 1991: T1, T2 & T4 oaks - 15% crown reduction and prune back from property by up to 2.0 metres, T3 oak - 15% crown reduction and prune back from property by up to 3.0 metres.

Suggested conditions

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

Title	Plan Ref	Received On
Proposed Roof Plan and Combined Site Plan & Block Plan	Drawing No.5	29 March 2019
Proposed Side, Front and Rear Elevations	Drawing No.3	29 March 2019
Proposed First Floor Plan	Drawing No.2	29 March 2019
Location Plan	N/A	29 March 2019

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

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

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

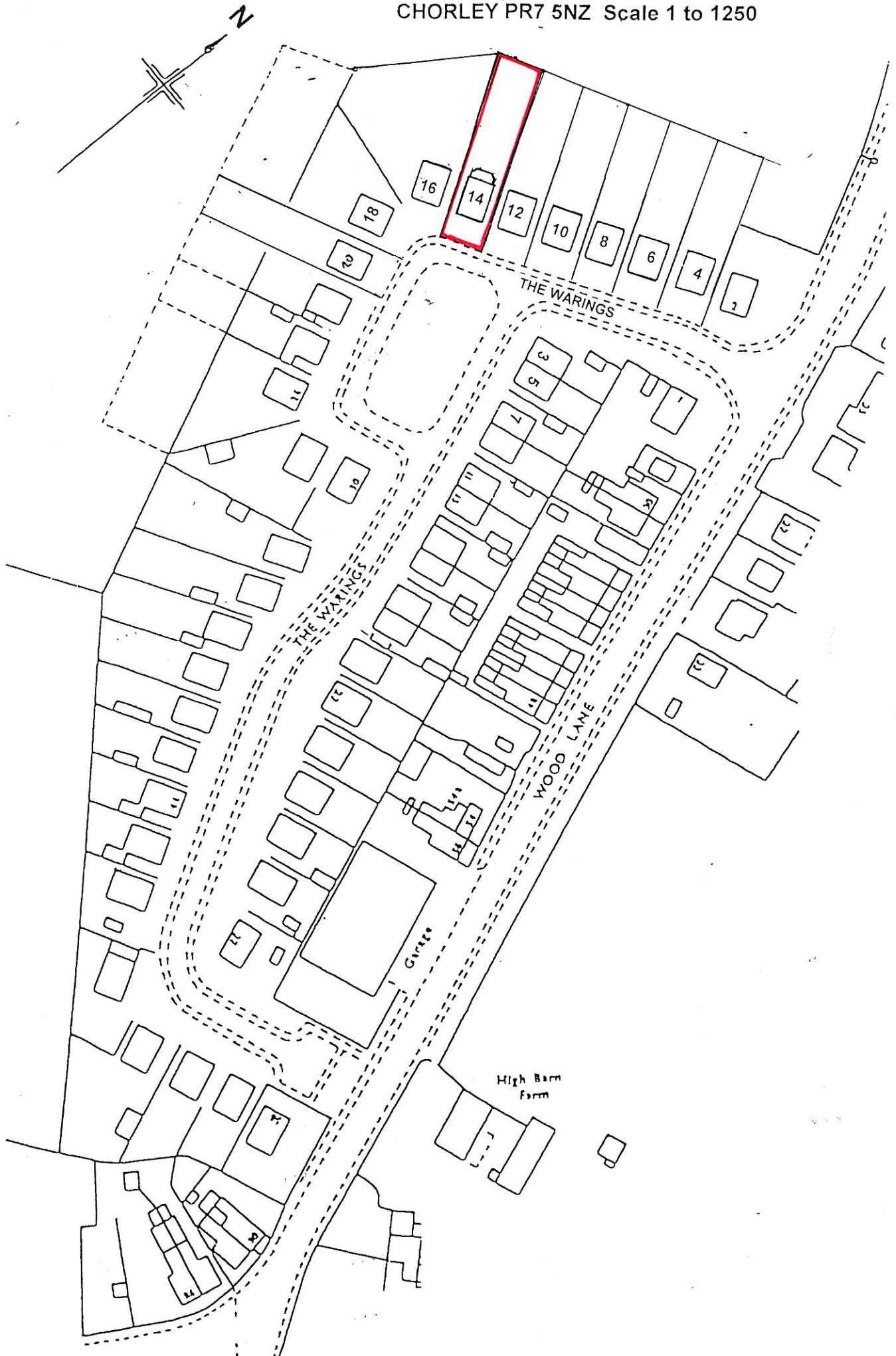
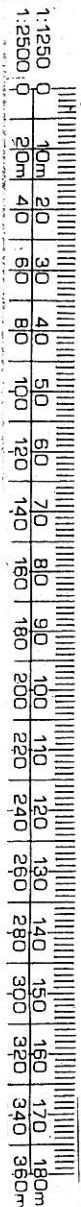
3. No building materials, machinery, movements and storage within the Root Protection Area of the Oak tree and Beech tree shall take place during construction of the dormer hereby approved. These trees are covered by Chorley BC TPO 22 (Heskin) 1991 therefore preventing damage to the trees or their roots.

*Reason: To safeguard the trees to be retained.*

4. 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.*

LOCATION PLAN FOR PROPOSED SIDE DORMER AT 14 THE WARINGS, HESKIN, CHORLEY PR7 5NZ Scale 1 to 1250



This page is intentionally left blank