
Chief Executive's Office

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Date: 23 February 2006

Chorley
Borough Council

Chief Executive:
Donna Hall

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - MONDAY, 6TH MARCH, 2006

You are invited to attend a meeting of the Development Control Committee is to be held in the Council Chamber, Town Hall, Chorley on Monday, 6th March, 2006 at 6.30 pm.

May I please remind all Members of the Council that the meeting will be preceded by a training session to be held in the Council Chamber by the Head of Development and Regeneration and the Building Control Manager on Building Control. The training is due to commence at 5.00pm and buffet refreshment will be available from 4.30pm. All Councillors are of course welcome to attend this training.

A G E N D A

1. **Apologies for absence**

2. **Declarations of Any Interests**

Members of the Committee are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

3. **Minutes (Pages 1 - 8)**

To confirm as a correct record the minutes of the Development Control Committee held on 14 February 2006 (enclosed).

4. **Planning Appeals and Decisions - Notification (Pages 9 - 10)**

Report of the Head of Development and Regeneration (enclosed).

5. **Planning Applications Awaiting Decision**

- (a) **A1: 05/00394/OUTMAJ - Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley (Pages 11 - 28)**

Continued....

- (b) A2: 05/00455/FULMAJ - Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley (Pages 29 - 42)
- (c) A3: 05/01159/COU - Thowd Stables, Hall Lane, Mawdesley, Lancashire (Pages 43 - 54)
- (d) A4: 05/01232/REMMAJ - Buckshaw Village Eastwest Link Distributor Road, Central Avenue, Buckshaw Village, Euxton (Pages 55 - 68)
- (e) B1: 06/00023/FUL - Land At Junction Of Salt Pit Lane And Bluestone Lane, Mawdesley (Pages 69 - 76)
- (f) B2: 06/00117/FUL - Bridge Farm, Coppull Moor Lane, Coppull (Pages 77 - 82)

6. **Planning Applications determined by delegated powers**

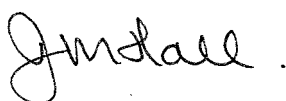
- (a) A report of the Head of Development and Regeneration on selected cases determined following consultation with the Chair and Vice-Chairman of the Committee (Pages 83 - 126)
- (b) A list of planning applications determined by the Chief Officer under delegated powers between 2 February 2006 and 20 February 2006 (Pages 127 - 138)

7. **Enforcement Report - Ash House Farm (Pages 139 - 144)**

Report of Head of Development and Regeneration (enclosed).

8. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

Encs

Distribution

1. Agenda and reports to all Members of the Development Control Committee, (Councillor A Lowe (Chair), Councillor R Parr (Vice-Chair) and Councillors K Ball, T Bedford, E Bell, A Birchall, T Brown, Brownlee, H Caunce, F Culshaw, M Davies, D Dickinson, D Edgerley, D Gee, T Gray, H Heaton, Miss I Iddon, R Lees, R Livesey, P Malpas, Miss J Molyneaux, G Morgan, G Russell, S Smith, Mrs J Snape, C Snow and A Whittaker) for attendance.
2. Agenda and reports to Jane Meek (Head of Development and Regeneration), Claire Hallwood (Deputy Director of Legal Services), Wendy Gudger (Development Control Manager) and Dianne Scambler (Trainee Democratic Services Officer) for attendance.

**This information can be made available to you in larger print
or on audio tape, or translated into your own language.
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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

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Development Control Committee**Tuesday, 14 February 2006**

Present: Councillor A Lowe (Chair), Councillor R Parr (Vice-Chair), Councillors T Bedford, E Bell, Brownlee, H Caunce, F Culshaw, D Dickinson, D Edgerley, D Gee, T Gray, H Heaton, P Malpas, Miss J Molyneaux, G Morgan, G Russell, S Smith, Mrs J Snape and A Whittaker

Officers: Claire Hallwood, Wendy Gudger, Julian Jackson and Dianne Scambler

Also in attendance: Councillors A Cullens and R Snape

06.DC.10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Birchall, Brown, Davies, Mrs Iddon, R Lees, Livesey and Snow.

06.DC.11 DECLARATIONS OF ANY INTERESTS

No declarations were declared.

06.DC.12 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 17 January 2006 to be confirmed as a true record and signed by the Chair.

06.DC.13 DRAFT PLANNING POLICY STATEMENT 3 - HOUSING

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on a draft of the new Planning Policy Statement 3 (PPS3) on Housing.

Draft PPS3 is intended to make planning more responsive to housing need and demand. The implication of the guidance is that to meet housing demand and improve affordability, more land than previously will need to be allocated for housing. This is too simplistic a view of how housing markets operate. The focus on sub-regional housing markets will in our case require continued joint working with Preston City and South Ribble Councils and emphasises the importance of on-going monitoring of housing land and markets.

RESOLVED – That the report be noted and the consultation responses within, be forwarded to the Office of the Deputy Prime Minister.

06.DC.14 CONSULTATION ON PLANNING POLICY STATEMENT 25: DEVELOPMENT AND FLOOD RISK

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on a draft new Planning Policy Statement 25 (PPS25) on Development and Flood Risk.

Draft PPS25 is welcomed as it provides greater detail and clarity on planning and flood risk. The risk-based approach and Sequential Test are useful in avoiding and reducing the likelihood of flooding.

The proposals to extend the Environment Agency's statutory consultee role and for the Flooding Direction should also be welcomed as they will ensure that proposals for development in areas of flood risk will be subject to greater scrutiny and that decision making is informed by expert advice.

A Strategic Flood Assessment also needs to be completed once the Practice Guide is published in order to inform the relevant Local Development Framework Documents before work on them commences.

RESOLVED – That the report be noted and that comments supporting the proposals within the draft PPS25 are forwarded to the Office of the Deputy Prime Minister.

06.DC.15 PLANNING GAIN SUPPLEMENT: CONSULTATION PAPER

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on proposals for a planning-gain supplement.

This would partly replace the Section 106 Agreements with a taxation approach.

Proposals to improve the planning obligation system are welcome. However, this consultation paper on a proposed Planning Gain Supplement and scaled-back planning obligations lacks detail and it remains to be seen whether these proposals will be beneficial for the Borough.

The proposed Planning Gain Supplement highlights important issues over the funding of essential infrastructure and services. It has the potential to help fund a range of improved services and facilities in the Borough, provided a significant proportion of revenues are made available for local spending priorities. However critically no detail is given as to the amount of PGS that would be recycled to the local level and there is a danger that a significant amount of revenues would be used to fund regional infrastructure, of little or no benefit to the Borough. The proposed scaling back of planning obligations raises serious issues regarding the funding of other vital infrastructure and there is no certainty that this will be funded by Planning Gain Supplement or other methods.

Planning Gain Supplement is primarily designed to help deliver infrastructure improvements in growth areas rather than areas such as Chorley where current regional policies promote housing development restraint. If the housing provision figures for the Borough in the forthcoming Regional Spatial Strategy remain low, this would limit the potential for investment through Planning Gain Supplement in the Borough. The consultation paper lacks clarity in many areas and without this it remains unclear how beneficial Planning Gain Supplement could actually be for the Borough and how much, if any, extra funding could be made available to the Borough Council for spending priorities.

It was proposed by the Chair (Councillor A Lowe), seconded, and subsequently **RESOLVED – That comments outlining the concerns highlighted in the report and as set out in Appendix 1 be submitted to the HM Treasury and that a copy of our response be forwarded to our MP asking for his support on this matter.**

06.DC.16 HIGH HEDGES REPORT

The Head of Development and Regeneration submitted a report for Members information relating to the review of fees for dealing with High Hedges complaints.

Members considered a report in July 2005 relating to High Hedges, following the powers granted to district councils to deal with complaints about high hedges.

At the meeting the Development Control Committee had resolved that the fee for this service would be set at £500, but would be reviewed in six months in the light of the number of complaints processed.

Since the introduction of the High Hedges legislation no complaints have been made to the Council requesting the investigation of High Hedge Complaints.

It was proposed by Councillor Brownlee, seconded by Councillor A Lowe (Chair) and subsequently **RESOLVED that the fee would be reviewed in a further six months.**

06.DC.17 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Head of Development Regeneration giving notification of the lodging of appeals against the refusal of planning permission of three developments, one appeal that had been dismissed, one appeal that had been allowed by the planning inspectorate and the lodging of one appeal against an enforcement notice.

06.DC.18 PLANNING APPLICATIONS AWAITING DECISION

RESOLVED – That the planning applications, as now submitted be determined in accordance with the Committee’s decisions as recorded below:

(a) A. 1 : 05/00392/FULMAJ/05/00393/FULMAJ - Land Between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley

Application No: 05/00392/FULMAJ
Proposal: Erection of two storey office unit with associated parking.
Application No: 05/00393/FULMAJ
Proposal: Erection of two single storey industrial units with associated service yards and car parking.
Location: Land between M61, Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley

Decision:

It was proposed by Councillor Edgerley, seconded by Councillor Heaton and subsequently **RESOLVED to grant full planning permission, subject to Section 106 Agreements and to fully investigate improvements being made to the highway at the junction of Blackburn Road with the A474.**

(b) A. 2 : 05/01167/REMMAJ - Land to the West of Central Avenue, Royal Ordnance Site including Land between Dawson Lane and Euxton Lane, Euxton

Application No: 05/01167/REMMAJ
Proposal: Erection of 29 no. dwellings consisting of 24 no. 3 storey flats and 5 no. houses together with associated parking.
Location: Land to the West of Central Avenue, Royal Ordnance Site, including Land between Dawson Lane and Euxton Lane, Euxton.

Decision:

It was proposed, seconded and subsequently RESOLVED to grant permission for the Approved Reserved Matters subject to the following conditions:

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters or unless otherwise first agreed to in writing by the Local Planning Authority.

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

2. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls 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.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

4. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

5. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall be carried out in accordance with the submitted application form and plans as subsequently amended by plans received on 2 February 2006.

Reason: To define the permission and in the interests of the proper development of the site in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. The development hereby permitted shall not commence until full details of the height, width, depth and external appearance of the proposed cycle/motorcycle store have been submitted to and approved in writing by the Local Planning Authority. These details shall include colour, form and texture of all external materials and the development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policies GN5 and HS4 of the Adopted Chorley borough Local Plan Review.

(c) B. 1 : 05/00472/FUL - 299-305 Eaves Lane, Chorley

Application No:05/00472/FUL

Proposal: Alterations of first floor premises to provide 6 new flats, erection of ground floor rear extension with first floor balconies, formation of railings to rear and creation of 3 residents parking spaces.

Location: 299 – 305 Eaves Lane, Chorley, Lancashire PR6 0DR

Decision:

It was proposed by Councillor Edgerley and seconded by the (Chair) Councillor A Lowe to refuse planning permission due to the inadequate car parking facilities in the immediate area.

An amendment to the motion was proposed by Councillor Heaton, seconded by Councillor S Smith and subsequently **RESOLVED (10:6) that planning permission be granted, subject to a Section 106 Agreement.**

(d) B. 2 : 05/01152/FUL - Wheelton Boat Yard, Kenyon Lane, Heapey

Application No: 05/01152/FUL
Proposal: Change of use to car-parking and storage of between 2-4 boats.
Location: Wheelton Boat Yard, Kenyon Lane, Heapey
Decision:

It was proposed by Councillor S Smith and seconded by Councillor Bell to defer the decision to allow for a site visit by the Site Inspection Sub-Committee.

An amendment to the motion was proposed by the (Chair), Councillor A Lowe, seconded by Councillor David Dickinson and subsequently **RESOLVED (16:2) to grant the planning application subject to the following 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 91 of the Town and Country Planning Act 1990.

2. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park, boat storage area and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

3. Before the commencement of the development details of a scheme of boundary treatment for the south-eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented within 6 months of the date of the approval. Reason: In the interest of the visual amenities of the area, in accordance with Policy EM5 of the Adopted Chorley Local Plan Review and PPG2: Green Belts.

(e) B. 3 : 05/01168/FUL - Little Acorns Nursery, 34, Sheep Hill Lane, Clayton-Le-Wood's

Application No: 05/01168/FUL
Proposal: Erection of single storey extensions to front and rear and single storey porch to side.
Location: Little acorns Nursery, 34 Sheep Hill Lane, Clayton-Le-Woods
Decision:

It was proposed by Councillor Edgerley, seconded by Councillor S Smith to refuse planning permission as the proposed development would be detrimental to the amenities which the occupiers of neighbouring property could reasonably expect to enjoy by reason of noise and disturbance from the nursery.

An amendment to the motion was proposed by Councillor Heaton, seconded by Councillor David Dickinson that the planning permission be granted. On being put to the vote, the amendment was lost (6:9).

The original motion was then put to the vote and it was subsequently **RESOLVED (9:4) that planning permission be refused for the following reasons:**

1. The proposed development would result in increased noise and disturbance within a residential area and this would be to the detriment of residential amenities which would be contrary to policy EP20 of the Adopted Chorley Borough Local Plan Review.

06.DC.19 PLANNING APPLICATIONS DETERMINED BY DELEGATED POWERS

(a) A report of the Head of Development and Regeneration on selected cases determined following consultation with the Chair and Vice-Chairman of the Committee

The Committee received for information, reports by the Head of Development and Regeneration on the following Category 'B' developments proposals which had, or were intended to be, determined by the Chief Officer under the adopted scheme of delegations, following consultation with the Chair and Vice Chairman of the Committee.

Application No: 05/01202/FUL
Proposal: Formation of riding arena (40m X 20m)
Location: Land Adjacent Cross Keys Drive, Whittle-Le-Woods
Decision: Planning Permission Granted

Application No: 06/00004/FUL
Proposal: Retrospective application for the erection of replacement floodlights.
Location: Conservative Club Bowling Green, The Green, Eccleston
Decision: Planning Permission Granted.

Application No: 06/00014/TPO
Proposal: Removal of 4 trees, crown lifting of 2 trees and pruning of 2 trees covered by TPO 6 (Euxton) 1980
Location: Footpath Adjacent 89 Runshaw Lane, Euxton
Decision: Consent to Tree Works.

Application No: 06/00015/FUL
Proposal: Construction of 2 No of stables and formation of a wildlife pond.
Location: Brown House Farm, Copthurst Lane, Whittle-Le-Woods
Decision: Planning Permission Granted

RESOLVED – That the reports be noted.

(b) A list of planning applications determined by the Chief Officer under delegated powers between 5 January 2006 - 1 February 2006

The Head of Development and Regeneration presented, for Members information, a schedule listing the remainder of the planning applications that had been determined by the Chief Officer under delegated powers between 5 January 2006 and 1 February 2006.

RESOLVED – That the schedule be noted.

06.DC.20 ENFORCEMENT REPORT - PRESCOTT HOUSE, EUXTON

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action for the removal of vehicles at Prescott House, Runshaw Lane, Euxton.

RESOLVED – That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control:

1. Without planning permission the change of use from residential to a mixed use of residential and parking/storage of motor vehicles.

Requirements of the Enforcement Notice:

Cease the use of the land for the parking/storage of motor vehicles and remove all motor vehicles being parked/stored on the land, other than those being parked/stored incidental to the enjoyment of the dwelling house.

Period for compliance

6 months

Reasons

The land is within the Green Belt as defined by the Adopted Chorley Borough Local Review. The development is not appropriate use within the Green Belt and is contrary to Policy DC1 of the Local Plan and Planning Policy Guidance Note 2 Green Belts, being inappropriate development and harmful to the character and appearance of the Green Belt. There are no special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.

Chair

Report of	Meeting	Date
Head of Development and Regeneration	Development Control Committee	06.03.2006

PLANNING APPEALS AND DECISIONS - NOTIFICATION

PURPOSE OF REPORT

1. To advise Committee of notification received from the Planning Inspectorate, since the date of the last meeting, of planning and enforcement appeals which may have been lodged or determined. Also of notification of decisions received from Lancashire County Council and other bodies.

CORPORATE PRIORITIES

2. This report does not affect the corporate priorities

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

PLANNING APPEALS DISMISSED

4. Appeal by Mr Hulston & Miss Egan against the refusal of planning permission for the erection of conservatory to rear at The Oaks, 225 Moor Road, Croston (Application No. 05/00182/FUL).
5. Appeal by Mr D Winstanley against the refusal of planning permission for retrospective first floor extension at 55 The Asshawes, Heath Charnock (Application No. 05/00358/FUL).
6. Appeal by Mr M B Jennings against the refusal of planning permission for the erection of detached single garage to side at 9 Thistle Close, Chorley (Application No. 05/00592).
7. Appeal by Mr P Tonks against the refusal of planning permission for the erection of first floor side extension and porch to front at 79 Maypark, Clayton-le-Woods (Application No. 05/00638/FUL).
8. Appeal by Mr D Comber against the refusal of permission for the felling of tree covered by TPO 5 (Clayton Le Woods) 1989 at 1 The Clough, Clayton-Le-Woods (Application No. 05/00115/TPO)

PLANNING APPEALS ALLOWED

9. Appeal by Mr D Winstanley against the refusal of planning permission for a retrospective application for first floor rear extension, utilising flat roof (amendment to scheme previously refused) at 55 The Asshawes, Heath Charnock (Application No. 05/00679/FUL).

ENFORCEMENT APPEALS DISMISSED

- 10 Appeal by Mr D Winstanley against an enforcement notice issued against the alleged breach of planning control for the erection of a first floor rear extension at 55 The Asshawes, Heath Charnock (Reference. EN594),

The notice is varied to permit implementation of the proposed amendment in planning appeal ref. 05/00679/FUL and the period of compliance is extended. Subject to these amendments the appeal is dismissed and the enforcement notice upheld.

- 11 Appeal by Mr J Banks against an enforcement notice issued against the deposit of hardcore to form a hardstanding at South Miry Fold Farm, Briers Brow, Wheelton (Reference EN593).
- 12 Appeal by Mr B Barnes against an enforcement notice issued against the erection of a wall at Cam Lane Cottage, Cam Lane, Clayton-Le-Woods (Reference EN595).
- 13 Appeal by Mr B Barnes against an enforcement notice issued against the erection of a stable block at Cam Lane Cottage, Cam Lane, Clayton-Le-Woods (Reference EN596).

RECOMMENDATION(S)

- 14 That the report be noted

J E MEEK
HEAD OF DEVELOPMENT AND REGENERATION

Background Papers			
Document	Date	File	Place of Inspection
4 Letter from Inspectorate	10.02.2006	05/00182/FUL	Union Street Offices
5 “	13.02.2006	05/00358/FUL	“
6 “	13.02.2006	05/00592/FUL	“
7 “	13.02.2006	05/00638/FUL	“
8 Letter from GONW	22.02.2006	05/00115/TPO	“
9 Letter from Inspectorate	13.02.2006	05/00679/FUL	“
10 “	13.02.2006	EN594	“
11 “	21.02.2006	EN593	“
12 “	02.02.2006	EN595	“
13 “	02.02.2006	EN596	“

Report Author	Ext	Date	Doc ID
Louise Taylor	5346	23/02/2006	ADMINREP/REPORT

Item A. 1 **05/00394/OUTMAJ Outline App Permitted subject to SEC 106**

Case Officer **Mr Simon Pemberton**

Ward **Chorley North East**

Proposal **Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes,**

Location **Land Between M61 Motorway And Leeds And Liverpool Millennium Way Chorley Lancashire**

Applicant **Bluemantle**

Site: The site comprises part of the land between the M61 Motorway and the Leeds and Liverpool Canal to the north of Botany Bay Mill. The northern boundary is the A674 (Millennium Way) from which access is gained from the existing roundabout. The site extends to some 5 hectares in total.

Background: Members will recall two applications that were considered at Development Control Committee on the 14th February 2006 for:

Ref: **05/00392/FULMAJ**

Proposal: Erection of two storey office unit with associated car parking.

Ref: **05/00393/FULMAJ**

Proposal: Erection of 2 single storey industrial units with associated service yards and car parking.

These applications were resolved to be approved subject to the conditions and a legal agreement to secure a contribution to improve accessibility of the site and that the end users enter into a Travel Plan.

Additional information (relating to sequential testing, accessibility, sustainability and needs assessment) has now been submitted to the Local Planning Authority that allows for the consideration of the two remaining applications. These applications are for:

Ref: **05/00394/OUTMAJ**

Proposal: A mixed-use development of mainly B1 (Offices & Light Industry), B2 (General Industry) and B8 (Warehousing & Distribution) use classes with site entrance allocated for C1 (Hotels) & A4 (Pubs & Bars) use classes (details of means of access only).

Ref: **05/00455/FULMAJ**

Proposal: The construction of a 100 bed hotel (C1) and public house/restaurant (A3/A4)

This report addresses the first of those applications, reference 05/00394/OUTMAJ, with a separate report elsewhere on this agenda dealing with the detailed application.

The outline application (05/00394/OUTMAJ) covers most of the site allocated at EM1.9 (some 5.85 hectares allocated in total). The outline application only includes details of access (effectively by the existing access road). Whilst originally a set of illustrative material had been included (plans and elevations of some of the buildings) this has subsequently been withdrawn and no indicative siting is shown. In addition a Transport Assessment (and Travel Plan), an Ecological Assessment and a Design Statement have also been submitted.

A transport assessment accompanies the applications, as does a sequential approach for the development of the site for the offices, public house and hotel outside the town centre. An ecological assessment of the site has also been submitted. Finally, a design statement has been submitted to support the rationale behind the form of the building and design principles.

As members are aware, from the report presented on the 14th February, this application was originally submitted in April 2005, but was delayed due to issues with the Highways Agency and Certificates.

Planning History: In addition to the recent applications referred to above, there has been a previous outline planning permission for the redevelopment of the site, under reference 97/00247/OUT. This decision gave permission for a business and leisure development, including offices, research and development, light industry, general industry, distribution and warehousing, pubs and restaurants, hotel and leisure. However, no reserved matters were ever submitted. The permission has never been implemented and it has now lapsed as the period of time for submission of reserved matter has now expired.

A series of temporary planning permissions has been granted for the access road into the site serving the existing Mill, references 00/00237/FUL, 01/00173/FUL, 02/00312/FULMAJ, 03/00076/FULMAJ, 04/00116/FULMAJ, and 05/00207/FULMAJ. A further current application has been submitted to extend the consent for a further year, reference 06/00045/FULMAJ.

Proposals: The proposed development is accessed from the A674 roundabout that has already been constructed and adopted by the Local Highways Authority. A section of the road has already been constructed. It is proposed to remove the part that has temporary permission and construct a new road that serves all the proposed development and the existing Mill beyond.

Application 05/00394/OUTMAJ is submitted in outline with all matters reserved except access (no details of siting, design, external appearance or landscaping to be agreed although some illustrative material has been submitted) and proposes a mixed-use development of mainly B1 (Offices & Light Industry), B2 (General Industry) and B8 (Warehousing & Distribution) but also includes a Hotel (C1) and pub/restaurant (A4).

Development Plan: The site is allocated in the Chorley Borough Local Plan Review 2003 for employment purposes by policy EM1, which states:

“The following sites are allocated for business, general industrial or storage and distribution (Use Classes B1, B2 or B8 respectively).

Sites EM1.3, EM1.12, EM1.16 and EM1.18 are also allocated for financial and professional services (Use Classes A2). Site EM1.9 is also suitable for a hotel, pubs, restaurants, and leisure uses.

<u>Ref</u>	<u>Location</u>	<u>Hectares</u>	<u>Use</u>
<u>Classes</u>			
4.	Botany/Great Knowley	14.1	B1, B2
9.	M61/Botany, Chorley	5.85	B1, B2,
B8, C1"			

The County Council have issued a Statement of Non-Conformity in relation to Policy EM1 in that there is an identified oversupply of employment land. The policy is therefore contrary to Policy 14 'Business and Industrial land Provision' of the Joint Lancashire Structure Plan (2005). In addition the policy does not quantify the amount of land allocated for Offices. As such the policy is also contrary to Policy 17 'Office Development' of the Joint Lancashire Structure Plan (2005). Policy EM1 therefore has no weight as part of the Development Plan.

Furthermore, in relation to the specific allocation at EM1.9 they have stated that this is not in conformity with Policy 16 'Retail, Entertainment and Leisure Development' of the Joint Lancashire Structure Plan (2005) in that retail, entertainment and leisure development should be located in town centres. They advise that a sequential approach should be adopted to site selection. Furthermore, Policy 18 'Major Hotel Development' states that exceptionally major new hotels can be located elsewhere where a need can be demonstrated and the site is accessible by public transport. In demonstrating need Lancashire County Council have advised that it is necessary to indicate that the need cannot be met in sequentially preferable locations.

In addition to the above, the following other policies in the Development Plan are relevant to the proposals:

Regional Spatial Strategy for the North West (RPG13):

DP1	Economy in the use of land and buildings
DP3	Quality in New Development
DP4	Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion
EC2	Manufacturing Industry
EC7	Warehousing and Distribution
EC8	Town Centres – Retail, Leisure and Office Development
ER5	Biodiversity and Nature Conservation

Joint Lancashire Structure Plan (2005):

Policy 1	General Policy
Policy 2	Main Development Locations
Policy 7	Parking
Policy 21	Lancashire's Natural and Manmade Heritage

Chorley Borough Local Plan Review 2003:

GN5	Building Design and Retaining Existing Landscape Features and Natural Habitats
GN9	Transport Accessibility

EP9	Trees and Woodland
EM2	Development Criteria for Industrial / Business Development
TR1	Major Development – Tests for Accessibility and Sustainability
TR4	Highway Development Control Criteria
LT9	The Leeds Liverpool Canal
LT10	Public Rights of Way

Policies TR8, TR18, LT1 of the Chorley Borough Local Plan Review 2003 have been superseded by policies in the Joint Lancashire Structure Plan (2005).

Consultation:

The following comments have been received:

United Utilities – Have no objections subject to suitable controls being placed on surface water drainage, and that it may require a pumped connection to the public sewer.

English Nature – That a survey for the presence of water voles be carried out before permission is granted as they are protected under Schedule 5 of the Wildlife and Countryside Act 1981.

Head of Environmental Services – No comments to the original application however, a desktop study has been requested in response to the amended plans and any identified remediation works undertaken.

Lancashire Wildlife Trust – That further survey work is undertaken in respect of water voles, and that they object to the culverting of any watercourse.

LCC Ecology – Objected to the original application due to inadequacies in the submitted survey and ecological assessment. In response to the revised submission

LCC Planning – They have previously raised objections to the hotel and the public house but have raised no strategic planning issues in relation to the office and industrial development.

In response to the amended plans and supporting information they raise continued concerns regarding the public house. On balance they consider that the need for the development has been established. They consider that the proposed development would be unlikely to significantly impact upon existing centres, although there may be some cumulative impacts if other similar developments were to come forward. They advise that it is important to consider whether there are any sequentially preferable sites closer to the town centre that could accommodate the proposed development.

They raise concerns regarding the accessibility of the site, but have accepted that a financial contribution towards improved public transport will go some way to improve this situation.

Environment Agency – The Agency originally objected to the applications on the basis of the additional culverting to the detriment of the aquatic environment and flood storage capacity. However, they have raised no objection to the amended submission as it offers suitable mitigation and the removal of the

existing culverted ditch. They do however recommend the imposition of conditions to secure the appropriate mitigation.

British Waterways – Raise no objection to the principle of the proposed development although they wish to consider the detailed construction techniques of certain elements in due course. They request that no surface water is discharged into the canal. In response to the amended plans and supporting information they raise no objections.

LCC Highways – No comments received at the time of drafting the report.

Highways Agency – Originally issued a Direction preventing the determination of the application and requested detailed additional information to supplement the original transport assessment. This information has now been forthcoming and by letter dated 12 December 2005 they have raise no objection to the proposed development.

Ramblers Association – Question what provision has been made for the retention of the footpath that crosses the site (Chorley 26). They wish to secure adequate screening etc and ensure that it is not part of a vehicular access. They confirm that provided provision is made for its retention that they would have no objections to the proposed development

Neighbours:

The following comments have been received from nearby residents:

104 Blackburn Road – The proposal would have a detrimental impact on the area in terms of traffic congestion and associated environmental nuisance. They consider it will impact upon highway safety, result in increased pollution and represents an inappropriate use of the land and an unnecessary encroachment into the countryside.

94 Blackburn Road – The proposed development is totally unacceptable in terms of scale, appearance and design of the proposal bearing in mind its semi-rural context; the noise and disturbance arising from the activity; light pollution; additional traffic on Blackburn Road causing further congestion and highway safety problems; they would wish to see significant areas of landscaping if permission was granted.

118 Blackburn Road – Concerns regarding the scale of the development and the access arrangements with additional traffic at the motorway junction and other roads in the vicinity.

179 Town Lane – The proposal is totally out of character with the surrounding countryside, impacts significantly on the ecology of the site, and will exacerbate exiting highways problems. They consider that the protection of the rural character is more important than constructing an industrial estate.

102a Blackburn Road – objects on the appropriateness of the proposed uses given that there is already a hotel and two pubs in the vicinity as well as the ongoing development at Buckshaw Village. That the proposal would exacerbate existing traffic problems, significantly affecting Blackburn Road, which is used by

traffic to avoid the A6.

A further local resident, of unknown address, has written expressing concern regarding the impact of traffic generated by the proposed development, particularly at the junction of the A674 and Blackburn Road (B6228) and that a contribution be sought for its improvement, that a Travel Plan be prepared and that local pedestrian and cycle facilities be improved.

Coppiceside, Chapel Lane, Heapey – Object to the proposed development as reported in the Chorley Guardian on 15 February 2006. The lack of the need for the development bearing in mind empty offices elsewhere and the presence of 3 other pubs and two hotels in the vicinity. That it would be out of character with the surrounding countryside and will increase traffic congestion.

Applicants Case: In addition to the other supporting information submitted with the application, the applicant has written in support of the application drawing to the attention of the council a number of points. They advise that:

“These two applications both form part of the bigger picture that we have carefully planned for the Chorley Expressway site. The balance and variety of uses on a site such as this are extremely important and you will appreciate that from our perspective it is critical that the two remaining applications are approved if this site is to be brought forward for development.

It is unusual for a site of this quality, in terms of location, prominence and accessibility, to have remained undeveloped until now. I believe that there is a very good reason for this, namely that the site is extremely expensive to service. Gas and electricity will have to be brought on to the site from a considerable distance away (gas from Wheelton and electricity from Botany Brow). A rising main foul sewer will also need to be laid to Botany Brow together with an on site pumping station. The new surface water drainage system for the site will also require significant on site attenuation. As you are aware there is also now a requirement for a £100,000 contribution towards public transport.

The higher value uses that we have incorporated in the master plan (the hotel and public house) will provide a dual benefit for the scheme. Firstly they will enable us to justify the very significant investment that is required in order to service the remainder of the site; secondly they will provide excellent on site amenities for new business occupiers – a very significant factor in attracting inward investment to this location.”

Issues: The following general issues have been identified through the consideration of the application as being the most pertinent issues to the proposed development:

- Proposed Employment Uses
- Proposed Hotel and Pub Uses
- Design
- Ecology
- Landscape
- Highways

These are considered in detail below.

Proposed Employment Uses

Although the site the subject of this application is allocated for B1, B2, B8, and C1 uses including potential for a hotel and public house in the Local Plan. This has only limited weight due to the Statement of Non-Conformity issued by the County Council.

However, from the recorded take up of business and industrial land the proposed development would not, at this time, appear to result in the over supply of such land. As a consequence the proposed development does not conflict with the strategic objectives of Policy 14 of the Joint Lancashire Structure Plan (2005). LCC Planning have raised no strategic objection to this element of the proposed development.

One of the other reasons that LCC issued the Statement of Non-Conformity for Policy EM1, was that in accordance with Policy 17 of the Joint Lancashire Structure Plan (2005) states that office uses should be located within main town centres or at transport hubs/corridors. It is not considered that the proposed office development is at such a location.

The applicant has prepared a sequential assessment of the sites available within more accessible locations elsewhere within the Borough. The sequential approach identifies that within the central core of the town centre, no existing sites of the scale required have been identified while site clearance/assembly appears difficult given the many adjacent terraced streets and large public buildings.

This was accepted by members at the meeting on the 14th February when permission was resolved to be granted for industrial and office development on parts of the site.

Proposed Hotel and Public House Uses

In relation to the proposed hotel and public house ,whilst these are referred to in the allocation in the Chorley Borough Local Plan Review 2003 they have no weight due to the issue of the Statement of Non-Conformity issued by the County Council.

Both the Joint Lancashire Structure Plan (2005) and Planning Policy Statement 6: 'Planning for Town Centre' makes it clear that these uses should be located as a matter of preference in the Town Centre. They advise that a sequential approach should be adopted to site selection in that the nearest available site should be chosen for the proposed development.

The applicant has prepared a detailed assessment of the proposed development. This has considered both the need for the proposed development and its location. PPS6 at paragraph 3.15 requires developers and operators to be able to demonstrate that in seeking to find a site in or on the edge of existing centres, they have been flexible about their proposed business model in terms of:

- The scale of their development;
- The format of their development;
- Car parking provision; and

- The scope for disaggregation.

In this respect the applicants have advised that the site with a hotel. The pub restaurant proposal, therefore, represents one element of a joint scheme and with both being designed to compliment identification criteria for their clients can be summarised as follows:

1. Any site must be physically able to accommodate the proposed pub/restaurant unit and/or a hotel with associated facilities – ‘the operational criterion’.
2. Any site has to be accessible to any identified catchment – ‘the accessibility criterion’.
3. Any site must be in an appropriate and ‘primary’ location – ‘the locational criteria’.
4. Due account has to be taken of land values/potential rentals and other commercial considerations – ‘the viability criterion’.
5. Access to a local work force – ‘the workforce criterion’.

They identify the following site specific issues in relation to the proposed pub/restaurant and the hotel developments:

1. The pub/restaurant is to be developed in conjunction each other in operational terms. For instance, the hotel is not intended to provide anything other than a very limited food and drink offer and with this involving serving breakfast as well as snacks for late arrivals. The hotel would, therefore, be primarily ‘serviced’ by the pub restaurant and this has formed the basis of the ‘joint venture/development’. In locational and operational terms, therefore, there is an evident synergy between the hotel and pub restaurant units.
2. The public house is also intended to ‘service’ the requirements of local land uses and in particular the proposed business park and related developments at Chorley Expressway. This, therefore, is a clear locational requirement.
3. In addition to the above, it is anticipated that a significant proportion of anticipated business will come from passing traffic. In this respect, the subject site was selected because of the significant traffic levels passing close to it and particularly via the adjacent M61 motorway. The physical location of the site, therefore, close to the motorway, together with its high visibility and ease of access, are significant factors in identifying the subject site for the development.

The supporting statement first considered allocations identified in the Local Plan including the following sites:

- Site SP2.1 – High Street/Cleveland Street/Union Street including the Bus Station Site/New Market Street and the Flat Iron
- Site SP2.2 – Bolton Street/Pall Mall (Leisure Allocation LT2.1)
- Site SP2.3 – Corner of Gillibrand Street and Market Street
- Site SP2.5 – 5/9 Gillibrand Street
- Site SP2.6 – Clifford Street/Portland Street (Leisure Allocation LT2.2)
- Site SP2.7 – George Street/Lyons Lane (LT2.3)

However, the report concludes that the allocations within the relatively local plan, do not provide sequentially preferable opportunities which are available, suitable or viable for the proposed development. This is broadly accepted.

Notwithstanding the above, the search was 'extended' in an attempt to identify other sites that could be suitable for the proposed development (as well as being available and viable) and with these being in sequentially preferable locations. On this basis, 15 sites were identified by the applicant.

However, the report concludes that these other sites also did not provide sequentially preferable opportunities that are available, suitable or viable for the proposed development. This is also broadly accepted. However, this is partly because the locational criteria used by the applicants to select sites favour out of centre locations. Whilst disaggregation has been accepted as possible, the opportunities to fully explore this have not been taken and many of the sites have been discounted on issues relating to the inability to accommodate both developments. It is clear that most of these sites would struggle to accommodate the hotel of the scale proposed. The sites identified could accommodate a public house but have been discounted for other reasons. On balance it is considered that whilst the other sites are sequentially preferable they lack availability, ability to accommodate all the proposed development, suitability or viability.

In relation to need for the proposed development, the applicant has appraised existing provision. They have identified 42 accommodation establishments in the borough including 18 hotels. There are 6 hotels with more than 40 rooms three of which account for 40% of the room stock (Park Hall – 148 Rooms, Shaw Hill Hotel – 100 rooms, and Premier Travel Inn – 81 Rooms). They identify that the Council's tourism strategy identifies a need for additional hotel accommodation and that based on assessment of potential demand there is a need for the proposed hotel, particularly catering for business tourism. In relation to the proposed public house, they have identified a quantitative need for additional restaurants/public houses in the borough both in terms of growth and leakage to other centres.

The recently completed Chorley Town Centre – Retail and Leisure Study completed by White Young Green on behalf of the Council concluded that it is very difficult to predict future need for pubs and restaurants, it is anticipated that there is significant new demand for new development. It also concluded that there was a need for further hotel developments although it clearly suggested that a town centre location was preferable.

In summary it is concluded that there is a need for the proposed development, and that the applicants have demonstrated that there are no available sites in sequentially preferable locations which could accommodate the development proposed.

Design

This application has been submitted in outline only with all matters reserved. None of the siting or design of buildings is being included with the application. The individual position of the

proposed buildings are not therefore fixed. The issues of detailed design that relate to the proposed detailed application considered elsewhere on this agenda are not therefore as relevant.

Therefore detailed design is a matter that will be considered in due course. A design statement has been submitted and it is anticipated that future applications will have to respect the context of the site to a greater degree (i.e. Botany Bay, the canal, and the semi-rural location).

However, as elements of detailed design have previously been resolved to be approved on the site, the broad principles have already been established.

Highways

The applications have all been the subject of Article 14 Directions issued by the Highways Agency that has prevented the Local Planning Authority from determining the applications. This was in place for approximately 8 months. It was issued due to concerns they have on the impact of the proposed development on the motorway network.

The applicants Highways Consultants have been in detailed consultations with the Highways Agency and their agents in attempts to resolve the matter. As a result they have revised the Transport Assessment that was submitted with the application. The Highways Agency no longer objects to the proposed development and has lifted the direction no to determine the applications. No specific conditions or requirements have been suggested by the Highways Agency.

At the time of writing the report no comments have been received from LCC Highways. However, it is known that there will be a request for a contribution of £100,000 from the development as a whole towards improving accessibility of the area. The applicant has agreed to this contribution but has requested that this be phased across the various parts of the development. This is inevitable in any respect. This contribution will need to be the subject of a S106 agreement.

There remains some detailed concerns outstanding at the time of writing this report, however it is envisaged that these are technical details that can be addressed broadly within the proposed highway alignment. Amended plans and additional information have been requested from the applicant and it is envisaged that this will be received prior to the date of Committee.

The existing alignment of the public footpath has been incorporated into the development without the need for a diversion.

Ecology

The layout plans have been amended from the original submission to allow for the retention of the ditch that crosses the site and removes the additional length of culverting. The associated hedge is shown for retention. The trees to the north east of the application site are excluded from the allocation and the proposed development. These are shown for retention although they are outside the applicants control.

The County Ecologist advises that works during the bird breeding season (March to July inclusive) should be avoided where there may be an impact on nesting birds. Although the Ecological Survey did not find any evidence of the presence of water vole but concluded water vole are highly likely to be present within the Leeds and Liverpool Canal. Paragraph 5.1.9 recommends that, if the construction start date extends into April, a pre-construction survey for water vole should be carried out. If water voles are found to be present at that time (or at any time during construction), then the applicant should submit a method statement detailing how impacts on water voles and their habitat will be avoided. This should be the subject of a planning condition.

Although the ditch is to be reinstated at the eastern end, culverting of the central section of the ditch to create an access road. The County Ecologist advises that the invert of the culvert should be below the bed-level of the ditch and the culvert should be a square culvert pipe of a maximum size such that the ditch is not narrowed through the culvert. It is also recommended that further opportunity be made to enhance the areas of grassland to be planted and the potential wildlife habitat along the ditch and that a buffer distance of 8m be established. This could be the subject of planning conditions.

The Environment Agency consider that the revised proposals for the site offer suitable mitigation for the section of ditch habitat lost to the proposed culvert. They no longer object to the proposed development provided conditions are imposed to ensure that the existing culvert be removed and the landscape and habitat improvements to the ditch and surrounding area be implemented. In this respect the suggested mitigation measures and habitat creation measures (section 5 of the Ecological Survey and Assessment report) should also be the subject of a planning condition.

Contaminated Land and Pollution

There is no substantive evidence to suggest that the site is contaminated, however, it is recommended that a condition be imposed to require a desktop study of the potential for contamination. This can be the subject of a condition. If any contamination is found, the condition would require a remediation scheme to be approved by the Local Planning Authority and then implemented.

Conclusions:

For the reasons discussed above, it is considered that the revised application for outline planning permission for a mixed use development incorporating industrial, offices, a hotel and public house are acceptable and are recommended for approval subject to the following conditions and subject to a legal agreement to secure a contribution to improve accessibility of the site and that the end users enter into a Travel Plan. In addition the detailed technical issues relating to the access road need to be overcome and that the resolution of these issues should be delegated to officers.

**Recommendation: Outline App Permitted subject to SEC 106
Conditions**

1. (a) Before any development is commenced details of all 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design, external appearance of the building(s), and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.
- (b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.
- (c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (1) of the (b) & (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

Plan Ref:	Received On:	Title:
****	****	****

Reason: To define the permission and ensure a satisfactory form of development.

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) together with details of all windows and doors 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 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, and EM2 of the adopted Chorley Borough Local Plan Review.

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, and EM2 of the adopted Chorley Borough Local Plan Review

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

6. Prior to the commencement of any development hereby permitted, full details of existing and proposed ground levels and proposed building slab 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.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of development plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling, shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision as is agreed shall be implemented concurrently with the development and thereafter retained. No part of the development shall be occupied until the agreed provision is completed and made available for use.

Reason: In order that the Council may be satisfied with the details of the proposal.

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

Reason: To safeguard the amenities of the area and to minimise the possibility of light pollution that would adversely affect the character of the area in accordance with policies GN5, LT9, EP10 and EM2 of the Chorley Borough Local Plan Review 2003.

9. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

10. Plans and particulars showing the provision for the parking or garaging of cars and associated manoeuvring areas in accordance with the Local Planning Authority's current standards, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the building to which it is related and thereafter retained.

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

11. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with details first agreed in writing with the Local Planning Authority, shall have been made.

Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy TR18 of the Adopted Chorley Borough Local Plan Review.

12. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

13. A scheme for the translocation of the South Marsh Orchids (*Dactylorhiza praetermissa*) found within the site shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until that scheme has been implemented in its entirety.

Reason: To secure the nature conservation interest of the site.

14. Upon approval of the landscaping details, including any screen walls or fences, pursuant to Condition 1 the new planting shall be carried out during the planting season October/March inclusive, (in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979)) immediately following commencement of the development. Any plants found damaged, dead or dying in the first five years are to be duly replaced and the scheme thereafter retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

15. The existing natural tree screen/hedgerow along the eastern boundary of the site with the canal shall be retained and reinforced where necessary in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October/March inclusive following the first occupation of the adjacent building maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

Reason: *In order to protect the amenities of the area in accordance with policies GN5, EP9 and EM2 of the Chorley Borough Local Plan Review 2003.*

16. No goods, plant or material shall be deposited or stored in the open, and furthermore no part of the development permitted shall be used for retail purposes, including the sale or display of goods, without the prior consent in writing of the Local Planning Authority.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas in accordance with policies GN5, EM2 and TR4 of the Chorley Borough Local Plan Review 2003 and to prevent the inappropriate use of any part of the development for retail purposes.

17. Details of facilities to be provided for the storage and removal of commercial refuse and waste from the premises shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the building is first occupied and thereafter retained.

Reason: In the interests of amenity and to be satisfied about the details of the scheme in accordance with policies GN5 and EM2 of the Chorley Borough Local Plan Review 2003.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A and Schedule 2, Part 2, Class A) or any Order revoking and re-enacting that Order no extension or alteration shall be carried out in respect of the building(s) to which this permission relates and no fences, gates or walls or other means of enclosure shall be erected (other than those expressly authorised by this permission) without the express consent of the Local Planning Authority.

Reason: To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.

19. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

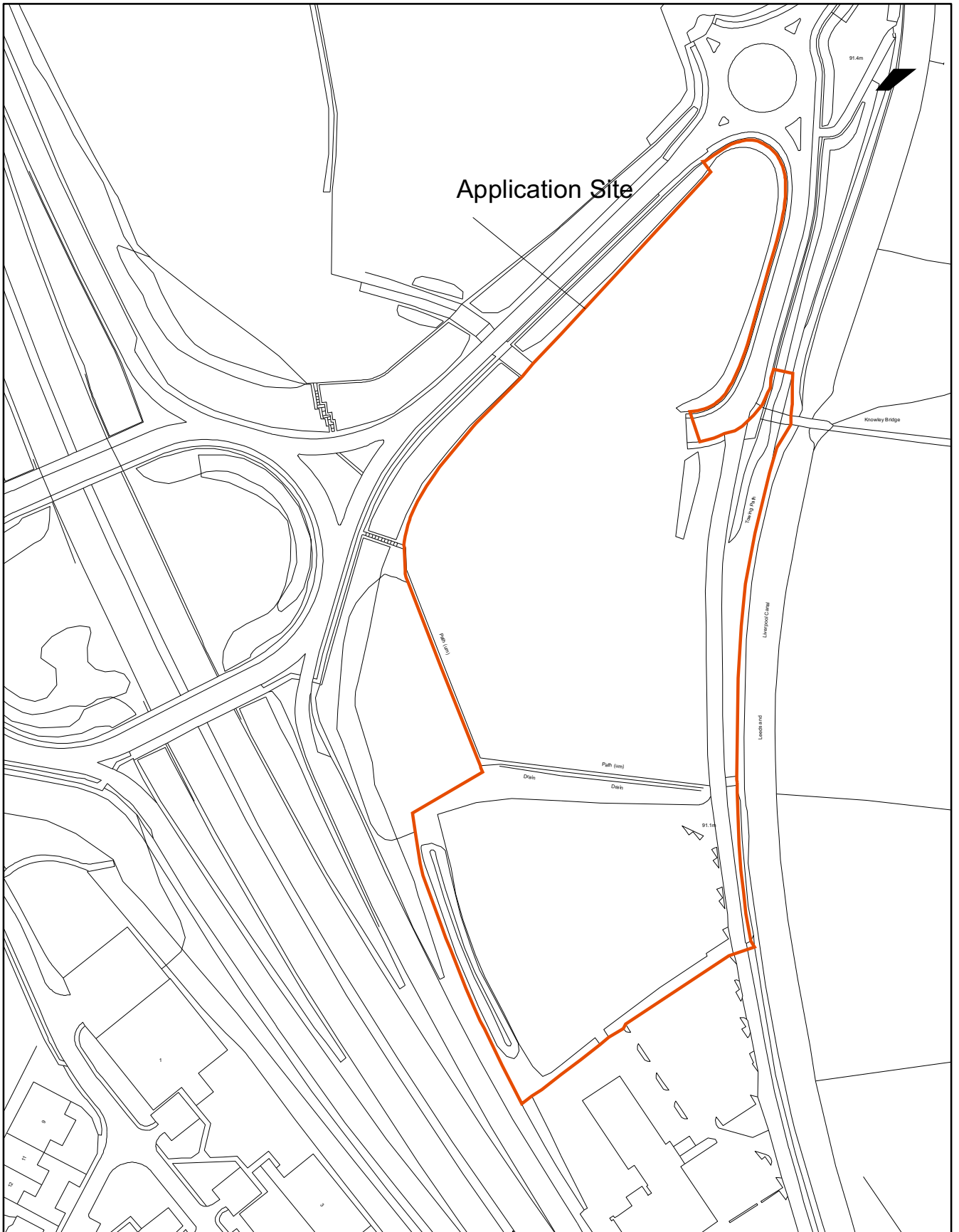
Reason: To reduce the risk of flooding in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

20. Prior to any discharge into any watercourse, surface water sewer or soak away system, all surface water drainage from vehicle parking and manoeuvring areas shall pass through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained. The interceptor shall be installed and operational prior to any building hereby approved being occupied and shall thereafter be maintained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

21. Plans and particulars showing the layout, together with details of levels, sections, drainage, and street lighting of the proposed roads shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In order that the Council may be satisfied with the details of the proposal.

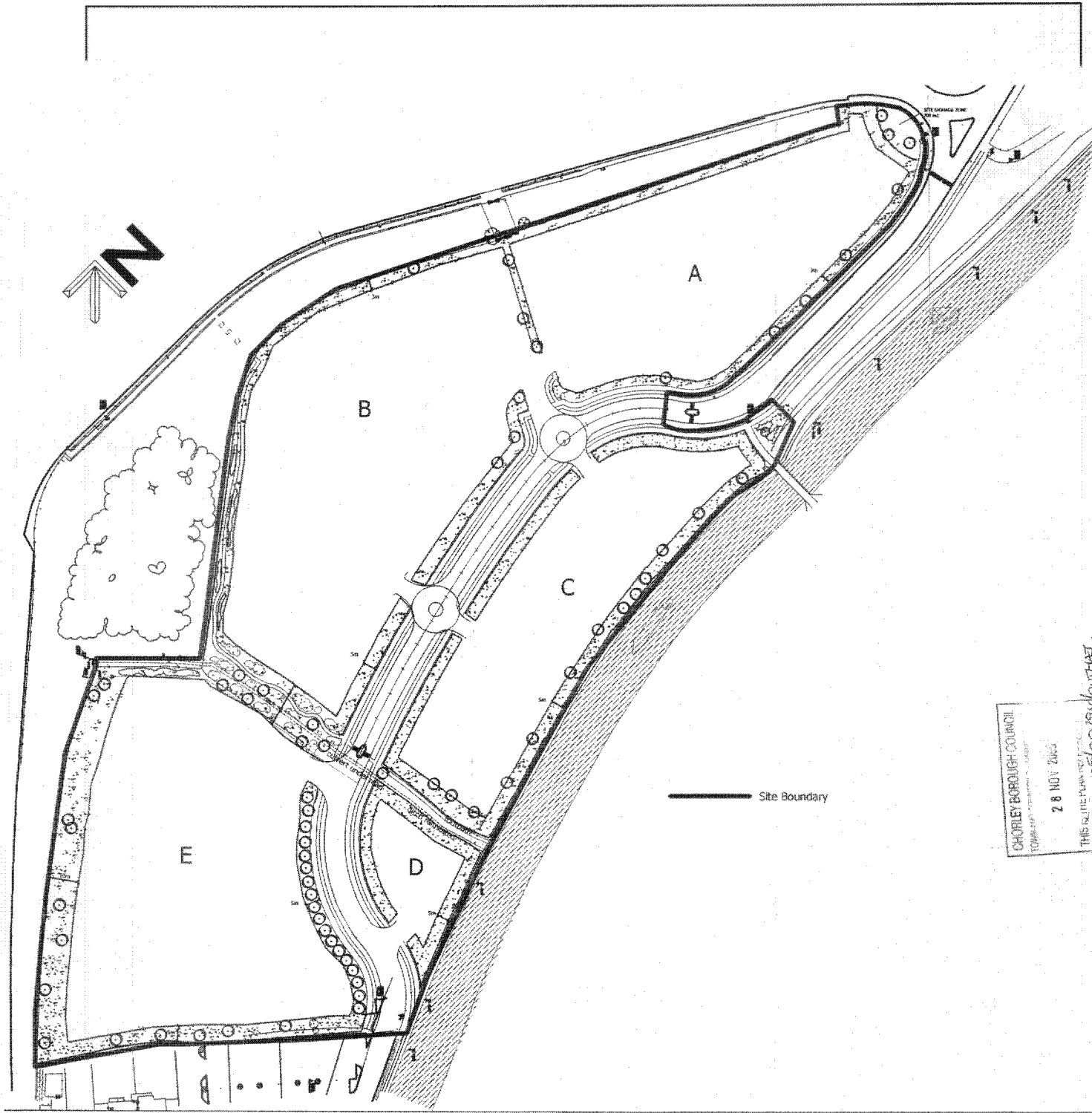


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Application Number: 05/00394/OUTMAJ	Grid Ref: E:358977 N:419512	Scale: 1:2,500	Agenda Item No. A. 1
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Application Number:
 05/00394/OUTMAJ

Grid Ref:
 E: 358977
 N: 419512

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Agenda Item No.
 A. 1

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Item A. 2 05/00455/FULMAJ Refuse Full Planning Permission

Case Officer Mr Simon Pemberton

Ward Chorley North East

Proposal Erection of hotel and public house/restaurant and related works,

Location Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley, Lancashire,

Applicant Mitchells & Butlers

Site: The site comprises part of the land between the M61 Motorway and the Leeds and Liverpool Canal to the north of Botany Bay Mill. The northern boundary is the A674 (Millennium Way) from which access is gained from the existing roundabout. The site extends to some 5 hectares in total.

Background: This application is related to outline application 05/00394/OUTMAJ found elsewhere on this agenda. That report provides a full resume of the background to the applications, the planning history, consultation responses, and the relevant planning policies. They are not repeated in this report for the sake of brevity.

The application has subsequently been submitted on behalf of Mitchells and Butler (Vintage Inns) for a Hotel and Public House on the northernmost part of the site adjacent to the A674 roundabout. It is understood that the hotel operator is Ramada, although this is not specified in the application submission.

The applicant originally incorrectly indicated that Bluemantle were the owners of the site. As a consequence the applications were invalid until the correct certificate was received on the 7 November 2005.

Proposals: This application proposes the construction of a 109 bed hotel (C1) and public house/restaurant (A3/A4) in the north western most corner of the site with frontage to the access and the A674. Finished floor levels are uncertain although the applicants have indicated they would wish to raise the ground levels to increase the prominence of the building. The pub is domestic in scale and has the appearance of an old cottage. It is similar to their recent development at Three Rings (Bamber Bridge) in South Ribble.

Issues: The general issues relating to the principles of the proposed development have been addressed in the report on the outline planning application. Those issues apply equally to this application as they do the outline, and therefore are not repeated here.

However, the detailed application includes the design and location of the proposed development. Issues relating to these specific issues are discussed in detail below:

The proposed public house is located in the north eastern most corner adjacent to the existing roundabout on the A674. The proposed hotel is located immediately to side (west) of this also adjacent to the northern boundary of the site. The site is very prominent with open views from the elevated road adjacent to the site. The development will also be prominent in terms of views from further a field including Blackburn Road to the East and the M61 to the west, particularly from Junction 8.

The two buildings the subject of this application have been designed as two distinct entities. They are described in detail below.

The Proposed Hotel

The proposed hotel was originally submitted as a bland building with a curved roof with two storey entrance feature. This design was considered to be unacceptable as it paid no regard to context, the characteristics of the site, the adjacent mill buildings, the canal or the desire to create a building of a high standard of design. As a result the proposed development has been amended by the applicant.

The amended plans have sought to create a contemporary building whilst accepting the presence, scale and detailing of the Botany Bay Mill. The proposed building is L shaped in plan form being 52 metres by 34 metres approximately. The building is largely four storeys in height (13.5 metres). There is a central glass atrium located at the corner of the L which accommodates the entrance, reception, stairs, and lifts. The atrium is 5 storey (16.5 metres) in height to accommodate air conditioning and lift head equipment.

The bedroom accommodation is provided in two wings on the first, second and third floors. The ground floor incorporates the various service accommodation (such as laundry, offices and staff accommodation) the bar and restaurant areas (together with the kitchens and other associated accommodation) and nine meeting rooms (5 small and four large).

The proportion of the building and the arrangement of the fenestration has been selected to try and reflect the pattern on the Mill. It assists significantly in the process of achieving a degree of linkage between the historic and modern. The changes have introduced a vertical emphasis and reduced the horizontal mass of the structure.

The hotel is finished largely in red powder coated metal panels with grey louvres and other detailing. The windows are vertical in shape and nearly the full height of the room. They will be recessed and constructed from powder coated aluminium. This reflects the rhythm and proportions of the Botany Bay Mill building whilst expressing the nature of the building as a modern hotel.

The plan form with two unequal wings around a central fully glazed atrium is designed to give the building visual interest and to focus visitors attention on the main entrance.

The resultant building which has been the subject of extensive negotiations between your officers and the applicant creates a

substantial structure that reflects its context and makes an important statement on a prominent and key route into Chorley. It is considered that the design is appropriate bearing in mind the scale of accommodation and the nature of the use it is accommodating.

The Proposed Public House

The proposed public house is a 'cottage' style building. It is domestic in scale and has the appearance of a terrace of cottages that have been converted into a pub/restaurant. This is a deliberate design format of the chain intending to operate the pub. Similar examples of this design of pub can be seen at recently completed developments in South Ribble at Three Rings Industrial/Retail Park, Bamber Bridge (the Walton Fox) and Little Hoole (The Fox Cub).

The main range (facing the roundabout) is 2 storey and 30 metres in length. This has the form of one two storey dwelling with an attached lower element with dormer windows cut through the eaves. At the rear is a series of single storey elements with a combination of flat and pitched roofs to give the appearance of various rambling extensions. These single storey elements at the rear incorporate a mixture of seating areas and kitchens, stores etc. The first floor is not intended to be used for any specific purpose in the first instance.

It is intended that the finished floor level of the public house would be raised by approximately 1 metre above existing ground level in order to make the building more prominent when viewed by passing traffic.

The Relationship Between the Pub and the Hotel

It can be seen from the different design approaches explained above that there is some tension between the design of the proposed hotel – a modern and contemporary structure – and that of the proposed public house – a 'cottage' style structure. The development will be prominently located in a situation where these buildings will be read together, particularly from the east including the A674.

The applicant has submitted two photomontages that show the proposed development in situ. From the west the proposed pub is screened to a certain extent from wider views by the hotel. However, as you approach the building then views will be possible. From the east the public house will be viewed with the hotel looming behind it. The photo montage from the east shows this relationship clearly.

Your officers have indicated concerns regarding this over many months but the applicant has been unwilling to vary their proposals significantly. Your officers have always indicated a preference for buildings that reflected the context of the site but also took advantage of the prominent location of the site to make a strong visual statement. The pub fails to do this. Whilst the design of this building is not offensive in its own right, the relationship between the two buildings is uncomfortable. It was suggested that the public house be relocated adjacent to the canal where the building would be read in a different context, and

certainly not immediately against the proposed hotel. However, again the applicants have been unwilling to consider this. They have suggested that such a location is not commercially viable and that only such a prominent site would warrant the proposed development. However, this point is not accepted as addressing the fundamental difficulty the design ethos of this site.

Local Planning Authorities are urged in PPS1 to secure good design. It confirms that good design is indivisible from planning and that authorities should plan positively for the achievement of high quality and inclusive design for all developments including individual buildings and wider development schemes. It advises that design which is inappropriate and fails to take opportunities for improving the character and quality of an area should not be accepted.

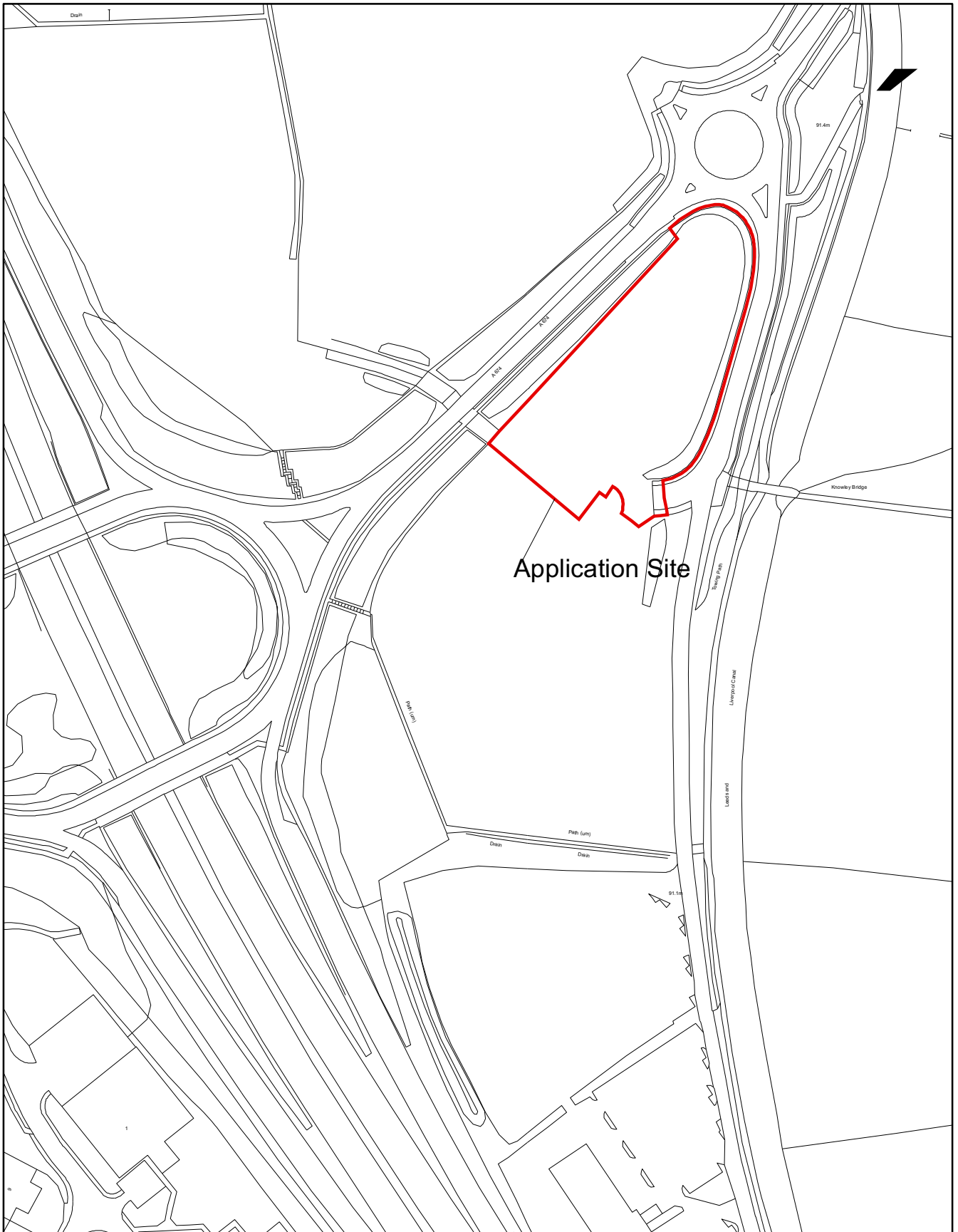
In this respect design is not just a matter of securing individually acceptable individual buildings but securing an overall built form that is acceptable and creates a sense of place. That includes creating an environment where the relationships between buildings of differing designs is acceptable. This is not the case with the proposed development.

Conclusions: For the reasons discussed above, it is considered that the application is of poor design because of the relationship of the proposed hotel and pub bearing in mind their contrasting styles and design. The application is therefore recommended for refusal for the following reason.

Recommendation: Refuse Full Planning Permission

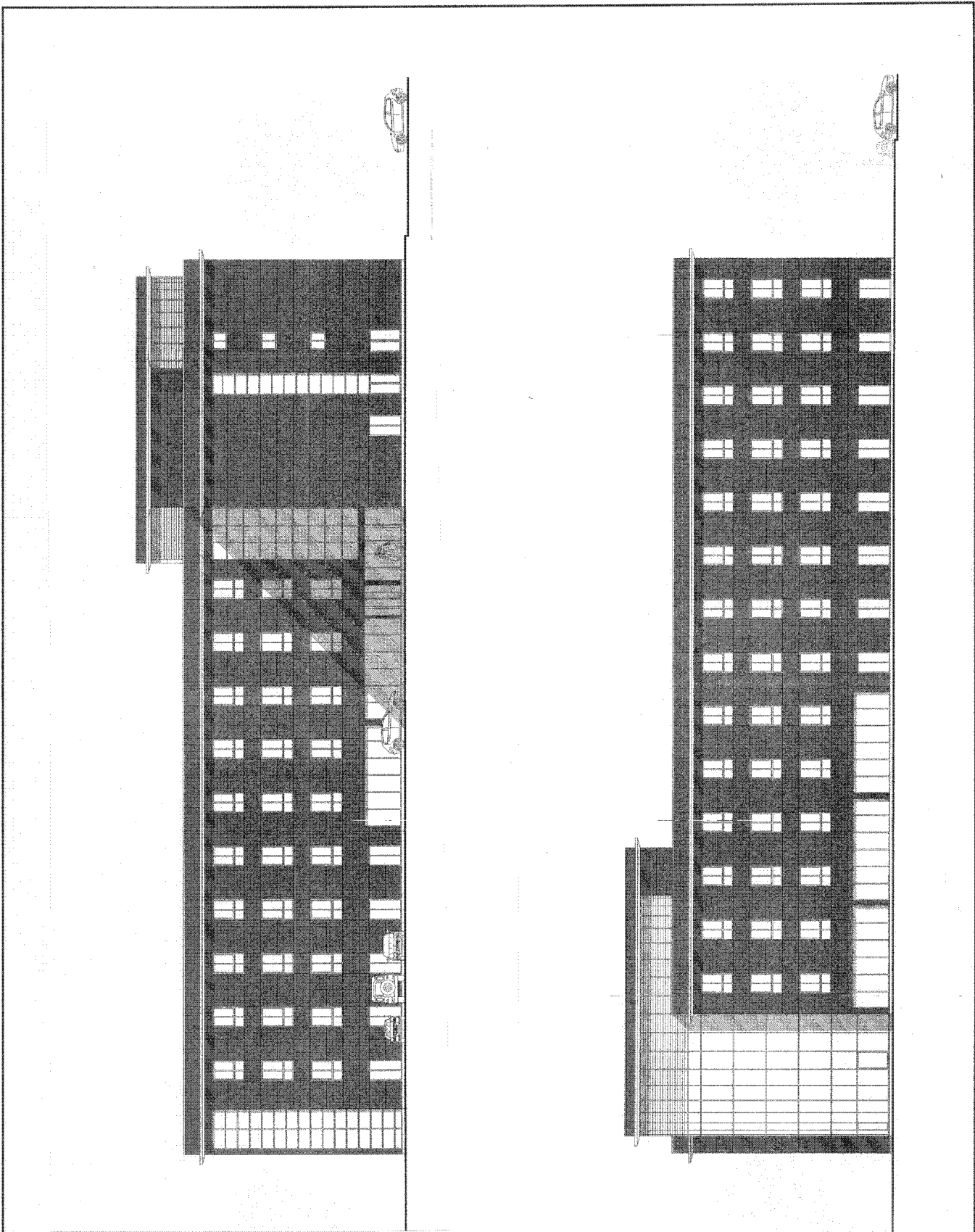
Reasons

1. The proposed development is located in a prominent location highly visible from public vantage points. The proposed design of the hotel and public house elements represents a poor form of urban design with tension between the design of the proposed elements that would create buildings that appeared out of context with each other and is contrary to the advice in PPS1 on Design policy DP3 of the Regional Spatial Strategy for the North West (RPG13) and policy GN5 of the Chorley Borough Local Plan Review 2003.



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<p>Application Number: 05/00455/FULMAJ</p>	<p>Grid Ref: E: 358977 N: 419512</p>	<p>Scale: 1:2,500</p>	<p>Agenda Item No. A. 2</p>

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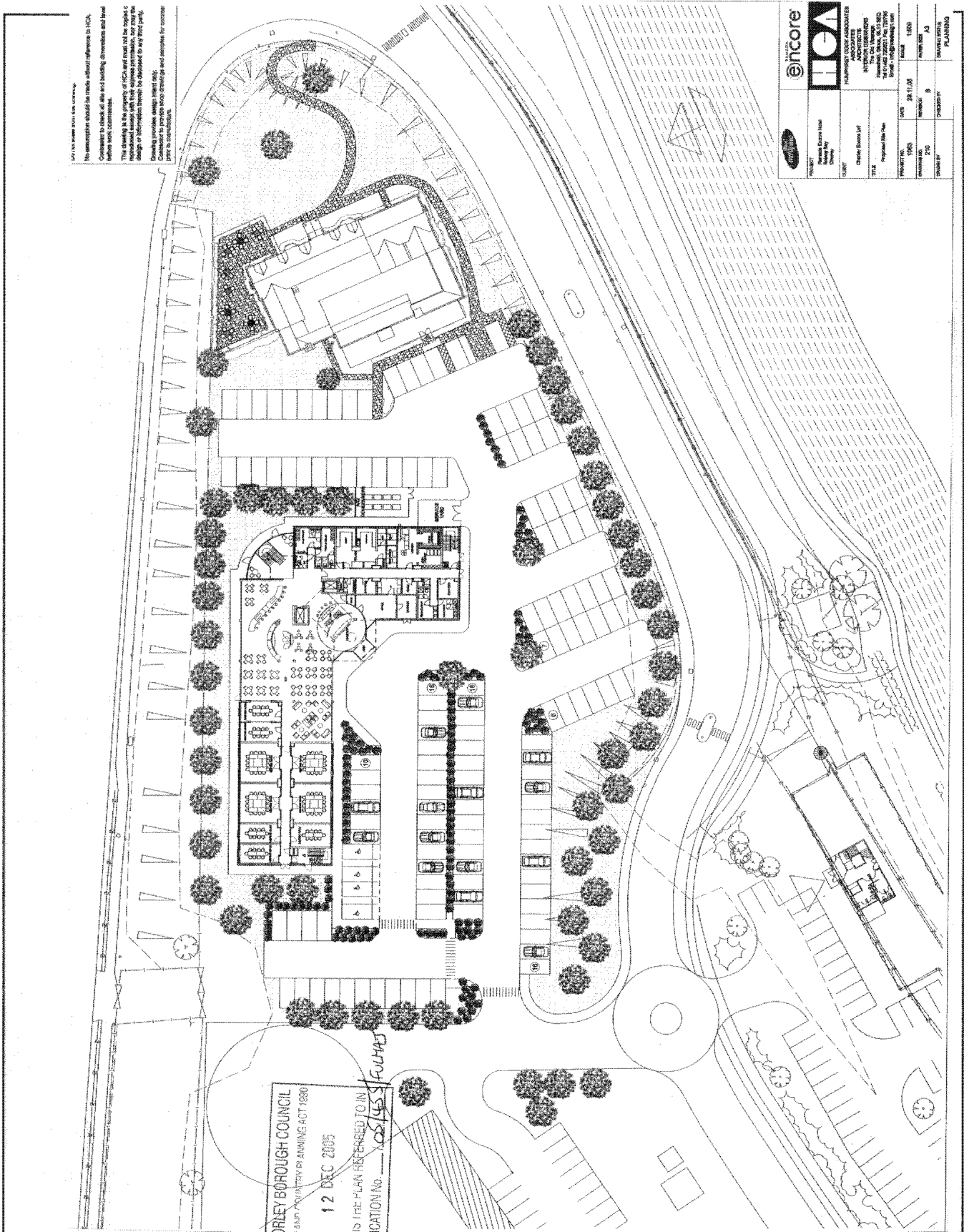


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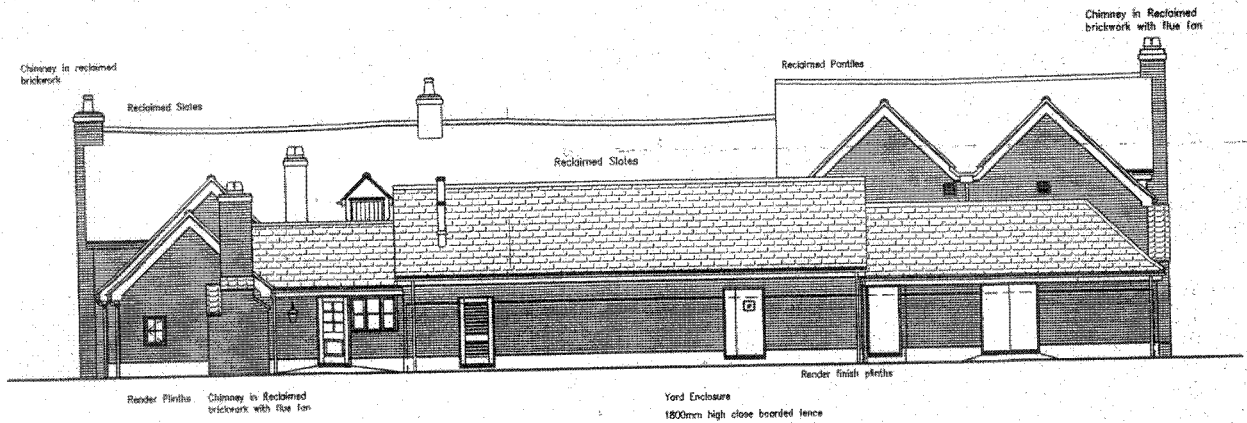


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Front Elevation



Rear Elevation

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<p>Application Number: 05/00455/FULMAJ</p>	<p>Grid Ref: E: 358977 N: 419512</p>	<p>Scale: 1:1</p>	<p>Agenda Item No. A. 2</p>

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Application Number:
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Agenda Item No.

A. 2

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Item A. 3 05/01159/COU Permit Full Planning Permission

Case Officer Mr Simon Pemberton

Ward Eccleston And Mawdesley

Proposal Change of use of existing bungalow to office space and change of use of the existing barn to a dwelling.

Location Thowd Stables Hall Lane Mawdesley LancashireL40 2QY

Applicant Mr And Mrs Mawdsley

Proposals: This application proposes change of use of two buildings within the site. It is proposed to convert the existing dwelling into office accommodation and convert the existing stable building into a dwelling.

Background: There is a long and chequered planning history associated with this property. The land was previously part of the holding of Gouldings Farm, which now lies immediately to the east of the application site. Over a period of many years there have been a series of applications for planning permission. These are set out below:

- | | |
|----------|--|
| 04/00816 | Change of use of part of stables into residential use and part into workspace, in conjunction with existing Class B8 storage buildings and conversion of existing bungalow into Class B1 use.
Withdrawn |
| 04/00247 | Change of use of part of stables into dwelling, and other part of stables and storage buildings to business use.
Refused |
| 03/00691 | Conversion of redundant stables into dwellinghouse adapted for use by 2 severely disabled children
Dismissed |
| 93/00274 | Outline application for the erection of an indoor riding shed
Refused |
| 92/00916 | Extension to Stables
Approved |
| 92/00729 | Extension to Stables
Refused |
| 92/00727 | Formation of paved roadway from existing opening in Hall Lane to existing stables
Refused |
| 92/00645 | Outline application for the erection of indoor riding school
Refused |
| 91/00528 | Change of use of land from agriculture to |

	private domestic use Refused
90/00813	Extension of garden area (to Hillcrest) on to adjacent vacant land. Dismissed
90/00462	Erection of stables comprising 4 loose boxes and hay store Approved
90/00075	Enlargement of garden and retention of garage (to Hillcrest) Refused
87/00501	Outline application for the erection of Bungalow and Garage Refused
86/00692	Erection of one detached bungalow Refused
86/00588	Outline application for an agricultural workers bungalow Refused
86/00141	Erection of garage to house (Gouldings Farm) Approved
9059	Site for a bungalow Refused
4187	Residential development Refused
2671	Site for a caravan Temporary

The key elements of the planning history in relation to the current applications are those pertaining to the stables. Planning permission 9/90/00462 was granted permission in September 1990. It permitted the erection of a rectangular building (to contain four loose boxes and a hay store. Its purpose was for the keeping of horses for hobby purposes (not commercial) by the occupiers of the adjacent house (Gouldings Farm). This building measured 9m by 16m and was approximately 3.2 metres high to the eaves and 6.8 metres to the ridge.

Planning permission was subsequently granted in March 1993 for an extension of the stable building, to accommodate an additional two loose boxes. This created a T shaped building by adding an extension measuring 6.5m by 8m and was 6.2 metres high to the ridge.

In addition there has been a series of unlawful developments over the years, predominantly in the period after the granting of planning permission for the garage building in 1986. These can be summarised as:

1. Since early 1997 the large garage building referred to above, has in accordance with previous reports to Development Control Committee, been converted to and lived in as a dwelling.

2. Various single storey extensions have been added to the building, including a conservatory. Again, as far as your Officers are aware, these were all constructed more than 4 years ago.
3. A number of outbuildings have been erected including a large car port and various sheds.
4. A residential curtilage has been established

The time during which the Council could take enforcement action against the majority of these breaches of planning control, had it been expedient to do so, has passed.

The precise extent of any lawful use is unclear as the residential activity associated with the house has spread onto adjoining land at some point and mixes with the land around the stables and access. However, it is apparent that due to the lack of enforcement of historic breaches it would be difficult to identify the extent of any element that has not become lawful, and to a large extent the enforcement would have little practical effect in terms of the visual impact of the site.

The other key milestone in the planning history is the more recent appeal. This appeal related to the non-determination of a planning application for the conversion of the stables into a dwelling. This proposed the retention of the existing dwelling, and thus would result in two dwellings on the site. The Planning Inspector considered there were three principle issues, windfall housing, green belt and the personal circumstances of the applicant.

The appeal inspector consider that “although the building in question was built for the purposes of keeping horses, and the stables and associated accommodation are still intact, its overall form and appearance is not dissimilar from that of a dwelling.” He therefore concluded that for the most part the proposals accorded with policy DC7A in the Chorley Borough Local Plan Review 2003.

However, the Inspector was concerned that the application site includes an extensive area of land. Besides the building in question, it also includes the appellants' bungalow and an area of garden on the north side of Hall Lane to the west of the site's access. In addition, the site encompassed various outbuildings, as well as seemingly unused paddocks to the north and east of the building, together with an enclosed grassed area that has the appearance of a domestic lawn flanked by planting beds. He considered that the implied curtilage indicated on the site layout plan was very large and included some land that does not presently appear domestic in nature. He concluded that if the appeal were to be allowed, there was the distinct possibility that, over time, the whole of the site could acquire various trappings of domesticity that, in turn, would erode and harm the essential openness of the Green Belt.

In addition, in relation to windfall housing he considered that although one more dwelling may not make much difference in itself, if repeated the cumulative effects of such an approach would have serious consequences for both the local and regional strategies.

The Inspector therefore dismissed the appeal as the creation of an additional unit of residential accommodation was contrary to policy, both in terms of both Green Belt and Windfall Housing.

Development Plan: The site is located within the Green Belt where there is a presumption against inappropriate development. Policy DC1 of the Chorley Borough Local Plan Review 2003 therefore applies together with policy DC7A which explicitly applies to the conversion of rural buildings in the Green Belt.

Policy DC7A is in general accord with paragraph 3.8 of PPG2, and allows for the re-use of existing buildings in the Green Belt provided that all of the criteria listed in the policy are met. These criteria can be summarised as:

- a) That the proposal does not have a materially greater impact on the openness of the green belt;
- b) That there will not be demand for additional agricultural buildings;
- c) It is not a recently completed agricultural building;
- d) The building is capable of conversion;
- e) The design is in keeping with its surroundings;
- f) There is no need for extensions;
- g) That vehicular access is sufficient; and,
- h) There will be no harm to ecology.

The policy goes on to say that preference will be given to the re-use of buildings for commercial, business and employment uses. Residential use will only be permitted where it can be shown that the overall Structure Plan housing requirement for Chorley Borough will not be materially exceeded and that one or other of 3 further criteria apply. These are firstly, that it can be demonstrated that suitable business relocation cannot reasonably be secured and an application should be supported by a statement of the efforts that have been made. Secondly, the residential conversion of the building is an ancillary part of a business use and, thirdly, that the site or building is demonstrably unsuitable for a business use.

In addition to the above, the following other policies in the Development Plan are relevant to the proposals:

Regional Spatial Strategy for the North West (RPG13):

DP1	Economy in the use of land and buildings
DP3	Quality in New Development
DP4	Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion

Joint Lancashire Structure Plan (2005):

Policy 1	General Policy
Policy 2	Main Development Locations
Policy 7	Parking

Chorley Borough Local Plan Review 2003:

GN5	Building Design and Retaining Existing Landscape Features and Natural Habitats
TR4	Highway Development Control Criteria

Consultation: The following comments have been received:

Mawdesley Parish Council: No objection, only if existing dwelling is demolished.

Head of Environmental Services: This application lies within 250m of a former landfill site. Based on the distance from the landfill site to the application and the nature of the development, the risk from landfill migration is judged low.

Neighbours: No comments have been received from nearby residents.

Issues: It is apparent from the history and the consideration of the appeal the most pertinent issues in relation to the current application relate to compliance with Green Belt policies and particularly those relating to the conversion of existing buildings. The issue of windfall housing previously raised no longer applies as the proposals do not result in an increase in the number of dwelling units on the site.

Issues Relating to the Principle of the Conversion

The existing stable and dwelling building are sound and capable of conversion and therefore can be re-used to some extent. In policy terms Policy DC7A of the Chorley Borough Local Plan Review 2003 expresses a preference for conversion to commercial or business purposes. Residential accommodation would not normally be considered unless one of three exceptions could be demonstrated. However, the proposal is more complicated than a simple conversion, being part of a swap of uses.

The reasons the applicants want to swap buildings is to secure a larger dwelling than currently exists on the site. The applicants advise that they have two disabled children and the existing building is ill equipped for their needs. They are currently forced to share a bedroom that may cause problems, particularly as they grow older. The existing layout is also not conducive to their mobility problems, nor does it have facilities for them such as a playroom. The proposed conversion will incorporate two ground floor rooms designed for their needs with ramped access and large playroom. This accommodation will better suit their needs.

Full details of the medical condition affecting the appellants' 2 young sons and the requirements and accommodation needs stemming from that have been put before the Inspector at the previous appeal. At that time neither this, or the claimed limitations of the accommodation within the appellants bungalow was disputed by the Council. In the light of this it is reasonable to take these circumstances into account when determining the planning application. The Inspector accepted that the proposal would facilitate the provision of accommodation suited to the needs of the appellants' sons and the benefits that were likely to stem from this.

However, he considered that whilst he had a great deal of sympathy with the appellants' circumstances, he was not satisfied that these circumstances were sufficiently compelling to outweigh the concerns regarding green belt and windfall housing.

The balance of consideration has changed somewhat due to the different proposals being suggested. No longer is an additional unit of accommodation being proposed.

If the application proposed commercial use of the stables this would potentially fully accord with planning policy. The proposals, seek to swap the residential accommodation from the existing building to the stable. The policy harm that is being created could be measured by the increased accommodation being achieved and the greater potential for activity associated with that use then compared to say the commercial use of the stables and the continued residential occupation of the existing dwelling. This impact is in a real sense relatively small.

The applicant has also identified a number of other positive factors that should also be weighed in favour of the proposed development. This includes:

- The removal of the existing garage and car port in the centre of the site.
- The removal of other small outbuildings from around the site;
- The removal of some existing areas of hardstanding;
- The confinement of the residential curtilage of the dwelling;
- The removal of domestic paraphernalia from other parts of the site;
- Clear distinction between the commercial and residential parts of the site;
- Opportunities for further landscaping within the site.

If these matters can be secured they offer an opportunity to draw a line under the previous breaches of planning control, remove certain elements from the site and have a positive improvement on the visual amenity and openness of the Green Belt. As such they are a positive factor in favour of the proposed development.

Balancing all the material considerations it is considered that the proposed development accords with the spirit of the policy framework in the Development Plan, albeit an unusual and relatively unique set of circumstances. Whilst there have been many breaches of planning control over a period of years, the situation now exists on the ground.

Conclusions:

For the reasons discussed above, it is considered that the application as proposed is on balance acceptable and is therefore recommended for approval subject to conditions and the applicant first entering into a legal agreement securing the revocation of the existing residential use, the extent of the residential curtilage and to ensure the conversion of the existing dwelling to offices.

**Recommendation: Permit Full Planning Permission
Conditions**

1. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall be identical in every respect to those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

2. No development shall commence until proposals for the landscaping of the site, to include provision for the retention and protection of existing trees and shrubs, if any, thereon, together with any means of enclosure proposed or existing within or along the curtilage of the site shall be submitted to and approved by the District Planning Authority by means of a large scale plan and a written brief. All proposed and existing trees and shrubs shall be correctly described and their positions accurately shown. Upon approval such new planting shall be carried out during the planting season October/March inclusive, in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979), immediately following commencement of the development. The landscaping shall thereafter be maintained for five years during which time any specimens which are damaged, dead or dying shall be replaced and hence the whole scheme shall thereafter be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

3. The use of the existing dwelling for residential purposes shall cease immediately upon occupation of the stable building hereby permitted and thereafter its use shall be limited to class B1a of the Use Classes Order 1987 (as amended) unless express planning permission is first obtained from the Local Planning Authority.

Reason: In order to ensure that only a single unit of residential accommodation is retained on the site in accordance with policy DC1 and DC7A of the Chorley Borough Local Plan Review 2003.

4. Within 6 months of the occupation of the dwelling hereby permitted the existing garage, car port, conservatory and outbuildings hatched in green on the plan hereby approved shall be removed together with any associated hardstanding areas edged in green together with all associated foundations and other material removed and the land restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the removal of the existing structures on the land so that the balance of built development and uses put forward by the applicant is secured and to ensure that the development accords with the principles of policy DC7A of the Chorley Borough Local Plan Review 2003.

5. The residential curtilage of the dwelling hereby approved shall be limited to the area outlined in Orange on Plan X attached to this permission. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no fencing, gates, walls or other means of enclosure shall be constructed on the land unless expressly authorised by this permission or for which planning permission is first obtained from the Local Planning Authority. Furthermore, no items of domestic or other paraphernalia should be placed on the land outside the identified residential curtilage.

Reason: To secure the balance of uses across the site and to prevent development (including the use of land) which might otherwise adversely affect the openness of the Green Belt in accordance with policy DC1 and GN5 of the Chorley Borough Local Plan Review 2003.

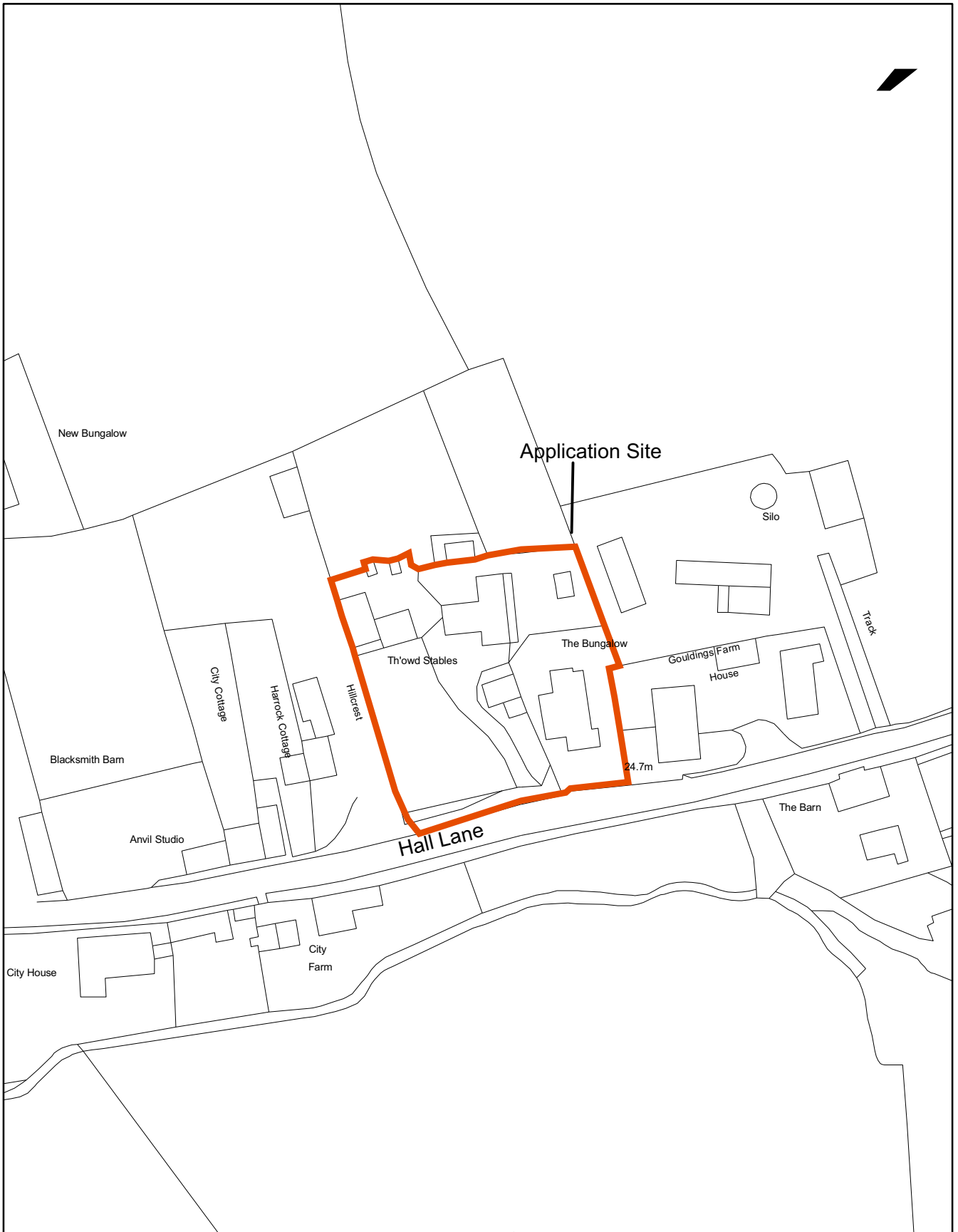
6. The car parking facilities shown on the plans hereby approved shall be laid out and provided prior to the occupation of either of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.

Reason: To ensure provision of adequate off-street parking facilities within the site in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003..

7. Notwithstanding Schedule 2 Part 1 Class A, B, C, D, E, F, G and H, and Part 2 Class A or B of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof no extensions or alterations to the dwelling, outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected without express planning permission first being obtained.

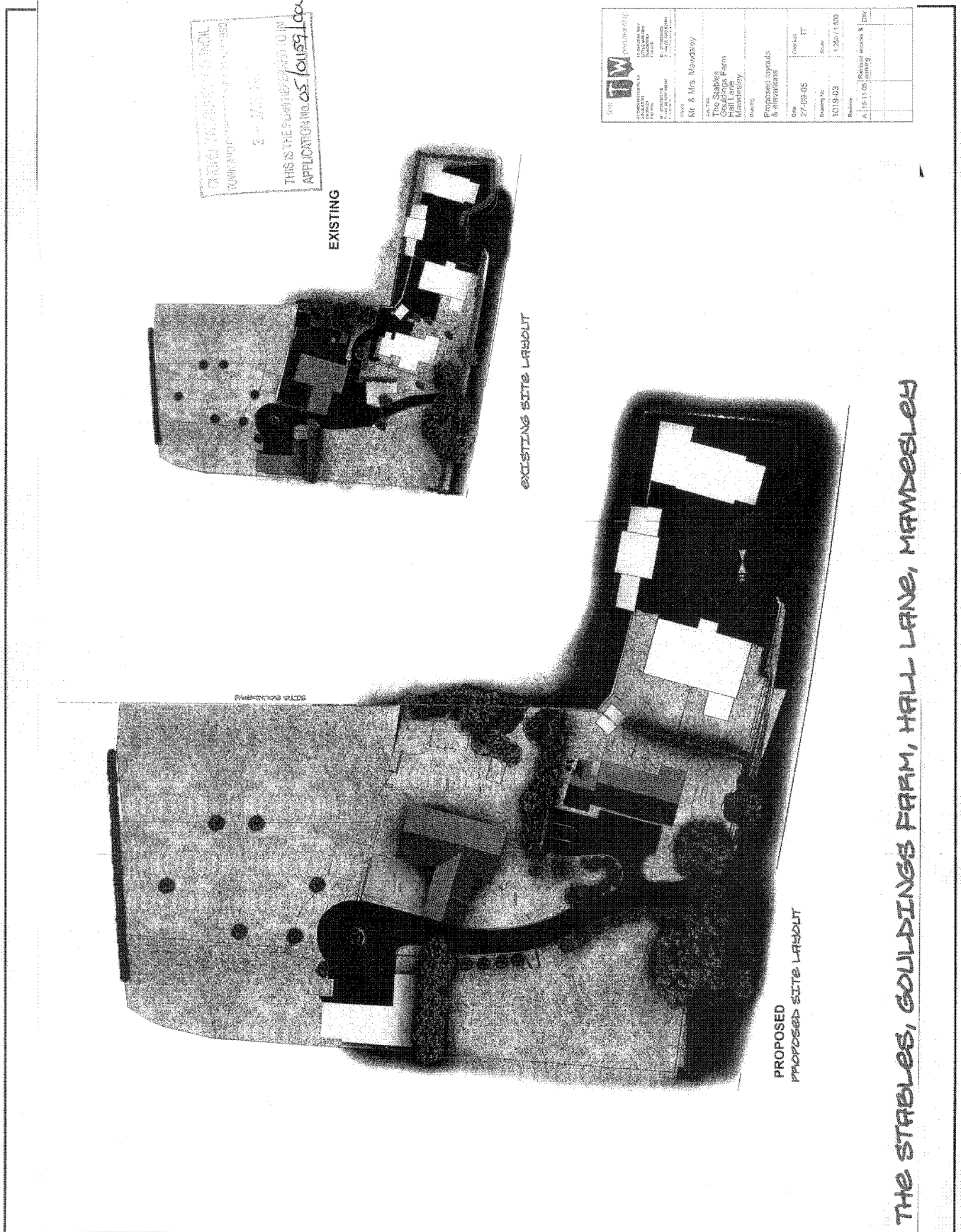
Reason: In the interests of controlling matters on a property that has been converted to residential use creating a dwelling that is significantly larger than the original dwelling on the site located within the Green Belt and to ensure that no other extensions or outbuildings are erected that would otherwise harm the purposes and objectives of the Green Belt and in accordance with policy DC1 and DC8A of the Chorley Borough Local Plan Review 2003.

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<p>Application Number: 05/01159/COU</p>	<p>Grid Ref: E: 349990 N: 415162</p>	<p>Scale: 1:1,250</p>	<p>Agenda Item No. A. 3</p>

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 THIS IS THE PLAN REFERENCED TO IN
 APPLICATION NO. 05/01159/COU

		Date: 27-09-05 Drawn No: 1019-03 Revision: A: 15/11/05 (Planning)	
Client: Mr & Mrs Mawdesley Site: The Stables, Gouldings Farm, Hall Lane, Mawdesley		Proposed layouts & elevations	
Scale: 1:1		Date: 27-09-05	
Drawn No: 1019-03		Revision: A: 15/11/05 (Planning)	

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Application Number: 05/01159/COU	Grid Ref: E: 349990 N: 415162	Scale: 1:1	Agenda Item No. A. 3

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Item A. 4 05/01232/REMAJ Approve Reserved Matters

Case Officer Miss Nicola Bisset

Ward Astley And Buckshaw

Proposal Completion of East/West Link Road from Central Avenue to Strategic Regional Site Link Road, site area aprox 2 hectares

Location Buckshaw Village Eastwest Link Distributor Road Central Avenue Buckshaw Village Euxton Lancashire

Applicant Redrow Homes (Lancashire) Ltd And Barratt Manchester

Proposal The application is for the construction of the East-West link road between the southerly most roundabout on Central Avenue and the Strategic Regional Site Link Road. The road is designated on the Design Master Plan for Buckshaw Village but planning permission still has to be obtained for the works. The original Master Plan incorporated a slightly different route than now proposed. Planning permission was granted in July 2005 (05/00523/REMAJ and 05/00525/REMAJ) for an extension to the main artery road to the north of the Buckshaw Village site. This road serves the residential developments, the village green and the school site. The East-West link road, the subject of this application, was originally included as part of the application approved in July however due to concerns raised by the Senior Traffic Engineer of LCC this element of the link road was removed from the application.

Following discussions between the applicants, Chorley Borough Council's Public Space Services and LCC Highways section the application has been re-submitted. This East-West link road adjoins the link road approved in July 2005. The design of the road incorporates a footpath/cycleway on both sides of the road at 3.0m although footpaths/cycle ways 3.5 metres wide are required in accordance with the current Design Manual for Roads and Bridges. The swale surface water drainage features, which are consistent with Central Avenue, will again be utilised. The road also features three junctions into the southern commercial section, 2 bus stops, one on either side of the road, and a central crossing island which allows pedestrian and cycle access from the residential area to the commercial area. The crossing island incorporates the cycle route, which runs from the north to the south of the site.

Planning Policy GN2- Royal Ordnance Site, Euxton
TR4- Highway Development Control Criteria
TR18- Provision for Pedestrians and Cyclists in New Developments

Planning History **04/00992/REMAJ** - Extension of distributor road to serve residential and commercial development. Withdrawn March 2005

05/00523/REMAJ - Formation of link road to serve residential and commercial development. Permitted July 2005.

05/00525/REMMAJ - Formation of link road to serve residential and commercial development (duplicate of planning application 05/00523/REMMAJ). Permitted July 2005.

Representations None received

Consultations **United Utilities** have no objection to the proposal

Environment Agency has no objection in principle to the development but wishes to make the following comments:

Any works to any watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal consent of the Environment Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive consent, without full mitigation for loss of flood storage and habitats

Head of Public Space Services comments that generally this submission has been agreed and therefore is suitable for highway needs. However the following require confirmation:

- The scheme, particularly the main pedestrian crossing point and roundabout, would need to pass a safety audit
- The footway arrangements at the junctions will need to be changed to accommodate the development areas they serve.

Following the receipt of comments from Lancashire County Council Highways section Public Space Services have provided additional comments:

- The road should be designed and signed at 30mph. The road is not intended to be a main thoroughfare.
- Protected right turns should be incorporated into the proposal. Visibility issues would not be a concern on a lower speed road.
- Further details are required in respect of the crossing point
- The location of bus stops needs to be considered and the design needs to show adequate provision.
- 3.5 metre wide pedestrian/ cycle way routes are required
- Lighting will need to be designed to properly light all the areas of the highway. A similar issue arose on Central Avenue.

Head of Environmental Services have no comments to make

Lancashire County Council Highways comments that the function of the road is a District Distributor road and the appropriate speed limit is 40mph. The Highway Engineer recommends refusal of the application on highway safety grounds for the following reasons:

- The link road roundabout and access to the Southern Commercial Area is difficult to assess without a reasonable idea of the ultimate traffic flows. The Highways Engineer has concerns regarding the new access to the Southern Commercial Area and Phase 6 and the visibility from the junction. The visibility splays have been omitted from the plans and the line of trees between the carriageway and the footway/cycle way obstruct visibility at these junctions
- The junction to Phase 6 is likely to be a busy junction given

the permeability to the southern section of the residential development and village/community area, it may be prudent to consider a four arm roundabout junction to serve these areas. This would reduce the length of road given over to the two proposed junctions and may address the visibility issue.

- The exact detail of the proposed crossing is difficult to make out however this crossing should be a Toucan crossing.
- The proposal only includes two bus stops, accessible stops are required on the section of road east of the loop road roundabout, and appropriate to serve Phase 16 and the BAE retained land.
- The proposed bus stops are not in the most accessible or desire line locations for bus users.
- The proposed footway/cycle ways are shown to be 3m wide on both sides of the road. However in accordance with the Design Manual for Roads and Bridges recommends 3.5 metres for shared pedestrian/ cycle route. This is the current standard that should be incorporated in the new link design.
- The verges and segregated footways increase the effective width of the highway needed to be illuminated and the tree lines could obstruct the even spread of light. The proposal has trees between the carriageway and the footway/cycle way and will be of excessive width to provide adequate lighting provision from one lighting system. Therefore it will be necessary to provide three lighting systems along the link road.

Applicant's Case

In response to the comments received from Lancashire County Council's Highway Engineer two letters have been submitted, one from the applicant, Redrow Homes, and the other from the agent, Singleton Clamp. The letters raise the following points:

- It has been agreed previously to construct distributor roads to a design speed of 30mph. The applicant has included minutes from previous working group and consortium meetings where this speed limit was agreed.
- In accordance with both The Lancashire County Council documents Functional Road Hierarchy Strategy and Residential Road Design Guide the road is classed as a Local Distributor Road where the speed limit is 30mph.
- The only two distributor roads on the site are Central Avenue and the east-west link road. This road has been designed to the same criteria as Central Avenue in accordance with guidance previously agreed with officers.
- The applicant has agreed to incorporate protected right turns for the stretch of road through the Strategic Regional Site. This will mean all junctions on the A6 link have protected right turns.
- Pedestrian refuges will be incorporated on the link road only. The provision of refuges will unnecessarily increase the size of the junction and hinder turning manoeuvres into and out of the junctions for the large vehicles that will be using them. Pedestrian refuges on the access/ estate roads have not been requested elsewhere on Buckshaw or on the BAE stretch of road linking through to the A6.
- Trees will be located outside of the visibility splays and

vision splays will be added to the drawings.

- The junctions have already been relocated to accommodate previous comments regarding proximity to the Central Avenue roundabout. Previous advice stated that a further roundabout would not be acceptable.
- The crossing point will be signal controlled and will be a 'Toucan' crossing
- In respect of the bus stop provision additional facilities (including crossing facilities) will be added in the eastern section of the link road to suit the requirements of the development in the area
- The bus stop location has been shown following previous comments and considers the position of junctions, the crossing and available road space. No other suitable locations are available. An additional stop may be suitable to the west of the link road although this cannot be fully assessed until the layout for the residential development to the north has been established.
- In terms of the cycleway facilities TA 90/05 of the Design Manual for Roads and Bridges states that the preferred minimum width for an un-segregated shared facility is 3 metres. It is considered that a 3 metre width for the cycleway facilities is appropriate to tie into the BAE stretch of road through to the A6.
- The applicants are aware of the comments raised by the county in respect of adequate levels of illumination.

Assessment

The main issues of concern in relation to the East/West link road were unresolved from the previous application and lead to this part of the road being removed from the previously approved application. These issues included visibility splays, crossing points, the proposed Toucan crossing bus stop locations, traffic flows into the Southern Commercial Area and the footway/cycleway areas. These issues have been explored in more detail within this submission. However, as stated above, LCC's Highway Engineer does not consider that the issues have been satisfactorily resolved.

Lancashire County Council's Highway Engineer has raised a number of issues of concern in respect of the proposal. The initial point is that the function of the road is that of a Distributor road and the appropriate speed limit is 40mph. However, it has been previously agreed, when the Buckshaw Design Guide was adopted, that the road would be designed at 30mph. The route was designed to incorporate cycle ways, footpaths, sustainable drainage and strong landscape features. This could not be achieved on a 40mph road. Also this link road is not intended to be a main thoroughfare and is intended for local traffic travelling from the village to the A6.

The Highway Engineer at LCC raises the point that the traffic flows into the Southern Commercial area have not been included and therefore it is difficult to assess the adequacy of the proposed junctions into the southern area. Ensuring that protected right turns are included within the design could rectify this issue and the applicant has agreed to incorporate protected right turns. The issues of visibility raised by the Highways Engineer would not be a concern at the lower speed limits, visibility splays would not be needed and the use of trees preventing long sight lines would be

irrelevant. However the applicant has agreed to show the visibility splays and remove trees where necessary.

In terms of the proposed crossing point in principle this feature appears to be acceptable. The applicant has agreed to provide further details in respect of the crossing and that it will be a Toucan crossing. This will be attached as a condition.

The location of the bus stops needs further consideration. Further details will be requested as a condition although this has been agreed to provide additional facilities to the eastern end of the proposal. The footpaths/cycle ways are shown as 3 metres wide although 3.5 metres will be required. Public Space Services confirm that the Consortium is aware of this requirement although the applicant considers that 3 metres is sufficient to tie in with the cycle ways in the BAE stretch of road. Further details will be requested as a condition.

In terms of the lighting provision the lighting will have to be designed to adequately illuminate all of the highway area. A similar problem occurred at Central Avenue and extra lighting columns were required. Extra lighting columns will produce an extra maintenance and energy burden on the Highway Authority after adoption. Therefore a commuted sum will be payable by the consortium for extra lighting equipment installed over and above that needed on a conventional road. The applicant is aware of the lighting issues and a condition will be attached requesting the submission of lighting details.

The main issues raised by the LCC Highways Engineer including the footpaths/cycle ways, the crossing point, bus stop locations and the street lighting scheme can all be conditioned to ensure the details will be submitted prior to the commencement of the development. The road will be designed to be 30mph and the applicant has agreed to amend the proposal to incorporate protected right turns. The issues of visibility will not be a concern with this lower speed limit although the applicant has agreed to include visibility splays on the plans and trees removed as necessary. The applicant has agreed to amend the plans to incorporate the concerns raised by the Highways Engineer. The two letters from the applicant and agent have been forwarded to Lancashire County Council's Highways for comment. However, it is considered that the issues initially raised by the Highway's Engineer can be satisfied and therefore the proposal is considered to be acceptable.

**Recommendation: Approve Reserved Matters
Conditions**

1. Details of the precise specification and location of carriageway crossing points shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site; the approved details shall be implemented prior to the opening of the road to public traffic and pedestrians.

Reasons: In the interests of securing a satisfactory standard of development for crossing the highway in the interests of highway safety; also to accord with the provisions of Policy TR4 of the Adopted Borough Local Plan Review.

2. Notwithstanding the submitted details full details of the bus stop locations, including details of the siting and relationship of the bus stops to the crossing points shall be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site; the agreed scheme shall be implemented prior to the opening of the road to the public, all bus stops shall be to Quality Bus Stop standard.

Reason: To ensure that adequate and satisfactory arrangements are made for the provision of public transport; also to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the submitted details a scheme of street lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the road; the approved scheme shall be implemented prior to the opening of the road to public transport.

Reason: To ensure adequate lighting of the carriageways, footpaths and cycle ways; and in accordance with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

5. Full details of the construction of the carriageways, footpaths and cycleways, including the finished top surfaces and width of the footpaths/ cycleways, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site.

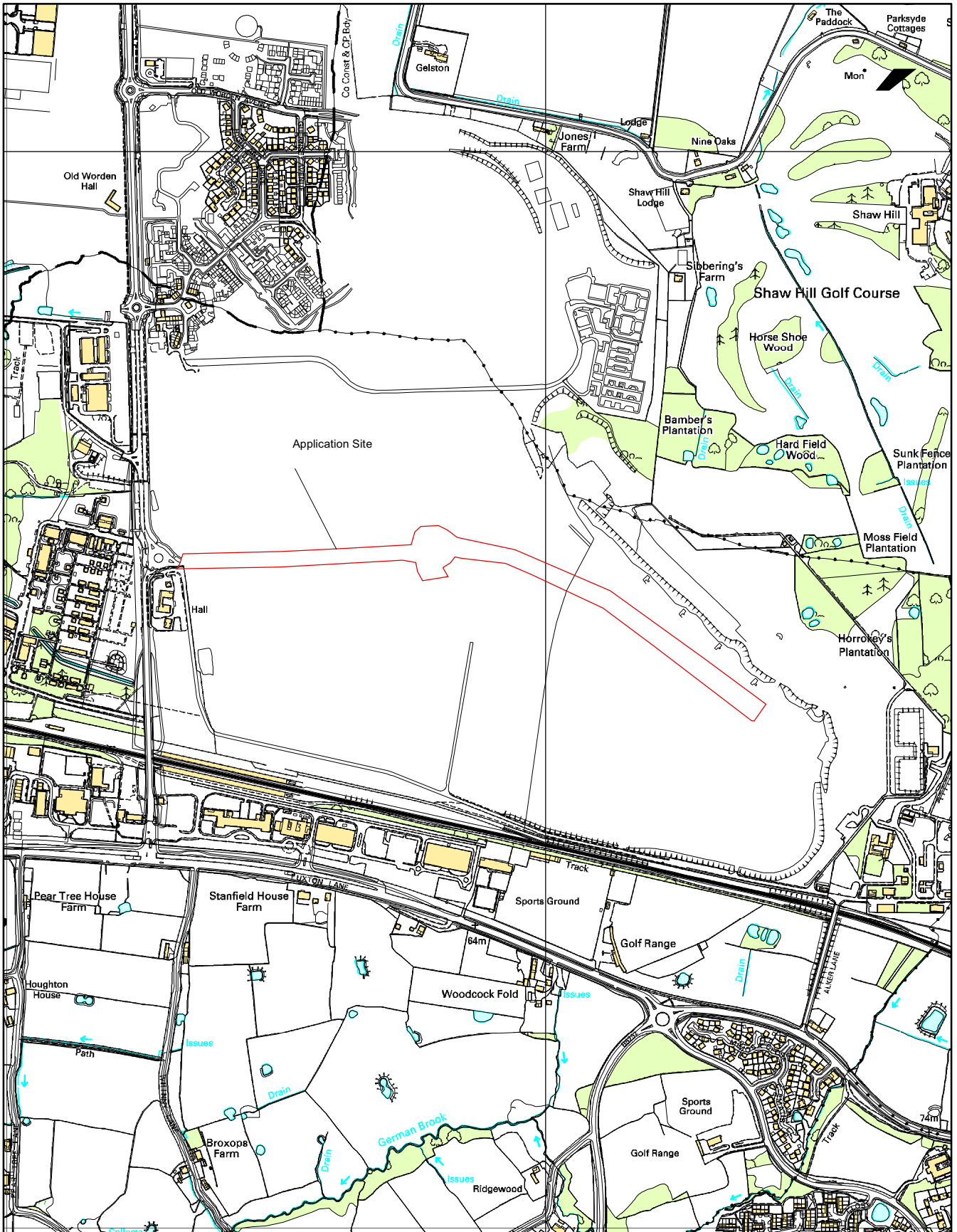
Reason: In order to ensure a satisfactory level of construction of the new road, footpaths and cycleways and in accordance with the provisions of policies TR4 and TR18 of the Adopted Chorley Local Plan Review.

6. Notwithstanding the submitted details, full details of the drainage infrastructure for the carriageways, footpaths and cycleways shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on sites; the approved drainage details shall be operative prior to the opening of the highway to the public.

Reason: To ensure satisfactory surface water drainage for the approved highway and to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted details, full details of the precise specification of the 'Toucan' crossing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site; the approved details shall be implemented prior to the opening of the road to public traffic and pedestrians.

Reason: In the interests of securing a satisfactory standard of development for crossing the highway in the interests of highway safety; also to accord with the provisions of Policy TR4 of the Adopted Borough Local Plan Review.



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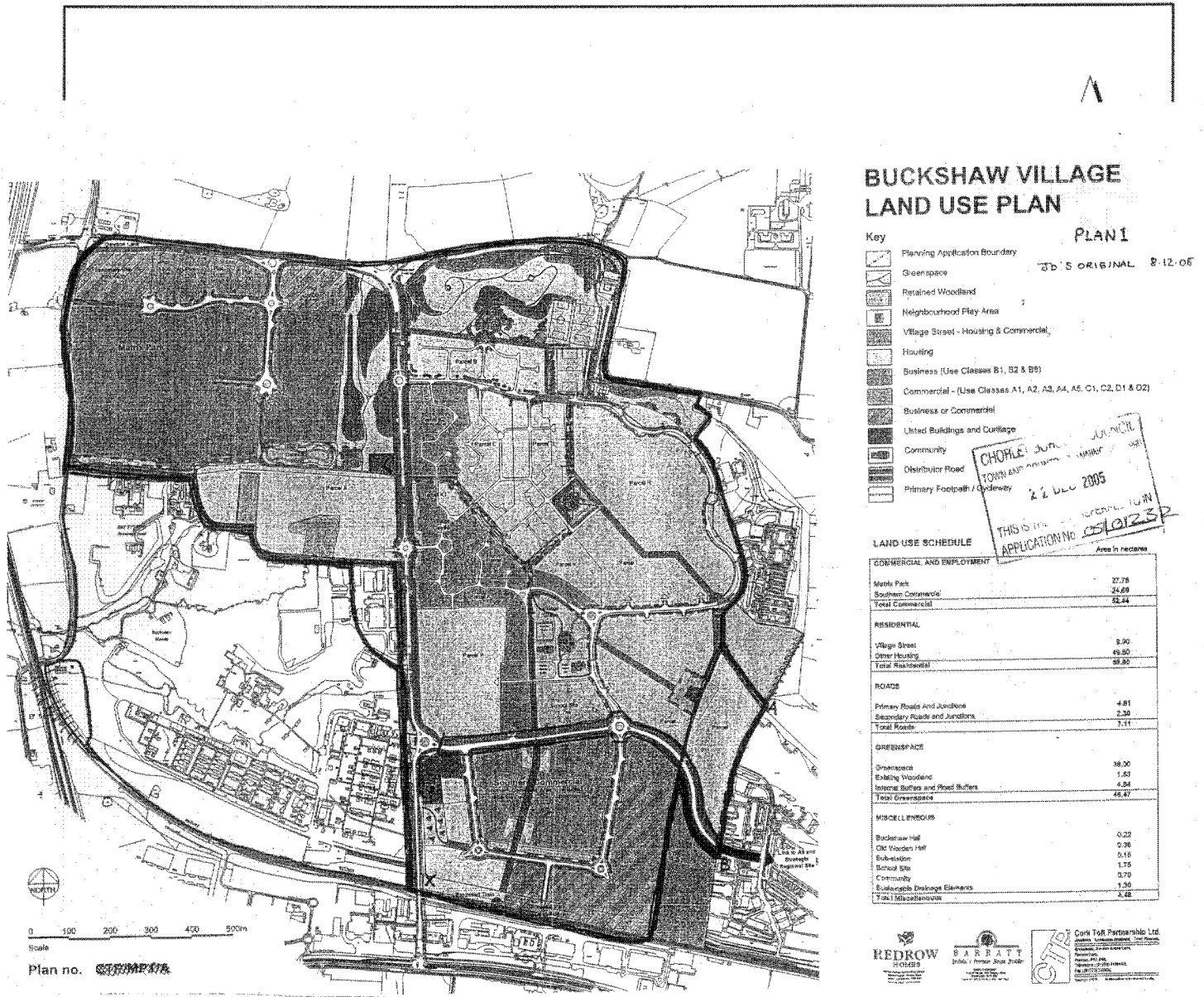
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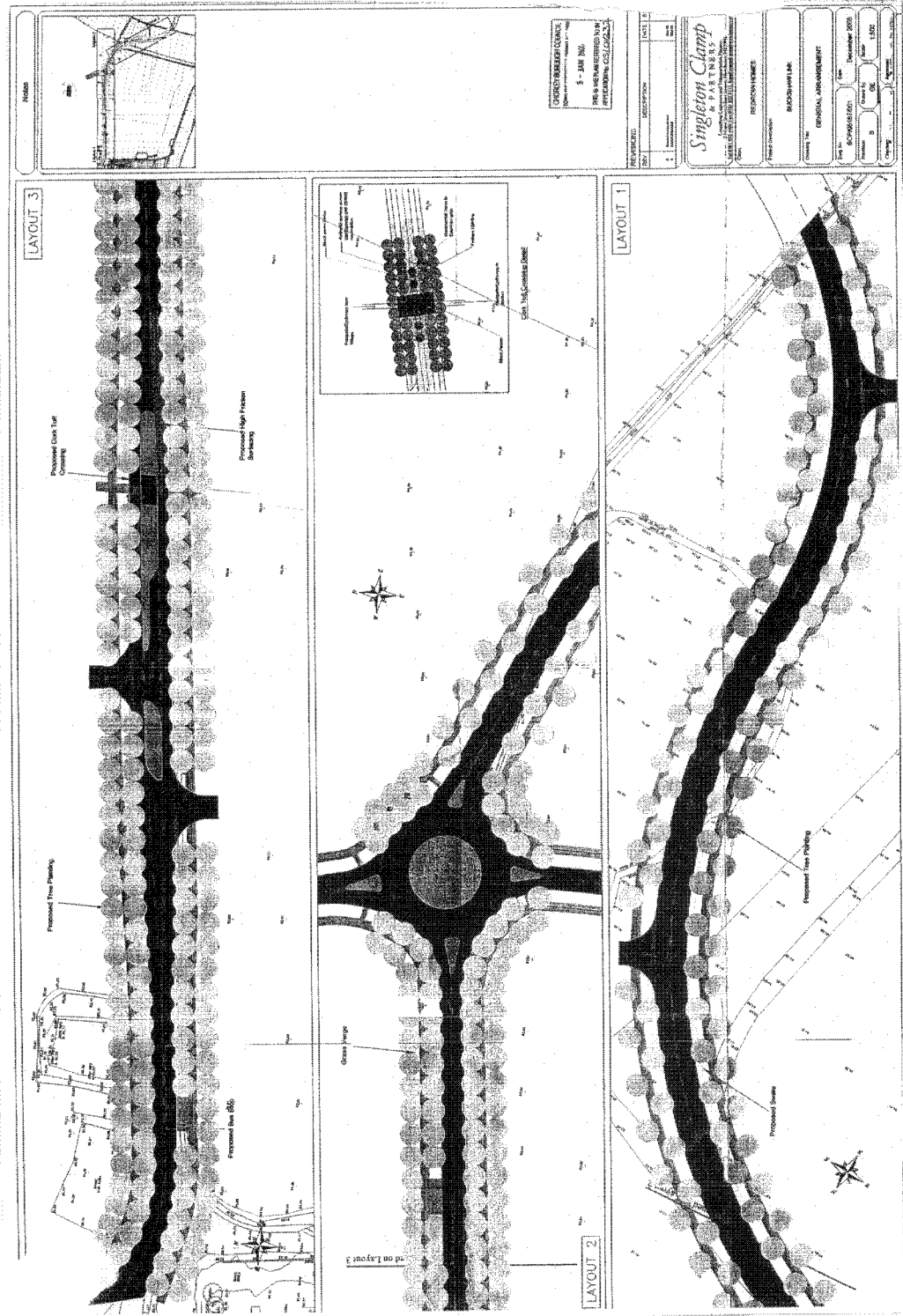
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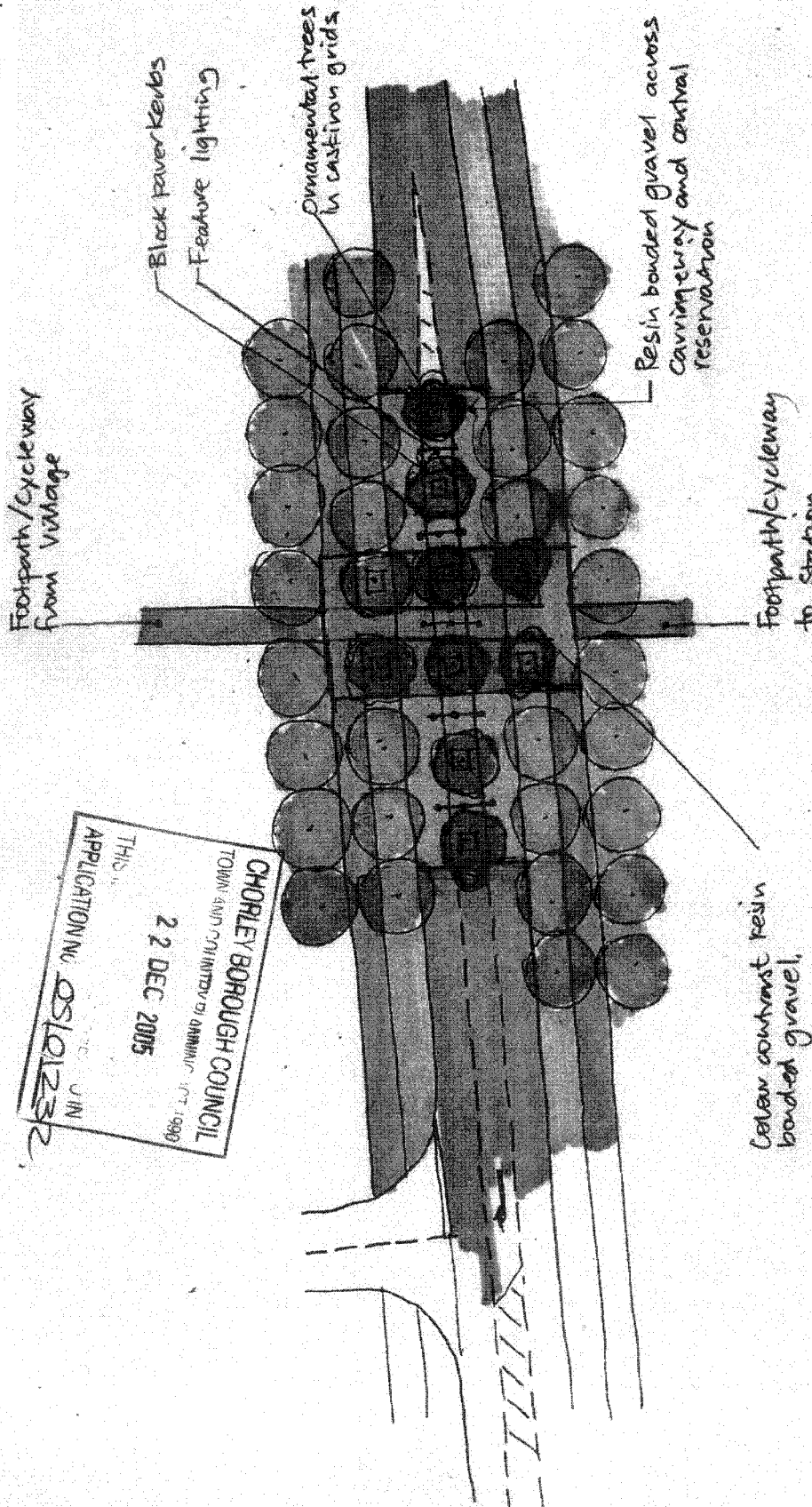
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Agenda Item No.
 A. 4

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CHORLEY BOROUGH COUNCIL
 TOWN AND COUNTRYSIDE ANNALS 1890
 THIS APPLICATION NO. 05/01232
 22 DEC 2005

**BUCKSHAW AVENUE
 HOLERS CROSSING SKETCH
 005:1**

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Application Number: 05/01232/REMAJ	Grid Ref: E: 356471 N: 421168	Scale: 1:1	Agenda Item No. A. 4

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Item B.1 **06/00023/FUL** **Permit Full Planning Permission**

Case Officer **Mr Simon Pemberton**

Ward **Eccleston And Mawdesley**

Proposal **Re-development of industrial site and erection of Conductive Education Centre for disabled children.**

Location **Land At Junction Of Salt Pit Lane And Bluestone Lane Mawdesley Lancashire**

Applicant **Rainbow House**

Site: This application proposes the demolition of the existing industrial buildings and the construction of a replacement single storey building comprising accommodation for Rainbow House who intend to operate a conductive education centre for disabled children.

The site is located at the corner of Salt Pit Lane and Bluestone Lane, Mawdesley. Access to the site is from Bluestone Lane. The site is currently split into two parts, that used for industrial purposes and the adjacent part upon which accommodates a domestic stable building.

The existing industrial buildings comprise a single storey timber building with a footprint of 266m². They are surrounded by extensive hardstanding areas that are currently used for open storage and vehicular parking/turning. The industrial building is split into four units one of which is occupied by a wrought iron manufacturing business. The others are used for low key storage by business occupying premises at Towngate Works.

The stable building is of brick built construction and does not appear to be in active use for the permitted purpose. Access is obtained through the industrial estate, and there is an area of hardstanding to the front of the building. Land to the south of the stables is also owned by the applicants but is excluded from the site boundary. This land is currently used as a paddock.

Planning History: In 1995 an application was made for a certificate of lawfulness of the existing buildings on the site for industrial purposes. This was permitted.

An application was subsequently submitted under reference 04/00165/FUL to demolish the existing building and erect four industrial units (one Class B2, three Class B8). However this was refused permission on Green Belt impact because of the additional size of the proposed building, and its design and facing materials, contrary to Policies 4 and 25 of the Structure Plan and Policies DC1, GN5 and DC9 of the Local Plan. Very special circumstances to outweigh the presumption against the development had not been advanced. In addition it was considered that inadequate facilities for lorries to park and turn clear of the highway was being provided.

A subsequent application, reference 04/00781/FUL, overcame these issues and permission was granted for the erection of a similar development (albeit different design) comprising one Class B2 General Industrial unit and three Class B8 Warehousing units. The permission created a building with a footprint of approximately 330m². This permission remains valid.

The existing stable building was permitted by planning application, reference 01/00440/FUL.

Proposals:

This application proposes the construction of a single storey double skinned building on the same footprint as that permitted for the industrial building. The building incorporates two class rooms, a nursery school, physio therapy facilities and other associated accommodation.

The existing hardstanding to the north of the building will be replaced with a specially adapted outdoor soft play area. Areas of other hardstanding will be retained to provide staff and visitor parking facilities together with associated vehicle manoeuvring areas. It is intended to use the existing stable building as a riding for the disabled centre associated with the activities in the main building.

The proposed accommodation will allow the charity to expand its activities, for which it advises there is a considerable shortage in the North West. The existing conductive education which takes place from the existing building in Eccleston will be relocated to this purpose built facility. The charities headquarters will remain at Eccleston.

Planning Policies:

The site is located within the Green Belt where Policy DC1 of the Chorley Borough Local Plan Review 2003 applies. In addition, as the site is currently in industrial use Policy EM4 which protects rural employment sites is also applicable. In addition general policies such as GN5 and TR4 also apply.

Consultation:

Mawdesley Parish Council – No objection as long as the property is for use by Rainbow House, appropriate screening of the buildings from the road, limiting the height of the roof. Reduction of speed limit on Bluestone Lane and Salt Pit Lane.

Lancashire County Council Highways – Raises no objections subject to the provision of a footway between the site and Bluestone Lane and various conditions.

Neighbours:

Bluestone House – No objections but suggest that the speed limit in Bluestone Lane and Salt Pit Lane are reduced from 60mph to 40mph.

3 Coronation Villas, Bluestone Lane - No objections but draws to the Councils attention excessive speed of vehicles in this vicinity which, bearing in mind road conditions and lack of lighting, may pose a significant danger to the users of the development.

Issues:

The main issues relevant to the appeal are the appropriateness of the proposed development in the Green Belt, the loss of the existing employment uses, accessibility, and the general design and form of the proposed development. These issues are dealt with in turn below.

Green Belt

The proposed buildings are not for a purposes that is identified as being appropriate in the Green Belt either in policy DC1 of the Local Plan or the advice in PPG2: Green Belts. The proposals therefore represent inappropriate development in the Green Belt. Permission should not be granted unless the applicant has demonstrated very special circumstances that outweigh the harm.

In this respect the applicant has referred to the following pertinent points:

- The presence of an existing non-conforming use within the Green Belt that includes various elements of open storage etc.
- That the proposed building will have a similar footprint to the permitted industrial building;
- That the existing areas of hardstanding will be substantially reduced;
- That there is scope for additional landscaping which will further screen the site from public vantage points;
- The charitable nature of the end user of the building and the important support they provide to disabled children and their families;
- The improved design of the buildings from that which exists and that permitted.

The building is of different design than that previously permitted. Its roof is pitched and whilst higher at the ridge, is overall no more bulky than the building permitted previously. However, it is considered that the development will have no greater impact on the openness of the green belt than either the existing or previously permitted use / building.

Weighing up these material considerations, it is considered that these circumstances are very special and, bearing in mind the limited impact of the proposals of the Green Belt, outweigh the harm that is created.

Loss of Employment

The site is currently predominantly in B8 use that provides little employment opportunity in real terms. Storage is not a significant employment generating activity and as a consequence the existing building has limited value to the local economy.

The applicants advise that they anticipate that the proposed centre will employ 13 staff with the scope for this to rise to 18 after the first year. The proposed use will therefore actually result in increased employment opportunities. As a consequence, and bearing in mind the circumstances surrounding the application, it is not considered that the proposals conflict with the intention of policy EM4.

Highways and Accessibility

The County Highways Officer is satisfied with the submitted application subject to appropriate conditions. Whilst the issues raised by the Parish Council and third parties in relation to speed of vehicles are noted the proposal will not have any greater impact than that which could be created by the existing use of the site. It would therefore not be reasonable to require the applicant to secure a reduction in the speed limit.

The site is in an isolated position in a rural area and is not well served by public transport. Nor is the use in this location likely to encourage alternative modes of travel to the car.

However, given the nature of the people using the site it is most unlikely that either public transport or walking /cycling would be viable modes in any respect. In addition, the applicant has indicated that they will consider a school bus service at the end of their first year if permission is granted. This would reduce individual trips to the centre.

Design

The building has been designed of brick construction with a low pitched roof in order to minimise the impact of the development. It will be necessary to carefully select the materials as a reasonable quality brick will be necessary to create an acceptable external appearance. This however, can be the subject of conditions attached to any permission.

There are opportunities for additional landscaping at the front of the site and at strategic locations within it. This includes between the existing stable building and the proposed building. This landscaping will soften the impact of the development helping to integrate the site with its environs. The removal of existing areas of hardstanding (some of which is used for open storage) would also be a significant benefit to the visual appearance of the site.

Conclusions:

For the reasons discussed above, it is considered that the application is for inappropriate development in the Green Belt. However, it is considered that it will have no greater impact on the openness of the Green belt than the existing lawful use and previously permitted development. As such this, together with the other points identified in support of the application above, represent very special circumstances that outweighs the presumption against the development. In terms of employment use, the existing use is low key and inappropriate in the area. The loss of employment generating activity will not be significant and in real terms the proposed use is likely to create as much employment as currently exists on the site.

On balance it is therefore considered that the proposed development is acceptable and is therefore recommended for approval subject to the following conditions.

Recommendation: Permit Full Planning Permission Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

3. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

4. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences, gates, walls or other means of enclosure 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. The building shall not be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no further fences, gates, walls or other means of enclosure shall thereafter be erected unless express planning permission is first obtained.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

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

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.

6. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan and to a specification first agreed in writing with the Local Planning Authority. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas in and accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Before the development is commenced, proposals for the landscaping of the site, to include provision for the retention and protection of existing trees and shrubs, if any, thereon, together with any means of enclosure proposed or existing within or along the curtilage of the site shall be submitted to and approved by the District Planning Authority by means of a large scale plan and a written brief. All proposed and existing trees and

shrubs shall be correctly described and their positions accurately shown. Upon approval such new planting shall be carried out during the planting season October/March inclusive, in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979), immediately following commencement of the development. The landscaping shall thereafter be maintained for five years during which time any specimens which are damaged, dead or dying shall be replaced and hence the whole scheme shall thereafter be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

8. No materials or equipment shall be stored on the site other than inside the building.

Reason: In the interests of the amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

9. This permission shall enure solely for the benefit of the applicant, Rainbow House, and not for the benefit of the land to which the application relates, and on Rainbow House ceasing to occupy the premises the use shall revert to a D1 use as identified by the Use Classes Order 1987 (as amended)

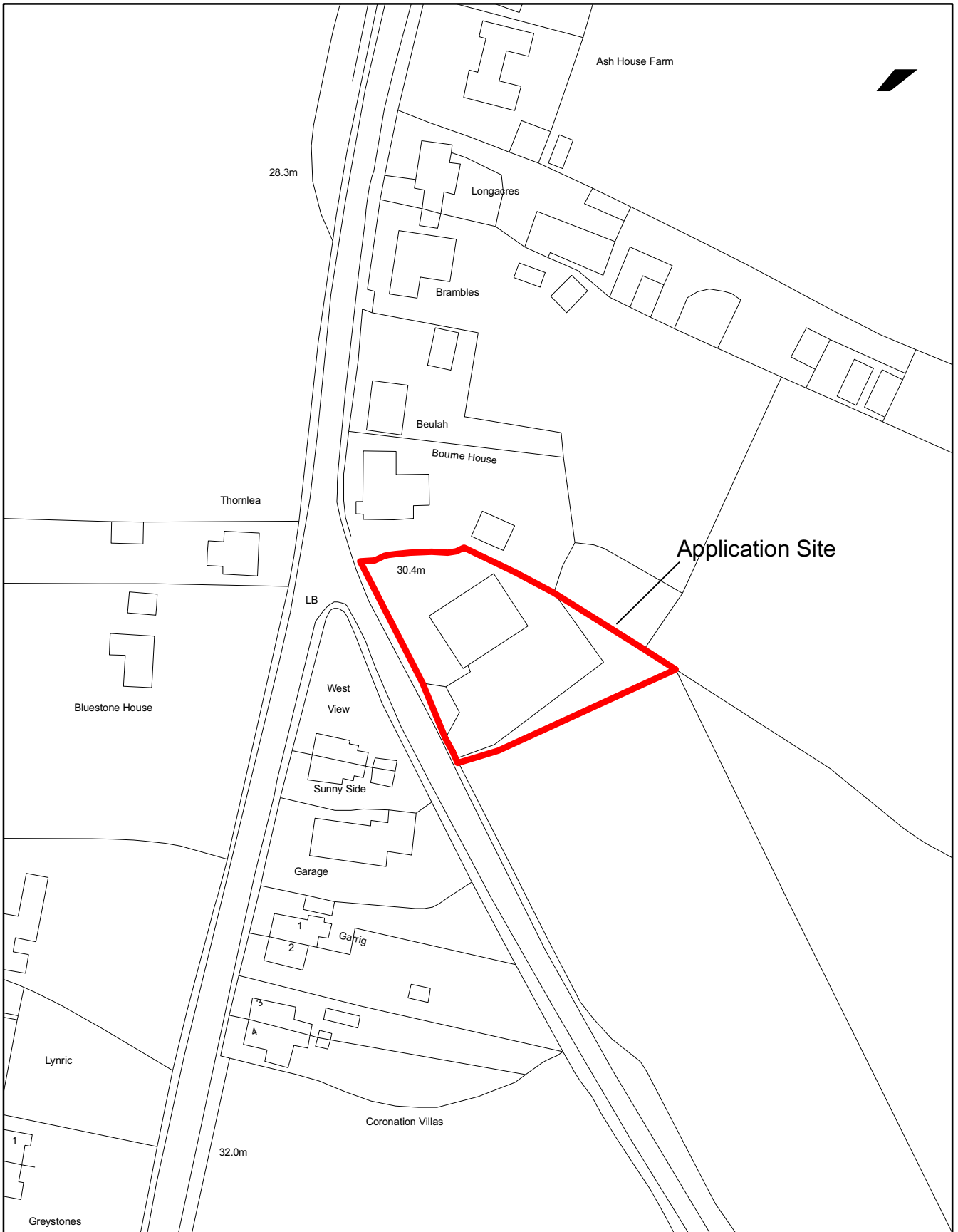
Reason: The Council has had regard to the special circumstances of the applicant.

10. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements or other materials approved by the Local Planning Authority prior to the building hereby permitted being brought into use.

Reason: To prevent loose material being brought onto the highway causing a danger to other road users in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

11. Prior to the first occupation of the building hereby approved a footway to adoptable standards to a specification to be agreed with the Local Planning Authority shall be provided between the site access and the existing footway to the west of the site.

Reason: To secure adequate visibility splay from the site entrance and in the interests of pedestrian safety in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.



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Chorley Borough Council

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Application Number:
06/00023/FUL

Grid Ref:
E: 350544
N: 415816

Scale:
1:1,250

Agenda Item No.
B. 1

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Item B. 2 **06/00117/FUL** **Permit retrospective planning permission**

Case Officer **Mr David Stirzaker**

Ward **Coppull**

Proposal **Retrospective application for the erection of a milking parlour**

Location **Bridge Farm Coppull Moor Lane Coppull**

Applicant **Mr R Woodcock**

Proposal This retrospective application follows an investigation by the Council's Enforcement Officers and seeks to regularise the unauthorised erection of an agricultural building, which is utilised as a milking parlour. The application site is Bridge Farm located on Coppull Moor Lane within the settlement of Coppull.

The building erected measures 18.3m wide by 16.9m wide by 3.5m to eaves and 4.85m to the ridge and has been constructed from green corrugated metal sheeting to the roof and the upper part of the walls with concrete panels below.

Planning Policy DC1 - Green Belts
 GN5 - Building Design
 EP7 - Agricultural Development

Planning History In 1998 an agricultural determination application (98/00336/AGR) for a new storage building was withdrawn as it was deemed the application procedure was incorrect given the building was proposed within 400m of residential properties.

Representations To date, two letters of objection have been received. The contents of which can be summarised as follows:

- The milking parlour causes harmful noise and disturbance in that machinery starts at approx. 5am and lasts for around 2½ hours seven days a week which prevents bedroom windows from being opened
- The building is industrial in appearance
- Open aspects of the horizon have been lost
- The building leads to overshadowing in the winter months
- Rats have been spotted because of the building
- The building has caused drainage problems with adjacent garden areas
- Vehicles being loaded and unloaded causes noise disturbance

Consultations No comments have yet been received from LCC (Property Group) and LCC (Highways). These will accordingly be reported in the addendum.

The Environment Agency has been consulted on the application as they have had previous involvement with the site in terms of drainage. Comments received will be reported in the addendum.

The Head of Environmental Services has raised no objections to the application and confirms that no complaints have been made since the erection of the building.

Assessment

The building is of typical design and materials commonly found on agricultural units. The building is located adjacent to existing buildings and its overall scale in terms of its outward impact does not cause significant harm to the character and appearance of the locality.

Whether or not the building is reasonably necessary for agricultural purposes will be assessed by LCC (Property Group) from which a consultation response is awaited. This will be reported in the addendum.

Views of the building from the residential properties, which surround Bridge Farm, particularly from the north, are in part broken up by existing trees along the boundary and the building is located at its closest point a distance of approx. 40m from the nearest residential property on Coppull Moor Lane. In terms of views from the adjacent properties, the building is seen with and against the existing farm buildings and by virtue of its distance from these properties, it is not considered that the building results in detrimental harm to outlook nor is it overbearing.

The objections raised in terms of noise have been noted. However, the Head of Environmental Services confirms no complaints have been received in relation to the building. It should also be noted that the farmyard area and the other existing buildings can be used by the applicant for agricultural purposes without restriction and problems of noise can be controlled under Environmental Health legislation if a particular problem is found to exist.

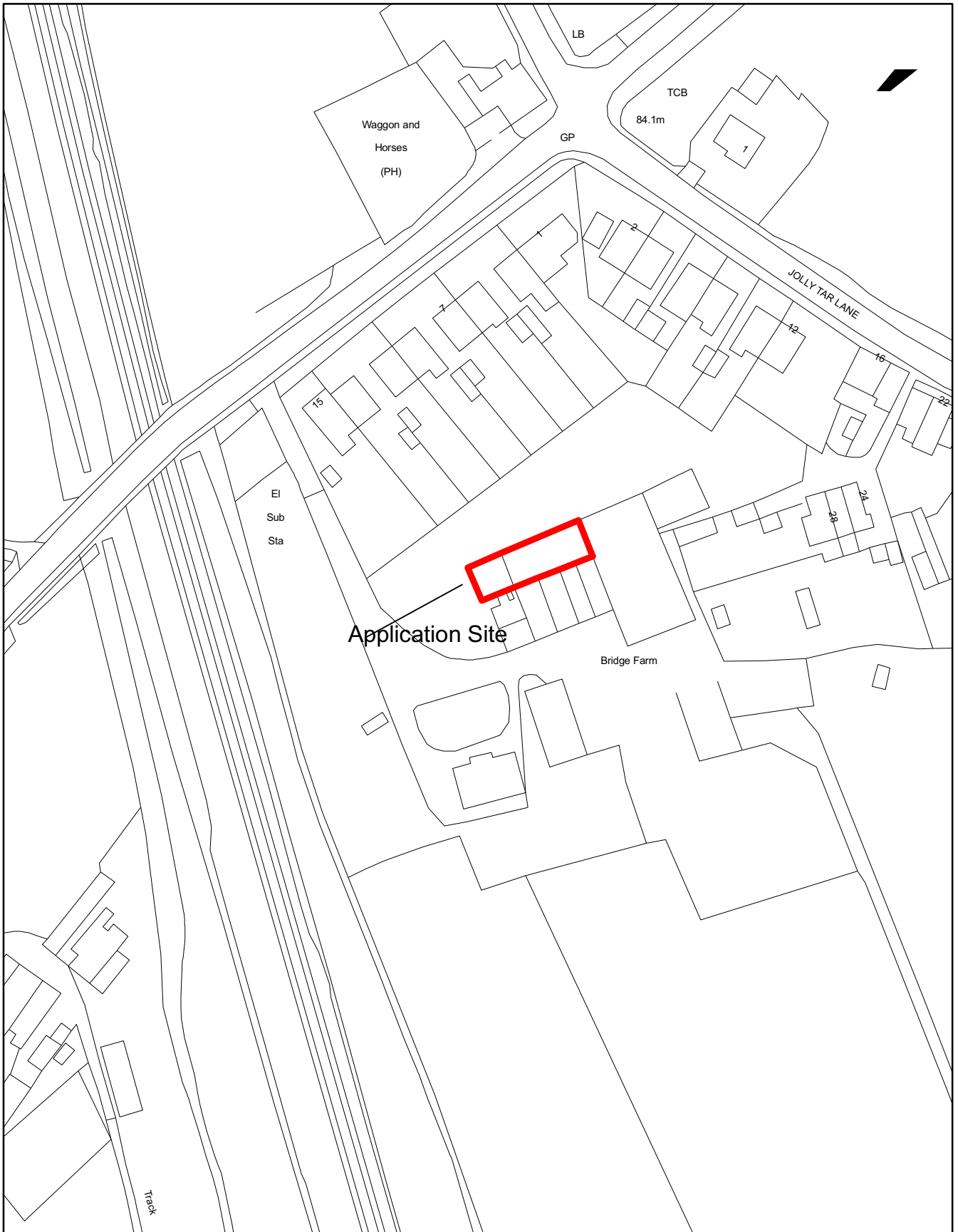
In terms of the objection raised citing drainage matters and highway safety, the Environment Agency and LCC (Highways) have been consulted hence comments received will be reported in the addendum.

Conclusion

On the basis of the above, it is recommended that retrospective planning permission be granted.

**Recommendation: Permit retrospective planning permission
Conditions**

. -



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 Head of Development and Regeneration
 Chorley Borough Council

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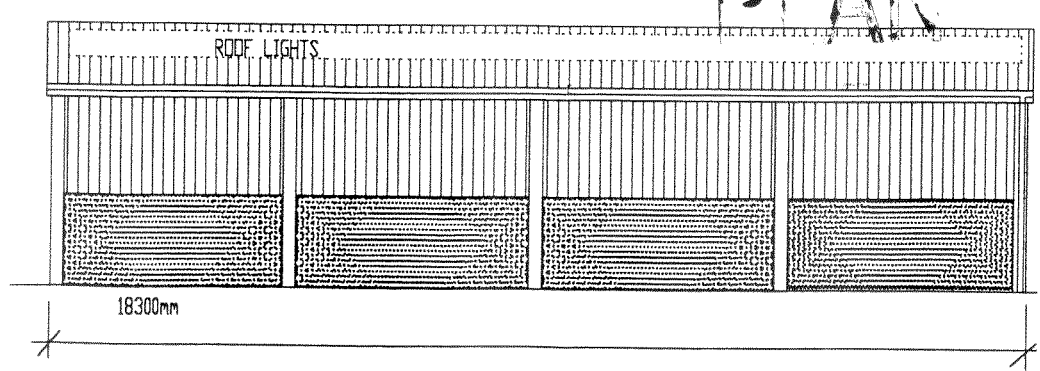
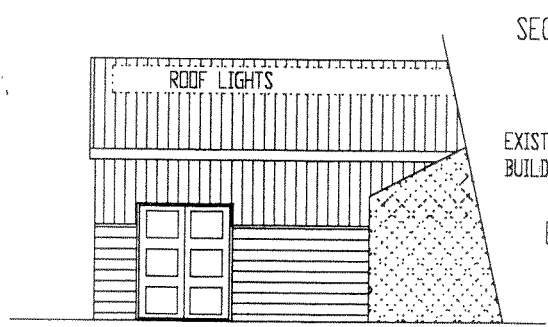
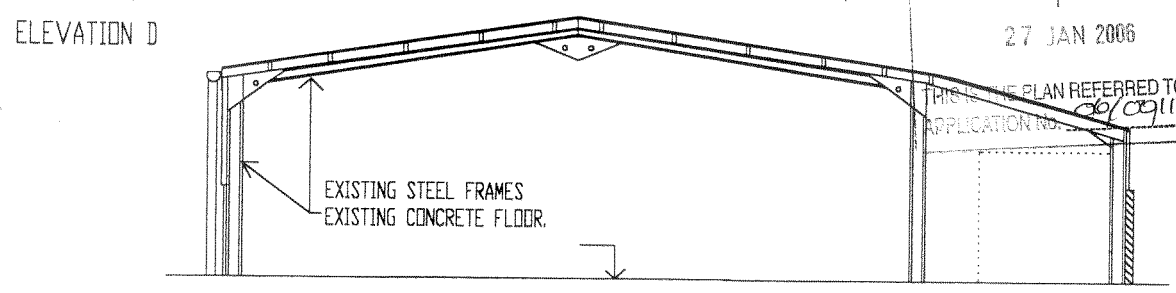
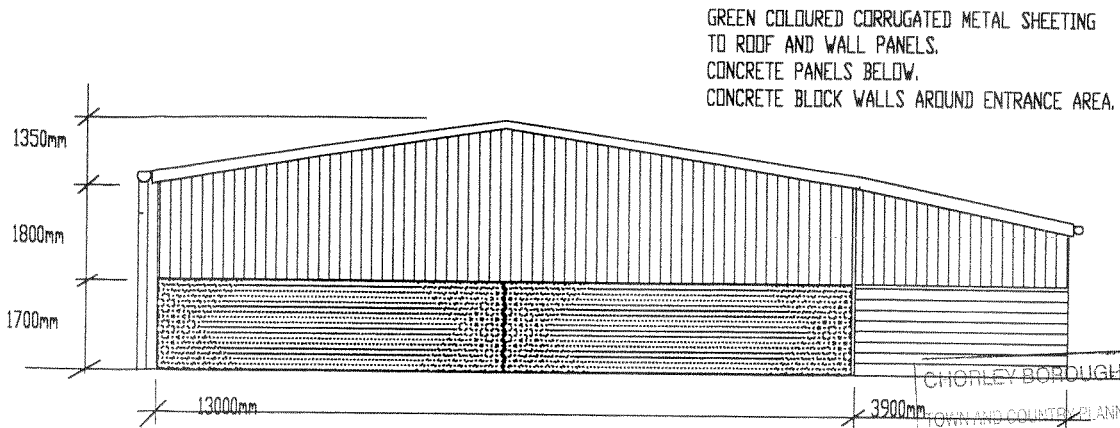
Application Number:
06/00117/FUL

Grid Ref:
E: 356846
N: 413122

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Agenda Item No.
B. 2

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ELEVATION A

APPROVED
1:100
PLAN

<p>Jane E Meek BSc(Hons) DipTP MRTPI Head of Development and Regeneration Chorley Borough Council</p>		<p>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Chorley B.C. 100018509</p>	
<p>Application Number: 06/00117/FUL</p>	<p>Grid Ref: E: 356846 N:413122</p>	<p>Scale: 1:1</p>	<p>Agenda Item No. B. 2</p>

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Report of	Meeting	Date
Head of Development and Regeneration	Development Control Committee	06.03.2006

PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS

Item	Application	Recommendation	Location
D.1.	06/00005/COU	Refuse Full Planning Permission	Land To The North Of Bishop Rawstone C Of E International Language College Out Lane Croston
D.2.	06/00006/COU	Permit Full Planning Permission	57-59 Market Street Chorley
D.3.	06/00048/COU	Permit Full Planning Permission	10 Heys Dock Lodge Dark Lane Whittle Le Woods Chorley
D.4.	06/00050/TEL	Prior App not reqd – Telecom Mast	Little Knowley Farm Heapey Road Chorley
D.5.	06/00073/FUL	Permit Full Planning Permission	Clayton Brook Service Station Preston Road Clayton Le Woods
D.6.	06/00075/ADV	Advertising Consent	Clayton Brook Service Station Preston Road Clayton Le Woods
D.7.	06/00119/COU	Permit Full Planning Permission	42 Steeley Lane Chorley

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Item D. 1 06/00005/COU Refuse Full Planning Permission

Case Officer Miss Caron Taylor

Ward Lostock

Proposal Change of use of agricultural land to two full size football pitches with training area,

Location Land To The North Of Bishop Rawstorne C Of E International Language College Out Lane Croston

Applicant Mr D Sumner

Proposal: The application is for the change of use of agricultural land to two full size football pitches (with permanently erected metal goal posts) and training area.

Background: The land is situated to the north of Bishop Rawstorne Church of England International Language College and will be accessed via Out Lane, with parking on the existing school car park. Croston Junior Football Club will use the pitches and training area. There is an existing football pitch to the east of the application site belonging to the school. The nearest properties are Taylor's Barn and Workhouse Barn on Out Lane and properties at the Southern end of Lostock Road.

The Diocese of Blackburn owns the application site and the Football Club will rent the land.

Planning History: There is no planning history on the site where the pitches are proposed.

Planning Policy: DC1: Development in the Green Belt
PPG2: Green Belts
TR4: Highway Development Control Criteria
LT12: Golf, Outdoor Sport and Related Development

Applicant's Case: The school uses the existing pitch adjacent to the application site and is due to have drainage installed, hopefully this year. The school itself cannot use it during the winter months due to water logging, so is therefore not available to Croston Junior Football Club.

The school are awaiting a grant from both the Council and Football Foundation, in order to address the problem of poor drainage on the school site, once it has been installed it is hoped that Croston Junior Football Club will be able to use the larger of the two pitches, and that the school will also be able to make use of the field that the club will be renting.

The main use of the pitches will be during the period September through to April, i.e. the football season for the Central Lancashire League, with the majority of games being played on a Sunday, with kick off times being 11.00am and 2.00pm.

It is hoped that the maintenance will be done by the Junior Football Club themselves, and they are looking into funding from different bodies, in order to regenerate the field into two full size pitches, with maintenance costs for the next five years, this includes a sit on gang mower which will be sited at the school. The school have provisionally agreed to allow access to the field, via the second gate on Out Lane. This is in order for the club to grow and prosper, and the school has additionally agreed that the club can use the parking and changing facilities at the school.

The club has over 280 members, with age ranges from under 7's through to under 16's. It is anticipated that teams from age groups under 11's, 12's, 13's, 14's, and 15's, will use the facilities at both the school and the application field. These will all be eleven a side teams, and will play in the Central Lancashire League so away teams and their supporters will also visit the application site.

Training during the summer is usually done on the fields situated at the front of the school, adjacent to the bus lay-bys, and the Junior Football Club hope this will continue.

Consultations:

LCC Highways

Lancashire County Council Highways have objected to the application. They state that considering the information provided, and the number of vehicles likely to visit the site, the proposed use is likely to have an adverse effect on traffic and pedestrian safety on Out Lane. In the circumstance they recommend that the application be resisted for highway safety reasons.

Also given the nature of Out Lane it would be unacceptable to rely on this road to provide car parking provision. The lack of off road car and coach parking under the direct control of the applicant, and hence uncertainty over the long-term provision of off road car parking adds to the objectionable nature of the application.

Croston Parish Council

The Parish Council object to the application. Whilst it is of the opinion that the provision of sports facilities should be encouraged and supported, particularly relating to younger people, it is felt a development of this nature would be more appropriately located well away from a residential area.

Additional use of Out Lane should not be encouraged. Out Lane was highlighted in the Parish Council's Parish Business Plan as one of the four main areas for concern with regard to traffic issues and as a result of this LCC has begun the process of implementing traffic calming measures.

LCC Archaeology

Do not consider any archaeological response necessary.

Representations: Seven letters of objection have been received from six properties on Out Lane and Lostock Road. The reasons for objection can be summarised as:

1. Increase in noise and disturbance
2. Increase in litter
3. Damage to trees and hedges
4. Loss of agricultural land
5. Better use could be made of existing football pitches in the area
6. The land is in the Green Belt and the perimeter of the village should not be extended
7. The proposal would negatively impact on local residents due to a loss of privacy
8. Light pollution at night due to floodlighting (however, it should be noted that no lighting is proposed)
9. The proposals would set a precedent and open up the surrounding fields for development
10. The development would increase the traffic flow down Out Lane disturbing residents
11. The proposals will exacerbate existing parking problems
12. The proposal may damage the pond in the field
13. Walkers using the public footpath along the edge of the site could be hit by footballs
14. The building of the new gymnasium at the school already has a detrimental impact on nearby properties and the proposed pitches will exacerbate this
15. The pitches will be used at the weekends which is currently the only time that the residents get a break from the noise and traffic currently caused by the school
16. Footballs may go into adjacent properties gardens

The Headteacher of Bishop Rawstone Language College supports the application as the pitches would prove to be an excellent provision for both the community and the College.

Assessment:**Green Belt**

The site lies within the Green Belt where there is a presumption against inappropriate development and where Policy DC1 of the Adopted Chorley Borough Local Plan Review and PPG2: Green Belts apply. There are a number of types of development that are appropriate in the Green Belt, one of which is essential facilities for outdoor sport and recreation. The application does not include any form of building or floodlighting and does therefore comply with Green Belt policy.

Highways

One of the main issues is that of highways, as the Highways Authority has objected to the application. Parking for the pitches will be provided at the school with the pitches accessed via a field gate. There are already highways issues on Out Lane and the

proposals will increase the number of football pitches north of the school from the existing one, to three, therefore increasing the amount of traffic that would be accessing the bottom of Out Lane, particularly as the applicant has indicated that the school may also use the proposed pitches. This intensification of the use and the associated traffic, (including teams and visiting teams along with supporters) along with more than one match in a day will be detrimental to highway and pedestrian safety on Out Lane contrary to Policy TR4 and section (g) of Policy LT12 of the Adopted Chorley Borough Local Plan Review.

In addition, the car parking is in third party control (the school). If the school were to withdraw this car parking for use by the football club, Out Lane would not be able to provide acceptable parking for the pitches.

In any respect, it is unlikely that the parking within the school will be able to accommodate the number of vehicles and the turning movements necessary on this constrained site. As a consequence it is inevitable that parking will take place on Out Lane itself. This is a narrow road, ill suited for the level of activity it currently accommodates. These existing problems are going to be significantly worsened by the proposed use.

Neighbour Amenity

The nearest properties to the pitches will be Taylor's Barn and Workhouse Farm on Out Lane, along with properties on Lostock Road. Although there is already a football pitch north of the school it is further away from residential properties than those currently proposed. The proposals will result in pitches being sited adjacent to the garden of a residential property. In addition it is proposed that the majority of games will be played on a Sunday, a day when most people would reasonably expect peaceful enjoyment of their property, particularly as disturbance is caused to these properties from the school throughout the week. The proposals are therefore contrary to Policy LT12 which states noise generating outdoor sports should not harm the amenities of local residents.

Conclusion:

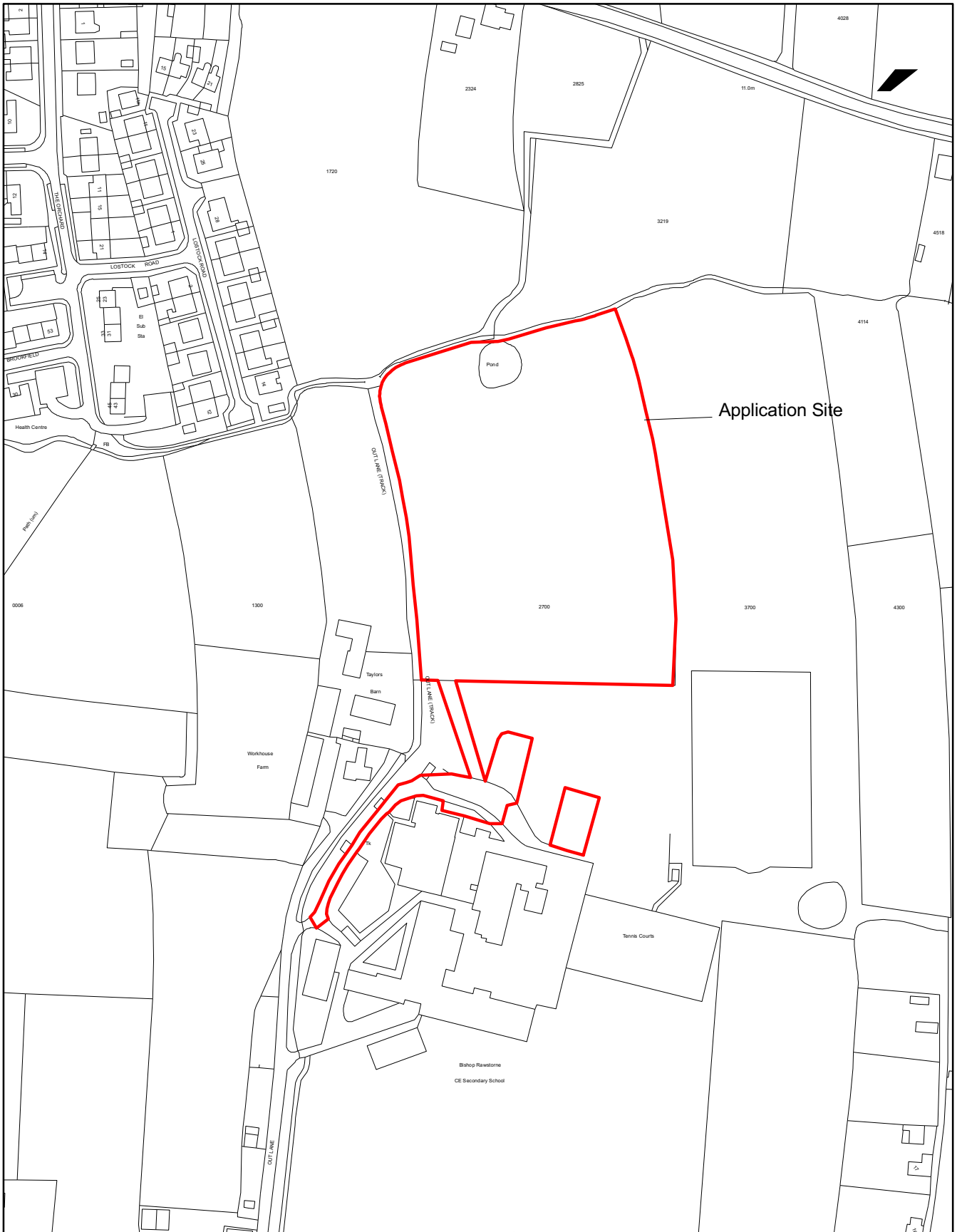
This is a finely balanced application. Croston Junior Football Club will be providing recreational facilities for the youth of the area and several objectors have stated that normally they would wish to encourage the provision of sports facilities for young people. However, there are already traffic problems on Out Lane and increasing the number of pitches using this access will only exacerbate these issues. In addition the properties on Out Lane suffer noise and disturbance from the school throughout the week. The pitches would mainly be used on a Sunday, therefore extending the period of disturbance caused to neighbouring properties at a time in the week when they could reasonably expect peaceful enjoyment of their property.

Recommendation: Refuse Full Planning Permission**Reasons**

1. Due to the increase in the number of pitches north of Bishop Rawstone International Language College the number of vehicles likely to visit the site accessed via Out Lane is likely to increase, having an adverse effect on traffic and pedestrian safety on Out Lane. In addition, if the school withdrew its parking facilities from use by the football club, Out Lane could not provide suitable parking facilities. The proposals are therefore contrary to Policy TR4 and section (g) of Policy LT12 of the Adopted Chorley Borough Local Plan Review.

2. The proposed pitches would mainly be used on Sundays, a day when most people would reasonably expect peaceful enjoyment of their property. The properties nearest to the proposed pitches and access already suffer from noise and disturbance throughout the week from the school and the proposals would extend this period, contrary to section (e) of Policy LT12 of the Adopted Chorley Borough Local Plan Review.

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Application Number:
06/00005/COU

Grid Ref:
E: 348897
N: 418578

Scale:
1:2,500

Agenda Item No.
D. 1

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Item D. 2 06/00006/COU Permit Full Planning Permission

Case Officer Miss Lyndsey Cookson

Ward Chorley South East

Proposal Change of use from A1 to A3 for use as coffee shop,

Location 57 - 59 Market Street Chorley Lancashire PR7 2SN

Applicant The Inn-Dependant Pub Co. Ltd

Proposal The application is for the change of use from a florist (A1) to a coffee shop (A3). The unit is currently empty.

The property is located amongst a row of commercial units within the Primary Shopping Area of Chorley Town Shopping Centre. The unit will comprise of a ground floor coffee shop with associated seating, service and kitchen areas.

Policy Policy GN1 and SP4 in the Adopted Chorley Borough Local Plan Review relate to development within Chorley Town and the Primary Shopping Area of Chorley Town Shopping Centre.

Planning History No recent planning applications.

Consultations The Council's Environmental Services unit have been consulted with no comments received to date.

Representations One letter of objection received from Frederick's Ice Cream Coffee Bar. The close proximity between the two units would result in reduced customers, and there are a considerable number of cafes, delis and sandwich shops in the vicinity.

Assessment The main issues to consider are whether the proposed change of use would conflict with Local Plan policies, be in keeping with the streetscene and maintain the character and appearance of the town centre.

In accordance with policy SP4, A3 use is permitted at ground floor level, and the proposal would not have a detrimental effect on the shopping character of the Primary Shopping Area nor undermine its vitality and viability.

The property currently has a retail use. The change of use from a former florist to a coffee shop will not have a detrimental effect on the streetscene, in an area which comprises of commercial (office and retail) properties.

A separate planning application for advertisement consent to display two shop signs has been submitted. There are no other proposed external alterations, so the character of the property will remain relatively unchanged.

Resultant trade competition from neighbouring businesses is not a material planning consideration, and the Council does not have a current policy to restrict the intensity of units in the same use class.

**Recommendation: Permit Full Planning Permission
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 91 of the Town and Country Planning Act 1990.



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Application Number:
06/00006/COU

Grid Ref:
E: 358319
N: 417517

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1:1,250

Agenda Item No.
D. 2

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Item D. 3 **06/00048/COU** **Permit Full Planning Permission**

Case Officer **Mrs Helen Lowe**

Ward **Pennine**

Proposal **Change of use from amenity space to garden and alterations to existing boundary wall/erection of perimeter fence.**

Location **10 Heys Lodge Dark Lane Whittle Le Woods Chorley Lancashire**

Applicant **Mr N Burton**

Background The application property is one of 10 recently created during the conversion of the former Howard Arms Public House, Whittle le Woods.

Proposal This application proposes the change of use of an area of land adjacent to No. 10 Heys Lodge from shared amenity space to residential curtilage (private garden); to enclose the northern and western boundary of that land with a 1m high wrought iron fence and to increase the height of the existing wall along the southern boundary by 30cm (using brick). The wall forms part of the undercroft parking area, adjacent to the access drive. The access drive is approximately 2.8m lower than the amenity space.

Planning Policy The application site lies within the Green Belt, as defined in the Adopted Chorley Borough Local Plan Review. The following policies from the Local Plan are considered relevant:

DC1 Development within the Green Belt
GN5 Building Design and Retaining Existing Landscape Features and Natural Habitats

The following central government guidance is also considered relevant:

PPG2 Green Belts

Planning History 9/01/00886/COU Change of use of public house into 10 dwellings and erection of 2 storey extensions to front and rear
Approved 23.01.02

9/03/00763/FUL Erection of 9 garages and gardeners store
Withdrawn 04.06.03

9/03/01154/FUL Conversion of existing outbuilding to 5 garages and erection of 5 new garages
Approved 08.03.04

Consultees Responses

The Councils Urban Design Officer has made the following comments on the proposals:

1. Raising the wall will upset the proportion of the wall and to a lesser extent the arches underneath;

2. Any increase in height will give the entrance drive a tunnel like character;
3. The impact on the setting of the building through sub-division of its existing open curtilage causes concern. The open aspect of the building at present enhances its setting and historical character (although it has no historical protection);
4. Should any sub-division be approved it is likely to upset this setting and set a worrying precedent in terms of further subdivision. Should this occur it will have a detrimental effect on the character of the development.

Whittle le Woods Parish Council have raised no objections to the proposals and requested that neighbours be consulted.

Third Party Representations

Three letters of objection has been received from occupants of neighbouring properties (Spring Mews). They make the following comments:

- Will block view/spoil outlook;
- Will cause overshadowing;
- Changes to the open setting of the properties will cause a fundamental change to the character and setting of the development.

Assessment

The main issues to consider in determining this application are impact on neighbour amenity, impact on the Green Belt and issues of design and appearance.

Neighbour Amenity

The main impact in terms of neighbour amenity would arise from the raising of the height of the existing wall and would mostly impact upon the occupants of Nos. 26-23 Spring Mews. The wall is approximately 8m from the rear boundary of the gardens of the properties affected and sited to the north. Due to the orientation it is not considered that any undue loss of daylight/sunlight or increase in overshadowing would occur as a result of the proposals. It is not considered that an increase in height of 0.3m, 8m away, is so significant that the wall would form an unduly overbearing or dominant feature when viewed from the properties on Spring Mews.

Green Belt

The formation of residential curtilage is normally considered to be inappropriate in the Green Belt, however it is considered that in this particular case very special circumstances do exist to allow the proposal. Although the land does not presently form part of a private garden, it is already in domestic use, and prior to that formed part of the grounds of the Howard Arms. The proposal would not result in a loss of land that is presently in an agricultural use, nor land that is rural in character. The proposed change of use would not change the existing character or likely activities that would take place on the land.

The erection of fencing and increased height of the existing wall would have some impact on the openness of the site, however due to the low height and open nature of the fencing proposed and existing character of the area, this is not considered sufficient reason to warrant refusal of the proposals. It is considered that the nature of the fencing (decorative wrought iron) is in keeping with the nature of the immediate surroundings.

Design and appearance

With regard to the comments of the Urban Design Officer, it is not considered that an increase in height of 0.3m will have such a significant impact upon its character and appearance to warrant refusal of the proposals. The height of the existing wall is approximately 3.5m; therefore an increase in height of 0.3m represents a relatively small increase.

A number of other properties on the development have small grassed areas adjacent to them and an obvious concern is that in allowing this proposal other properties would wish to do the same. These grassed areas are much smaller than the land that is the subject of this application some areas have been planted with low level formal planting. A wider area of land surrounding the development, is less formally laid out as communal open space.

The location of the land that is the subject of this application is such that it forms a very obvious association with the application property and does not appear as much of a part of the communal garden areas (both formal and informal) as other areas of the site. Any further proposals to form separate curtilages would require further planning applications to be submitted and the merits of such proposals would be assessed at the time. However it is considered that it is unlikely that other areas of the site are of an appropriate size and siting for residents to require their enclosure.

The property is not a statutory Listed Building, nor has it been identified as a locally important building in the Adopted Chorley Borough Local Plan Review. Accordingly it is not considered that a refusal on design grounds alone could be sustained.

Currently, as no properties on the site have individual residential curtilages, none benefit from permitted development rights. In order to be able to continue to exercise control over future development at the property it is recommended that a condition removing permitted development rights for future extensions and erection of outbuildings at this property is attached to this permission.

It is considered that the erection of detached outbuildings, such as sheds, summerhouses, inappropriately designed extensions etc. could have a significant detrimental impact upon the character of the overall development and its surroundings and should therefore continue to be strictly controlled

Conclusion

It is considered that the proposal would not cause undue harm to the neighbour amenity, the Green Belt or character and

appearance of the area and it is recommended that approval be granted.

**Recommendation: Permit Full Planning Permission
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 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy Nos. DC1, GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until full details of the hedging to be provided along the northern boundary of the land edged red on the location plan has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The details shall indicate the species, density and size of the proposed planting. There shall be no additional planting along the western boundary of the land.

Reason: In the interests of the amenity of the area and in accordance with Policy Nos. DC1 and GN5 of the Adopted Chorley Borough Local Plan Review.

4. All planting comprised in the approved details of hedging shall be carried out in the first planting season following the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.

5. The wrought iron fencing detailed on the approved plan(s) shall be used and no other type of fencing substituted without the prior written approval of the Local Planning Authority. The fencing hereby approved shall be retained at all times thereafter and the approved fencing shall not be altered or replaced without first obtaining planning permission from the local planning authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC1 of the of the Adopted Chorley Borough Local Plan Review.

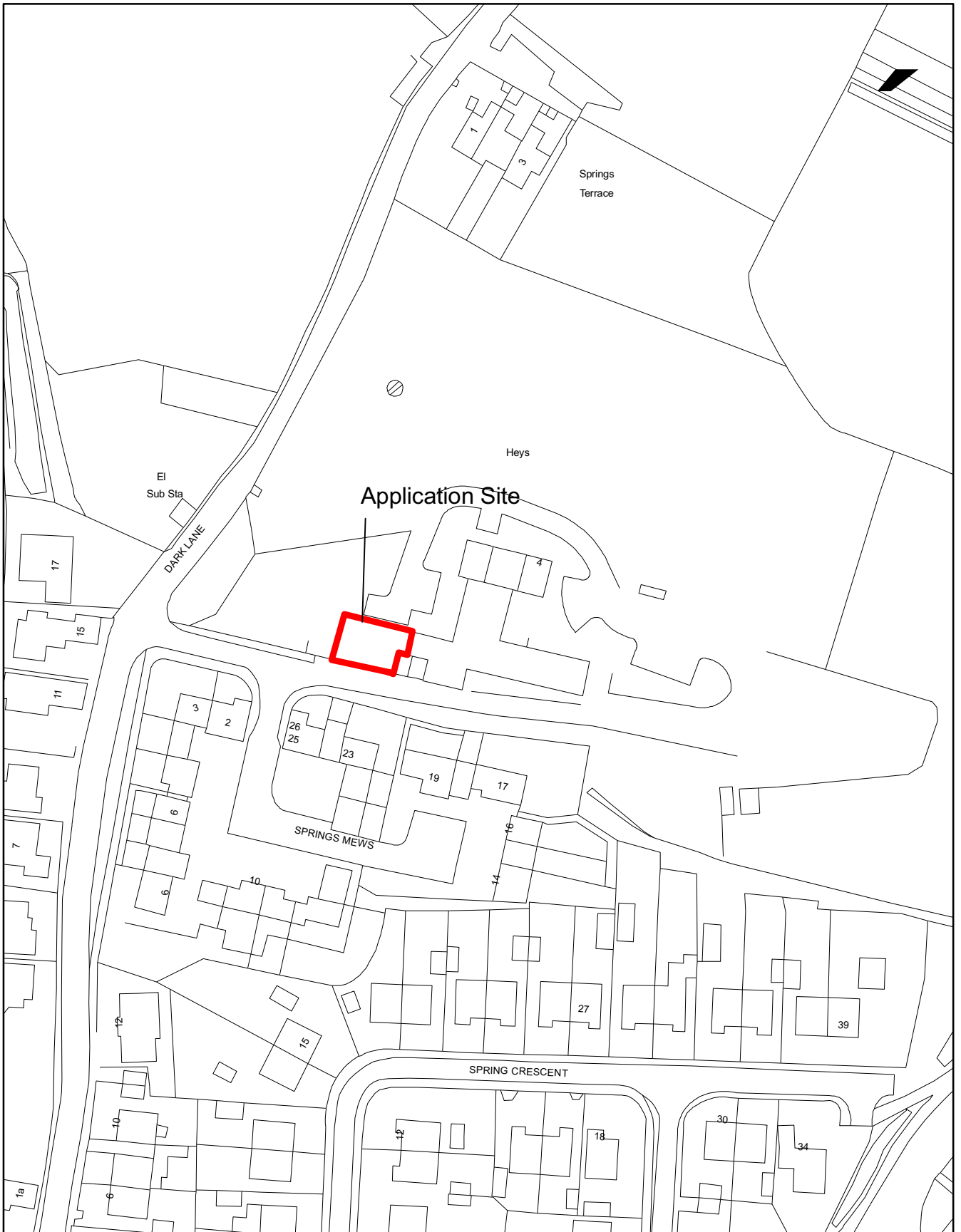
6. The development hereby permitted shall not commence until samples of all materials to be used in altering the existing boundary wall (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no buildings or other works permitted by Part 1 Class E, F G and H and Part 2 Class A, nor any other structures, enclosures and other items (except the wrought iron fence and planting expressly authorised by this permission as shown on Plan 0512/05 received on 23rd December 2006) shall be constructed or erected on the land edged in red on the location plan without express planning permission first being obtained.

Reason: To avoid the unnecessary proliferation of buildings, structures, enclosures and other items within and detrimental to the character and appearance of the Green Belt and in accordance with Policy DC1 of the Adopted Chorley Borough Local Plan Review, and for the avoidance of doubt.

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Application Number:
06/00048/COU

Grid Ref:
E: 359243
N: 420598

Scale:
1:1,250

Agenda Item No.
D. 3

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Item D.4	06/00050/TEL	Prior App not reqd - Telecom Mast
Case Officer	Miss Nicola Bisset	
Ward	Chorley North East	
Proposal	Proposed Telecom Development Consisting 3 No. Additional O2 (uk) antennae at 10.85 metres height and relocation of existing 3 No O2 (uk) antennae and 1 No transmission dish at 11.0 metres feight on new delta frame on existing 15.0 metre column mast: together with proposed O2 (uk) Nokia equipment cabinet with ancillary electrical cabling within existing compound	
Location	Little Knowley Farm Heapey Road Chorley LancashirePR6 9BQ	
Applicant	O2 UK Ltd	
Proposal	<p>This prior notification application proposes the erection of 3 additional O2 (UK) antennae at 10.85 metres high on the existing 15 metre high lattice tower mast. The relocation of 3 existing O2 (UK) antennae and 1 transmission dish at 11 metres high on new delta frame and an O2 (UK) Nokia equipment cabinet within the existing compound. The proposed equipment cabinet measures 2.31 metres by 0.75 metres by 1.94 metres high.</p>	
Planning Policy	<p>The application site is located to the north of Heapey Road close to Little Knowley Farm. There is an existing 15 metre high lattice tower mast at the site, which is visible from Heapey Road.</p> <p>The site is located within an Area of Other Open Countryside. Policy DC2 of the Adopted Chorley Local Plan Review relates to development within areas of other open countryside.</p> <p>Policy PS12 of the Adopted Chorley Local Plan Review 2003 states that the Borough Council will permit utility services development, where there are no overriding environmental objections to either the siting or appearance of the installation and when all the following criteria are satisfied:</p> <ol style="list-style-type: none"> 1. The development is part of a planned extension 2. No operationally suitable alternative sites with less environmental impact are available; 3. There is no reasonable possibility of sharing existing facilities; 4. There is no reasonable possibility of erecting antennae on an existing building or other structures; 5. The visual impact of the development on the townscape or landscape, including road access works, has been minimised subject to technical limitations. <p>PPG8 (Telecommunications) states that the general policy on telecommunications is to facilitate growth of new and</p>	

existing systems.

Where possible the Government encourages the use of existing

buildings and mast sharing, to keep to a minimum of new masts. It does

state that operators should look carefully at materials, colours and design

in order to minimise obtrusiveness.

Planning History **96/00537/TEL-** Installation of telecommunications mast (Prior Notification). Approved

9/04/01180/FUL- Increase of height of existing multipole telecommunications mast from 15m to 20m with relocation of existing OPCS head frame to top of mast and proposed 3 antennae at 15.3m and 1 transmission dish at 17m height with equipment cabin and ancillary electricity meters and cabling within existing compound. Refused for the following reason:

‘The proposed telecommunications development is contrary to Policy PS12 of the Adopted Chorley Borough Local Plan Review, which seeks to allow such development only where there are no overriding environmental objections. The proposal fails to meet criteria (e) of Policy PS12 and would be detrimental to the open and rural character of the Area of Other Open Countryside contrary to Policy DC2 of the Adopted Chorley Borough Local Plan Review.’

05/00076/TEL- Prior notification of proposed telecommunications development consisting of 3 O2 antennae and 1 O2 transmission dish on an existing 15m mast with O2 Nortel equipment cabinet and ancillary electricity meters and cabling with existing compound. Determined that prior approval was not required.

05/01181/TEL- Prior notification to erect 3 O2 (UK) antennae at 11 metre high and relocation of existing O2 (UK) transmission dish of existing 15 metre high lattice mast; together with proposed O2 (UK) Nokia equipment cabinet with ancillary electrical cabling within existing compound. Application withdrawn

Representations 2 letters of objection has been received from neighbouring residents raising the following points:

1. Close to local housing, children’s play area and Sea Cadets Meeting House
2. Health risks
3. Siting of the mast- very visible from the properties on Paradise Street
4. Loss of house value.

Consultations **Head of Public Space Services** have no objection to the proposal

Lancashire County Council Highways have no objection to the proposal

Assessment

The application is a prior notification application and therefore the Council is restricted to only assessing whether prior approval of the siting and appearance of the proposed development should be sought.

In terms of design it is proposed to erect 3 antennae at a height of 10.85 metres, the relocation of the existing 3 O2 antennae and existing transmission dish to a height of 11 metres on a new delta frame. In March 2005 it was determined that prior approval was not required to attach 3 additional O2 antennae and 1 transmission dish on the existing mast (05/00076/TEL). This equipment has been erected on the mast and is attached to the existing column without a frame. This proposal incorporates the three existing antennae and 3 additional antennae, which will be mounted on a delta frame and project away from the mast. The additional antennae will be visible when the mast is viewed but it is considered that in comparison to the existing bulky headgear the proposed antennae will not have a significant impact on the appearance of the mast.

In terms of siting the nearest residential properties, apart from the landowners property (Little Knowley Farm), are the terraced properties on Heapey Road which are located 130 metres away from the proposal site. It is considered that the additional equipment will not detrimentally impact on the neighbour amenities. Also mast sharing is the preferred option rather than the erection of a new mast in the area.

The proposed additional equipment cabinet will be located within the existing compound and therefore will not have a significant impact on the visual amenities of the area.

Therefore it is considered that the siting and design of the proposal are acceptable.

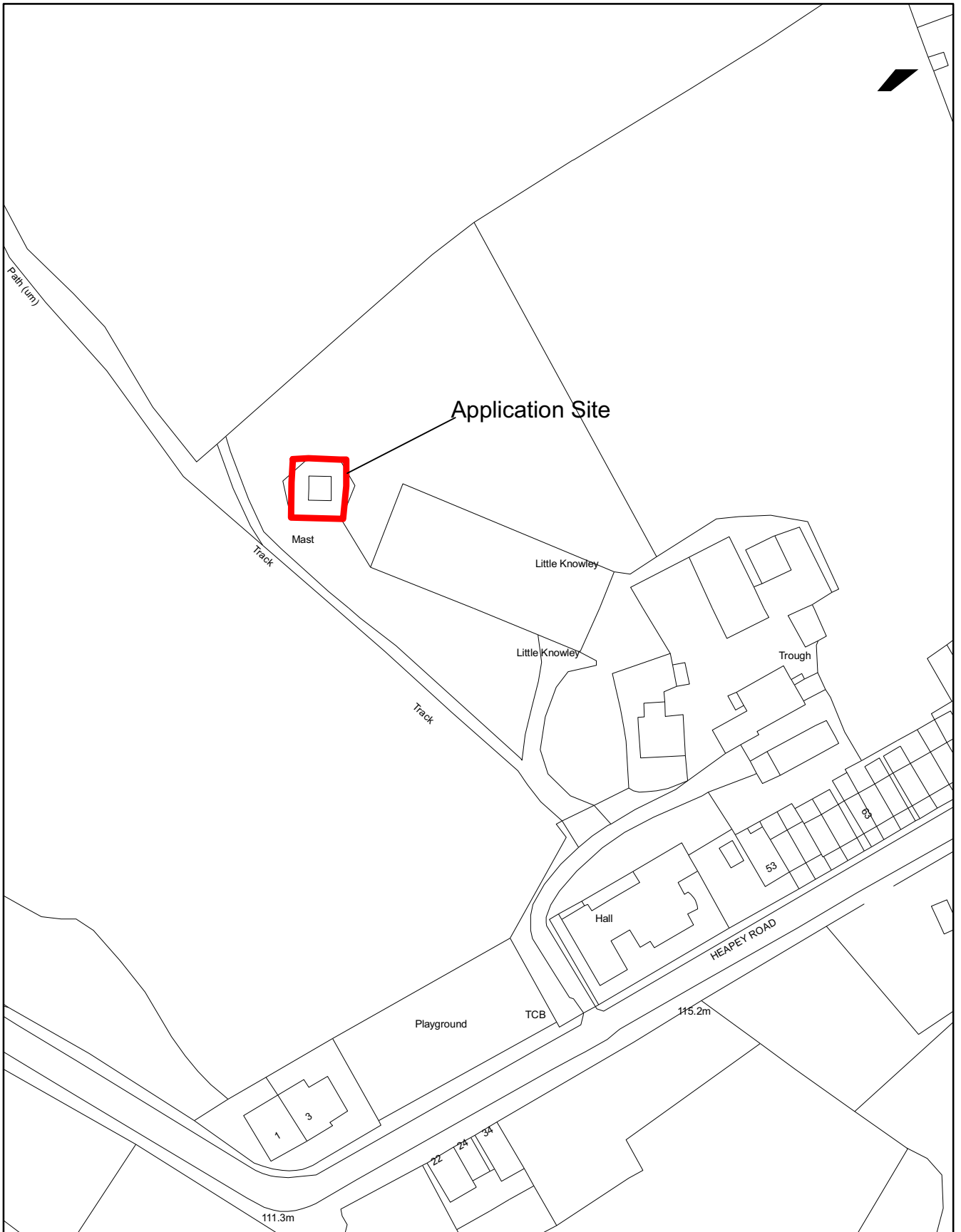
In terms of the concerns of the neighbouring residents, the proposal meets the ICNIRP guidelines and therefore is in line with PPG8, it is not necessary to consider further health aspects and concerns as part of processing this application.

Recommendation: Prior App not reqd - Telecom Mast 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 91 of the Town and Country Planning Act 1990.

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Application Number:
06/00050/TEL

Grid Ref:
E: 359662
N: 418970

Scale:
1:1,250

Agenda Item No.
D. 4

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Item D. 5	06/00073/FUL	Permit Full Planning Permission
Case Officer	Mr David Stirzaker	
Ward	Clayton-le-Woods North	
Proposal	Demolish existing car wash and replace with new jet wash enclosure	
Location	Clayton Brook Service Station Preston Road Clayton-Le-Woods Lancashire PR6 7EJ	
Applicant	Esso Petroleum Ltd	
Proposal	<p>This application proposes the demolition of an existing drive through car wash and its replacement with a new drive in jet wash enclosure. The application relates to Clayton Brook Service Station, which is located on the A6 Preston Road in Clayton Le Woods towards the north of the Chorley Borough boundary.</p> <p>A separate application for advertisement consent (ref no .06/00075/FUL) has been submitted for which a separate report can be found on this agenda.</p>	
Planning Policy	GN1 - Main settlement areas GN5 - Building Design & Landscaping TR4 - Highway Development Control Criteria	
Planning History	<p>In 1997, an application (97/00668/ADV) for the display of 2 additional price/facility bars to existing illuminated totem sign was withdrawn prior to determination.</p> <p>In 1989, consent was granted (ref no. 89/00068/ADV) for the display of an illuminated pole sign, canopy fascia, shop sign and pump box signs.</p> <p>Planning permission was granted in 1988 (ref no. 88/569/FUL) for the existing car wash and garage forecourt facilities.</p>	
Representations	<p>Concerns have been raised by a local resident which are summarised as follows:</p> <ol style="list-style-type: none"> 1. The compressors required for the jet wash and the action of washing cars with a jet wash will be considerably louder than the current car wash 2. Will the hours of operation be limited 3. The recent maintenance works to the trees to the east of the site has led to an increase in the amount of noise and lighting from the petrol station 4. Do the plans include a provision for any noise and light screening to protect residential amenity as the area used for car washing overlooks adjacent property? 	
Consultations	The Head of Environmental Services has raised no objections to	

the application.

LCC (Highways) have raised no objections to the application although it is requested that the jet wash be operated clockwise in the same manner as the existing car wash as it is proposed to operate the jet wash anti clockwise.

No comments yet received from Clayton-Le-Woods Parish Council hence they will be reported in the addendum.

Assessment

The proposed jet wash enclosure is to be located in much the same position as the existing drive through car wash hence it will not appear any more prominent in the street scene. The scale of the jet wash enclosure is less bulky than existing and its design is considered to be acceptable given the context of its location within the curtilage of a busy petrol station on the A6 Preston Road.

In terms of the noise and disturbance issue raised by a resident, the Head of Environmental Services has not raised any objections to the proposal and given the position of the jet wash enclosure occupying a similar position to the existing car wash, it is not considered that the noise and disturbance generated will result in additional harm to the living conditions of adjacent residents given the existing use of the site as a busy petrol station. It is likely that the action of vehicles pulling into the petrol station and the opening and shutting of doors would already generate significant noise and disturbance to which the jet wash is not likely to add. It is not considered necessary to restrict the hours of operation of the jet wash.

In terms of the issue of landscaping and screening, an existing fence and fairly mature trees bound the garage site. The new kerb line associated with the jet wash may require the removal of several trees of less maturity than those on the other side of the site boundary fence to the north east although the applicant has been asked to clarify this as the application forms state that no trees are to be removed. This will accordingly be reported in the addendum although the removal of the said trees will not be of detriment to the locality.

The intervening distance between the proposed jet wash and the properties to the south on Daisy Meadow comprises of forecourt parking area, the said trees, a public footpath and then further trees. The closest point between the properties on Daisy Meadow and the jet wash enclosure will be approx. 35m. This distance is considered sufficient hence it is not therefore considered necessary to require additional landscaping and/or noise mitigation measures given the established existing use of the site.

In terms of the comments of LCC (Highways), the applicant is to submit amended plans showing the operation of the jet wash clockwise as opposed to anti clockwise. Details of these will be reported in the addendum.

Conclusion

On the basis of the above, it is considered that the proposal

accords with Policy Nos. GN1, GN5 and TR4 hence it is recommended that planning permission be granted.

**Recommendation: Permit Full Planning Permission
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 91 of the Town and Country Planning Act 1990.

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<p>Application Number: 06/00073/FUL</p>	<p>Grid Ref: E: 357516 N: 424292</p>	<p>Scale: 1:1,250</p>	<p>Agenda Item No. D. 5</p>

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Item D. 6	06/00075/ADV	Advertising Consent
Case Officer	Mr David Stirzaker	
Ward	Clayton-le-Woods North	
Proposal	Fascia sign and poster sign for new jet wash	
Location	Clayton Brook Service Station Preston Road Clayton-Le-Woods Lancashire PR6 7EJ	
Applicant	Esso Petroleum Company Ltd	
Proposal	<p>This application proposes the provision of new signage in association with a new jet wash facility. The application relates to Clayton Brook Service Station, which is located on the A6 Preston Road in Clayton Le Woods towards the north of the Chorley Borough boundary.</p> <p>A separate planning application (ref no .06/00073/FUL) has been submitted for the jet wash for which a report can be found elsewhere on this agenda.</p>	
Planning Policy	GN1 - Main settlement areas GN5 - Building Design & Landscaping GN7 - Advertisements	
Planning History	<p>In 1997, an application (97/00668/ADV) for the display of 2 additional price/facility bars to existing illuminated totem sign was withdrawn prior to determination.</p> <p>In 1989, consent was granted (ref no. 89/00068/ADV) for the display of an illuminated pole sign, canopy fascia, shop sign and pump box signs.</p> <p>Planning permission was granted in 1988 (ref no. 88/569/FUL) for the existing car wash and garage forecourt facilities.</p>	
Representations follows:	<p>Concerns have been raised by one local resident summarised as follows:</p> <ol style="list-style-type: none"> 1. Would the fascia sign be illuminated 2. Concerns are raised in terms of additional light pollution and it is suggested screening measures be proposed 	
Consultations	<p>No comments yet received from LCC (Highways) hence they will be reported in the addendum.</p> <p>No comments yet received from the Parish Council hence they will be reported in the addendum.</p>	
Assessment	<p>The proposed jet wash enclosure is to be located in much the same position as the existing drive through car wash hence the signage proposed will not appear any more prominent in the street</p>	

scene being set well back from the A6 Preston Road.

The submitted plans indicate that the only sign to be illuminated is sign 6/7 (as referred to on plans) directing customers to the entrance to the car wash. No details of how the sign will be illuminate hence they have been sought from the application and accordingly the details will be updated in the addendum.

However, when considered in relation to the context of signage being located within the curtilage of a busy petrol station on a new jet wash facility, it is not considered that the signage including the one to be illuminated will cause detrimental harm to the character and appearance of the street scene and the amenities of adjacent residents.

In terms of the objection received, the fascia signage is not to be illuminated and lighting details relating to sign 6/7 on the plans has been sought although it is not considered that the illumination of this sign would cause light pollution given the extensive signage and illumination of the petrol station in its existing format.

The direction sign is to be amended in line with comments from LCC (Highways) and the car wash instruction sign is to be relocated to the other side of the jet wash to facilitate the clockwise operation of the jet wash. The amended plans will accordingly be updated in the addendum.

Conclusion

The adverts proposed are therefore considered to accord with Policy GN7 and on the basis of the above, it is recommended that advertisement consent be granted.

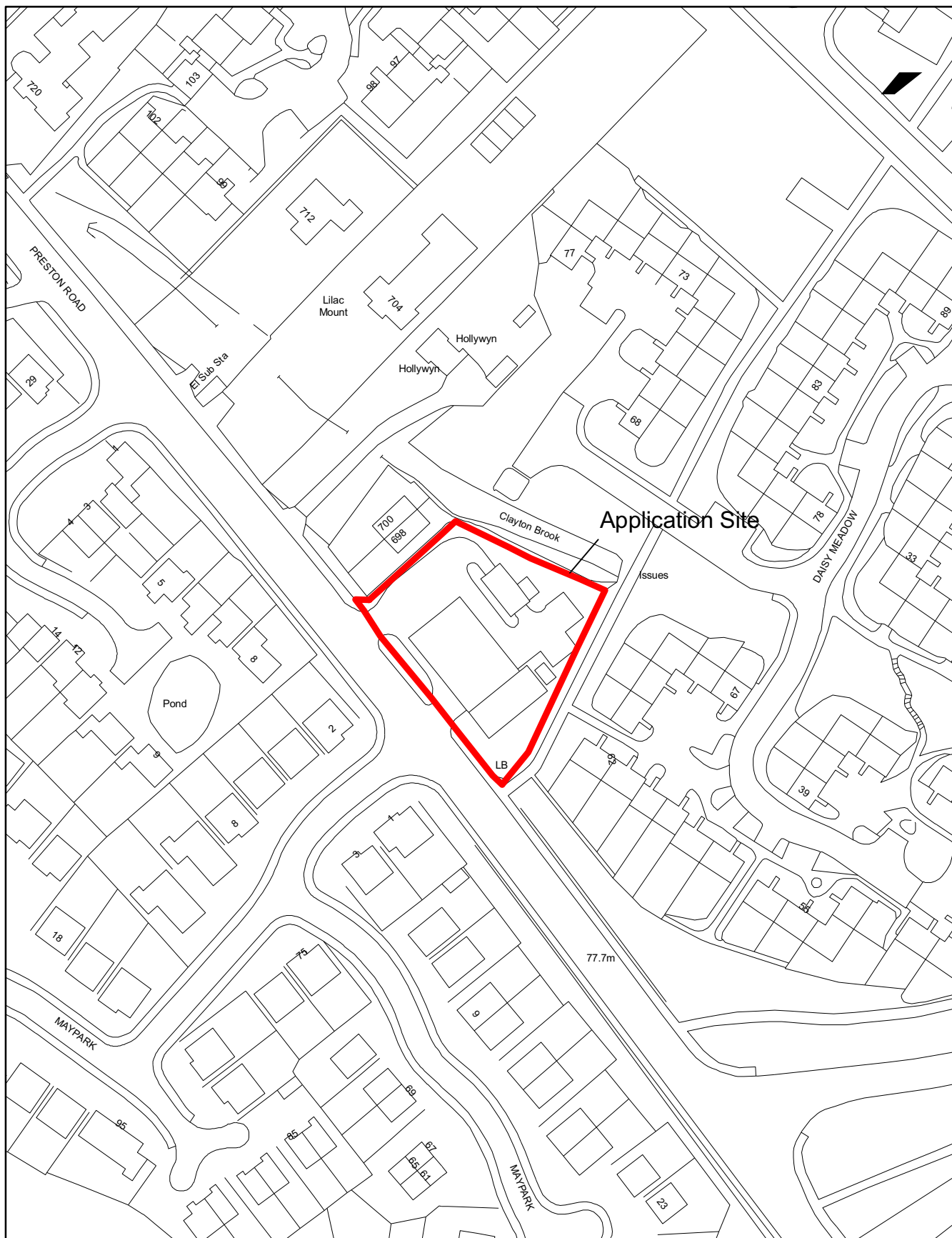
Recommendation: Advertising Consent Conditions

1. The advertisement consent hereby granted shall not be implemented until full details of how sign 6/7 will be illuminated have been submitted to and approved in writing by the Local Planning Authority. The lighting shall only be installed in accordance with the approved details.

Reason: To ensure a satisfactory scheme of illumination is installed and in accordance with Policy GN7 of the Adopted Chorley Borough Local Plan Review.

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

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.



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Application Number:

06/00075/ADV

Grid Ref:

**E: 357516
 N: 424292**

Scale:

1:1,250

Agenda Item No.

D. 6

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Item D. 7	06/00119/COU	Permit Full Planning Permission
Case Officer	Mr David Stirzaker	
Ward	Chorley East	
Proposal	Change of use from vacant woolshop with residential use (A1) to hot food takeaway (A5), with first floor storage and installation of extractor flue to the rear	
Location	42 Steeley Lane Chorley Lancashire PR6 0RD	
Applicant	Mr Asimullah Dalvi	
Proposal	This application proposes the change of use of a vacant wool shop with flat above to a hot food takeaway with first floor storage and office space. The property to which this application relates is 42 Steeley Lane, Chorley which is located within the main settlement area to the east of the town centre.	
Planning Policy	GN1 - General Settlement Policy SP7 - Shopping Improvement Area EP20 - Noise	
Planning History	No recent relevant planning history.	
Representations	Seven letters of objection have been received, the contents of which can be summarised as follows: <ul style="list-style-type: none"> • 42 Steeley Lane has been residential for the last 10 years • There is already an existing takeaway at no. 44 Steeley Lane which has caused a succession of problems which includes drunks • The bins have also been set on fire in the past and there is already a Chinese takeaway at no. 58 and a paper shop at no. 52 Steeley Lane • Cars regularly park on the pavement and customers sit inside vehicles that are running and music also blares out from the cars • Children often loiter around the existing adjacent takeaway causing destruction to property and the surrounding trees, shout verbal abuse and play football outside • Delivery drivers drive vehicles too fast and are a danger to pedestrians and residents alike • Parking is already difficult • Litter is also left behind • The attics are open between the properties hence there is an increased risk of fire • There have been rat infestations in the area • The proposal will lead to an increase in noise and disturbance from youths • Parking problems will be created 	
Consultations	CBC (Highways) has raised no objection to the application and	

LCC (Highways) have made no comment on the application.

The Head of Environmental Services has raised no objection to the principle of the application subject to the submission and approval of a suitable extraction system.

The MAPS Team make no recommendations on the application.

Assessment

With reference to the comments made regarding vermin, litter and bin problems, these matters can be controlled and dealt with under Environmental Health legislation if a particular problem is found to exist and it should be noted that the Head of Environmental Services has not objected to the application.

Objections have also been raised in relation to parking and highway safety although CBC (Highways) have not raised any objections to the application on this aspect.

In terms of the objections raised citing noise and disturbance, the hours of operation can be controlled through the utilisation of the recommended condition requiring the premises to close at 10:30pm and it should be noted that the MAPS Team have not raised any objections to the application. However, it should be noted that the premises is located at the end of a terrace which include various other shops as does the opposite side of the street and the adjoining premises (44 Steeley Lane) are used as a restaurant/takeaway. This being the case, it would be difficult to substantiate a reason for refusal citing these issues when the MAPS Team have not objected to the application.

The flu duct to be sited at the rear of the premises is not overly prominent in the street scene but it has been requested that its overall height be reduced along with the utilisation of a matt black finish as opposed to the silver finish proposed. The applicant has confirmed that the side elevation of 44 Steeley Lane, which faces onto the flu duct, is blank hence when reduced in height, it should not unduly impact on residential amenity. Further details of the flu duct/extraction system will be required pursuant to the recommended condition prior to works to implement the permission being undertaken.

In terms of impact on the street scene, the application plans do not detail any changes to the shop front although it is likely that new signage will be required for which advertisement consent will be needed. On this basis it is not considered that the change of use will harm the character and appearance of the street scene although an informative will advise the applicant of the need for advertisement consent.

Conclusion

On the basis of the above, it is considered that the proposal accords with Policy Nos. GN1, SP7 and EP20 hence it is recommended that planning permission be granted.

Recommendation: Permit Full Planning Permission Conditions

1. The use hereby permitted shall only be undertaken between the hours of 8:30a.m and 22:30p.m.
Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. GN1 and EP20 of the Adopted Chorley Borough Local Plan Review.

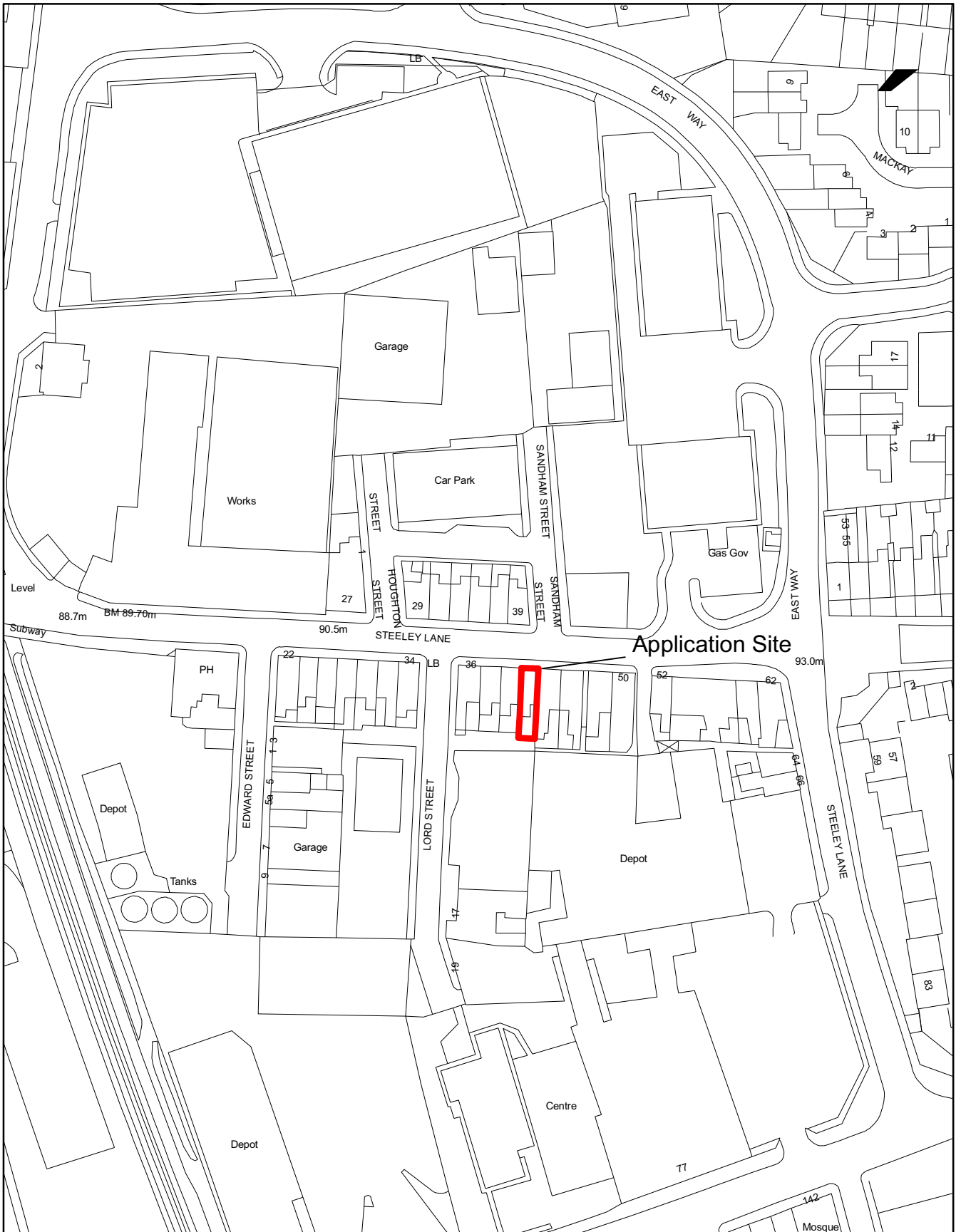
2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

3. Before any works to implement this permission are commenced full details of the fume extraction and filtration system to be installed at the premises (notwithstanding any such details previously submitted) shall have been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved details prior to the commencement of the use of the premises hereby permitted and retained in operation at all times thereafter.

Reason: To safeguard the amenities of local residents and in accordance with Policy No. EP21 the Adopted Chorley Borough Local Plan Review.

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Application Number:
06/00119/COU

Grid Ref:
E: 358810
N: 417471

Scale:
1:1,250

Agenda Item No.
D. 7

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Report of	Meeting	Date
Head of Development and Regeneration	Development Control Committee	06.03.2006

LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS

Between 2 February 2006 and 20 February 2006

Plan Ref 05/00364/TPO **Date Received** 06.04.2005 **Decision** Consent for Tree Works

Ward: Euxton North **Date Decided** 16.02.2006

Proposal : Crown reduction and pruning of 4 oak trees covered by TPO1 (Euxton) 1996

Location : 9 Cherryfields Euxton Lancashire PR7 6JS

Applicant: Mr And Mrs A Ashton 9 Cherryfields Euxton Lancashire PR7 6JS

Plan Ref 05/00392/FULMAJ **Date Received** 15.04.2005 **Decision** Permit (Subject to Section 106)

Ward: Chorley North East **Date Decided** 14.02.2006

Proposal : Erection of two storey office unit with associated car parking,

Location : Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley, Lancashire,

Applicant: Bluemantle Foden House London Road Alderley Edge Cheshire SK9 7JT

Plan Ref 05/00393/FULMAJ **Date Received** 15.04.2005 **Decision** Permit (Subject to Section 106)

Ward: Chorley North East **Date Decided** 14.02.2006

Proposal : Erection of 2 single storey industrial units with associated service yards and car parking,

Location : Land Between M61 Motorway And Leeds And Liverpool Millennium Way Chorley Lancashire

Applicant: Bluemantle Foden House London Road Alderley Edge Cheshire SK9 7JT

Continued....

Plan Ref 05/00472/FUL **Date Received** 11.05.2005 **Decision** Permit
(Subject to
Section
106)

Ward: Chorley North **Date Decided** 14.02.2006
East

Proposal : Alterations of first floor premises to provide 6 new flats, erection of ground floor rear extension with first floor balconies, formation of railings to rear and creation of 3 residents parking spaces,

Location : 299 - 305 Eaves Lane Chorley Lancashire PR6 0DR

Applicant: Mr J Hall Eaves Lane Chorley Lancashire

Plan Ref 05/00802/CLEUD **Date Received** 03.08.2005 **Decision** Grant Cert
of
Lawfulness
for Est Use

Ward: Eccleston And **Date Decided** 16.02.2006
Mawdesley

Proposal : Application for a Certificate of Lawfulness in respect of the siting of a residential mobile home, measuring 11 metres by 3 metres

Location : Caravan High Heyes Farm Langton Brow Eccleston Lancashire

Applicant: K R Whaite Esq High Heyes Farm Langton Brow Eccleston Lancashire PR7 5PB

Plan Ref 05/00862/FUL **Date Received** 25.08.2005 **Decision** Permit Full
Planning
Permission

Ward: Clayton-le-Woods **Date Decided** 14.02.2006
West And
Cuerden

Proposal : Conversion of existing barn into 2 offices,

Location : Disused Barn Rear Of Berkeley Farm Berkeley Drive Cuerden Lancashire

Applicant: Mr P Bell Bothy Cottage Berkeley Drive Cuerden Lancashire PR5 6BY

Plan Ref 05/01094/FUL **Date Received** 04.11.2005 **Decision** Permit
retrospecti
ve planning
permision

Ward: Clayton-le-Woods **Date Decided** 16.02.2006
North

Proposal : Retrospective application for single storey rear extension incorporating proposed reduction in eaves height adjacent boundary, single storey front extensions, conversion of garage to living accommodation and proposed reduction in scale of the existing front porch,

Location : 38 Well Orchard Clayton-Le-Woods Lancashire PR5 8HJ

Applicant: Mr Hardicker 38 Well Orchard Clayton-Le-Woods Lancashire PR5 8HJ

Plan Ref 05/01083/FUL **Date Received** 07.11.2005 **Decision** Permit Full Planning Permission

Ward: Clayton-le-Woods
And Whittle-le-Woods **Date Decided** 17.02.2006

Proposal : Two storey side extension (resubmission 05/00412/FUL).
Location : Lynwood Shaw Hill Whittle-Le-Woods Lancashire PR6 7PP
Applicant: Mr R Nutter Lynwood Shaw Hill Drive Whittle-le-Woods Chorley

Plan Ref 05/01142/COU **Date Received** 23.11.2005 **Decision** Permit retrospective planning permission

Ward: Chorley North East **Date Decided** 14.02.2006

Proposal : Retrospective application for the subdivision of existing industrial unit into two units with one unit retained as storage (B2) and the newly formed unit used primarily as a good vehicle maintenance depot (B2) with ancillary storage space,
Location : Bailcast Ltd Unit 21 Chorley North Industrial Park Drumhead Road Chorley
Applicant: Bailcast Ltd Unit 8 Chorley North Industrial Park Drumhead Road Chorley

Plan Ref 05/01136/NLA **Date Received** 25.11.2005 **Decision** No objection to NLA consultation

Ward: Astley And Buckshaw **Date Decided** 02.02.2006

Proposal : Erection of 104 no. 2 & 3 storey dwellings and 3 storey apartment block together with associated roads and sewers,
Location : Land To The West Of Central Avenue Royal Ordnance Site Including Land Between Dawson Lane And Euxton Lane Euxton Lancashire
Applicant: Barratt Homes Ltd C/o Agent

Plan Ref 05/01152/FUL **Date Received** 28.11.2005 **Decision** Permit Full Planning Permission

Ward: Pennine **Date Decided** 14.02.2006

Proposal : Change of use to car-parking and storage of between 2-4 boats.
Location : Wheelton Boat Yard Kenyon Lane Heapey Lancashire PR6 8EX
Applicant: David Hodson Vaughan (Classic Narrow Boats Ltd) Wheelton Boat Yard Kenyon Lane Heapey Lancashire PR6 8EX

Plan Ref 05/01167/REMMAJ **Date Received** 02.12.2005 **Decision** Approve Reserved Matters

Ward: Astley And Buckshaw **Date Decided** 14.02.2006

Proposal : Erection of 29 no. dwellings consisting of 24 no. 3 storey flats and 5 no. houses together with associated parking,
Location : Land To The West Of Central Avenue Royal Ordnance Site Including Land Between Dawson Lane And Euxton Lane Euxton Lancashire
Applicant: Barratt Homes Ltd Manchester Division 683 Chester Road Manchester M16 0QS

Plan Ref 05/01168/FUL **Date Received** 05.12.2005 **Decision** Refuse Full Planning Permission

Ward: Clayton-le-Woods North **Date Decided** 14.02.2006

Proposal : Erection of single storey extensions to front and rear and single storey porch to side
Location : Little Acorns Nursery 34 Sheep Hill Lane Clayton-Le-Woods Lancashire PR6 7JH
Applicant: Mr P Hindle Little Acorns Nursery 34 Sheep Hill Lane Clayton-Le-Woods

Plan Ref 05/01166/FUL **Date Received** 06.12.2005 **Decision** Refuse Full Planning Permission

Ward: Wheelton And Withnell **Date Decided** 13.02.2006

Proposal : Two storey rear extension and 1st floor added
Location : 25A School Lane Brinscall Lancashire PR6 8QS
Applicant: Robin Bamford R B Contacts (Wholesale) Ltd Unit 2 Industrial Units Churchill Road Brinscall Lancashire PR6 8RQ

Plan Ref 05/01189/FUL **Date Received** 12.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley North East **Date Decided** 06.02.2006

Proposal : Single storey front extension.
Location : 4 Sutton Grove Chorley Lancashire PR6 8UL
Applicant: Mr And Mrs Elder 4 Sutton Grove Chorley PR6 8UL

Plan Ref 05/01190/FUL **Date Received** 12.12.2005 **Decision** Permit Full Planning Permission

Ward: Coppull **Date Decided** 06.02.2006

Proposal : Enlargement to single storey rear extension with new roof to garage and extension.
Location : 3 Birkacre Brow Coppull Chorley Lancashire PR7 4PA
Applicant: Mrs S Hart 3 Birkacre Brow Coppull

Plan Ref 05/01195/FUL **Date Received** 13.12.2005 **Decision** Permit Full Planning Permission

Ward: Chisnall **Date Decided** 07.02.2006

Proposal : Erection of single storey side and rear extension and canopy over front,

Location : 41 Willow Drive Charnock Richard Chorley Lancashire PR7 5NL

Applicant: Mr & Mrs Dyke 41 Willow Drive Charnock Richard Chorley Lancashire PR7 5NL

Plan Ref 05/01197/FUL **Date Received** 13.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley South East **Date Decided** 07.02.2006

Proposal : Rear conservatory.

Location : 2 Lime Grove Chorley Lancashire PR7 3JA

Applicant: Mr And Mrs Baldwin 2 Lime Grove Chorley PR7 3JA

Plan Ref 05/01198/FUL **Date Received** 13.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley East **Date Decided** 07.02.2006

Proposal : Extension to existing rear sun room

Location : 2 Crosse Hall Fold Chorley Lancashire PR6 9AN

Applicant: Mr And Mrs O'Byrne 2 Crosse Hall Fold Crosse Hall Lane Chorley Pr6 9AN

Plan Ref 05/01199/FUL **Date Received** 13.12.2005 **Decision** Permit Full Planning Permission

Ward: Euxton North **Date Decided** 06.02.2006

Proposal : Two storey rear extension

Location : 6 The Cherries Euxton Lancashire PR7 6NG

Applicant: Mr Graham Watson 6 The Cherries Euxton Lancashire PR7 6NG

Plan Ref 05/01201/FUL **Date Received** 14.12.2005 **Decision** Permit Full Planning Permission

Ward: Lostock **Date Decided** 06.02.2006

Proposal : Proposed rear dormer.

Location : 62 Westhead Road Croston Lancashire PR26 9RS

Applicant: Mr And Mrs McGuinness 62 Westhead Road Croston Lancashire PR26 9RS

Plan Ref 05/01205/REM **Date Received** 14.12.2005 **Decision** Refuse Reserved Matters

Ward: Chorley North East **Date Decided** 08.02.2006

Proposal : Erection of 3 mews dwellings and 1 pair semi-detached dwellings.

Location : St Peters Vicarage Harpers Lane Chorley Lancashire PR6 0HT

Applicant: Blackburn Diocesan Board Of Finance Ltd Cathedral Close Blackburn BB1 5AA

Plan Ref 05/01203/FUL **Date Received** 15.12.2005 **Decision** Refuse Full Planning Permission

Ward: Chorley North West **Date Decided** 08.02.2006

Proposal : Demolish existing wall, remove tree and create a parking area to the rear of the existing nursery

Location : Pipers Private Nursery 11 Southport Road Chorley Lancashire PR7 1LB

Applicant: Commission For British Teachers 1 The Chambers, East Street, Reading,

Plan Ref 05/01204/FUL **Date Received** 15.12.2005 **Decision** Permit Full Planning Permission

Ward: Wheelton And Withnell **Date Decided** 09.02.2006

Proposal : Rear Conservatory

Location : 8 Lancaster Drive Brinscall Lancashire PR6 8QA

Applicant: Mr And Mrs O'Neil 8 Lancaster Drive Brinscall Lancashire PR6 8QA

Plan Ref 05/01210/TPO **Date Received** 15.12.2005 **Decision** Consent for Tree Works

Ward: Euxton South **Date Decided** 08.02.2006

Proposal : Pruning of 3 Oak trees and felling of 2 Silver Birch trees covered by TPO 1 (Euxton) 1986,

Location : 38 Fieldside Avenue Euxton Chorley Lancashire PR7 6JF

Applicant: Ms R Glen 38 Fieldside Avenue Euxton Chorley Lancashire PR7 6JF

Plan Ref 05/01211/FUL **Date Received** 15.12.2005 **Decision** Permit Full Planning Permission

Ward: Chisnall **Date Decided** 08.02.2006

Proposal : Two storey side extension and single storey rear extension

Location : 28 The Meadows Heskin Lancashire PR7 5NR

Applicant: Mrs J Davies 15 Cynfran Road Lysfaen Wales LL2 8SU

Plan Ref 05/01206/FUL **Date Received** 16.12.2005 **Decision** Permit Full Planning Permission

Ward: Chisnall **Date Decided** 08.02.2006

Proposal : Single storey rear extension

Location : 12 Southgates Charnock Richard Chorley Lancashire PR7 5EU

Applicant: Mrs D Bridges 12 Southgates Charnock Richard Chorley Lancashire PR7 5EU

Plan Ref 05/01212/FUL **Date Received** 16.12.2005 **Decision** Permit Full Planning Permission

Ward: Eccleston And Mawdesley **Date Decided** 08.02.2006

Proposal : Remove existing dormer window, and raise roof to extend first floor.
Location : Jay Bank High Street Mawdesley Lancashire L40 3TD
Applicant: Mr And Mrs N Hanley Jaybank High Street Mawdesley L42 3TD

Plan Ref 05/01216/FUL **Date Received** 16.12.2005 **Decision** Permit Full Planning Permission

Ward: Lostock **Date Decided** 09.02.2006

Proposal : 3Conservatory to the rear
Location : Auldene Garden Centre 338 Southport Road Ulnes Walton Lancashire PR26 8LQ
Applicant: Mrs N Barlow 338 Southport Road Ulnes Walton Lancashire PR26 8LQ

Plan Ref 05/01218/FUL **Date Received** 16.12.2005 **Decision** Refuse Full Planning Permission

Ward: Euxton North **Date Decided** 10.02.2006

Proposal : Erection of two storey side extension,
Location : 18 Rose Hill Euxton Chorley Lancashire PR7 6JX
Applicant: Mr & Mrs Dunn 18 Rose Hill Euxton Chorley Lancashire PR7 6JX

Plan Ref 05/01222/FUL **Date Received** 19.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley North West **Date Decided** 10.02.2006

Proposal : Conversion of first and second floor into 2 apartments and new shop front to existing hairdressers.
Location : 5 - 7 St Thomas's Road Chorley Lancashire PR7 1HP
Applicant: Headlines 5/7 St Thomas's Road Chorley PR7 1HP

Plan Ref 05/01191/FUL **Date Received** 20.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley South West **Date Decided** 08.02.2006

Proposal : Rear Conservatory
Location : 4 Redwing Drive Chorley Lancashire PR7 2RH
Applicant: Mr And Mrs Calvert 4 Redwing Drive Chorley Lancashire PR7 2RH

Plan Ref 05/01217/LBC **Date Received** 20.12.2005 **Decision** Refuse Listed Building Consent

Ward: Brindle And Hoghton **Date Decided** 13.02.2006

Proposal : Conversion of barn to living/work accommodation to include farriers workshop
Location : Stanworth Farm Bolton Road Withnell Lancashire PR6 8BU
Applicant: Mr And Mrs Smith Stanworth Farm Bolton Road Withnell Lancashire PR6 8BU

Plan Ref 05/01220/CLEUD **Date Received** 20.12.2005 **Decision** Grant Cert of Lawfulness for Est Use

Ward: Wheelton And Withnell **Date Decided** 13.02.2006

Proposal : Application for Certificate of Lawfulness for existing fish and chip shop with accommodation above
Location : Wing Hing Fish & Chips 10 Bury Lane Withnell Lancashire PR6 8RX
Applicant: Ms Cun Lin Bui 10 Bury Lane Withnell Lancashire PR6 8RX

Plan Ref 05/01223/FUL **Date Received** 20.12.2005 **Decision** Permit Full Planning Permission

Ward: Chisnall **Date Decided** 13.02.2006

Proposal : Single storey rear extension.
Location : 17 Grange Drive Coppull Lancashire PR7 5FG
Applicant: Mr J A Wane 17 Grange Drive Coppull Lancashire PR7 5FG

Plan Ref 05/01224/FUL **Date Received** 20.12.2005 **Decision** Permit Full Planning Permission

Ward: Chisnall **Date Decided** 13.02.2006

Proposal : Single storey rear extension.
Location : 15 Grange Drive Coppull Lancashire PR7 5FG
Applicant: Mr R Kay 15 Grange Drive Coppull Lancashire PR7 5FG

Plan Ref 05/01200/FUL **Date Received** 21.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley North West **Date Decided** 08.02.2006

Proposal : Extensions/alterations to existing front and rear dormer windows,
Location : 27 Haigh Close Chorley Lancashire PR7 2QR
Applicant: Mr And Mrs Timms 27 Haigh Close Chorley Lancashire PR7 2QR

Plan Ref 05/01208/FUL **Date Received** 21.12.2005 **Decision** Permit Full Planning Permission

Ward: Clayton-le-Woods
And Whittle-le-Woods **Date Decided** 15.02.2006

Proposal : Single storey rear extension.

Location : 459 Preston Road Clayton-Le-Woods Lancashire PR6 7JD

Applicant: Mr And Mrs Hughes 459 Preston Road Clayton Le Woods Chorley PR6 7JD

Plan Ref 05/01225/FUL **Date Received** 21.12.2005 **Decision** Permit Full Planning Permission

Ward: Adlington & Anderton **Date Decided** 14.02.2006

Proposal : First floor rear extension

Location : 27 Babylon Lane Anderton Lancashire PR6 9NR

Applicant: Mr Green 27 Babylon Lane Anderton Lancashire PR6 9NR

Plan Ref 05/01230/FUL **Date Received** 21.12.2005 **Decision** Permit Full Planning Permission

Ward: Coppull **Date Decided** 15.02.2006

Proposal : Erection of two storey side extension and single storey rear conservatory,

Location : 19A Clancutt Lane Coppull Chorley Lancashire PR7 4NR

Applicant: Mr & Mrs Tembe 19A Clancutt Lane Coppull Chorley Lancashire PR7 4NR

Plan Ref 05/01202/FUL **Date Received** 22.12.2005 **Decision** Permit Full Planning Permission

Ward: Clayton-le-Woods
And Whittle-le-Woods **Date Decided** 08.02.2006

Proposal : Formation of riding arena (40m X 20m),

Location : Land Adjacent Cross Keys Drive Whittle Le Woods Lancashire

Applicant: Mr J Savigar 46 Cross Keys Drive Whittle Le Woods Lancashire PR6 7TF

Plan Ref 05/01209/FUL **Date Received** 22.12.2005 **Decision** Permit Full Planning Permission

Ward: Chorley South
East **Date Decided** 15.02.2006

Proposal : Replacement of existing shopfront and glazing, and installation of security gates in doorway,

Location : 18 New Market Street Chorley Lancashire PR7 1DB

Applicant: Chorley Health Food Store Ltd 18 New Market Street Chorley Lancashire PR7 1DB

Plan Ref	06/00008/LCC	Date Received	06.01.2006	Decision	No objection to LCC Reg 3/4 Application
Ward:	Clayton-le-Woods And Whittle-le-Woods	Date Decided	14.02.2006		
Proposal :	Extension to classroom				
Location :	Clayton-Le-Woods Manor Road Primary School Manor Road Clayton-Le-Woods Lancashire PR6 7JR				
Applicant:	Lancashire County Council County Hall Preston				
Plan Ref	06/00014/TPO	Date Received	06.01.2006	Decision	Consent for Tree Works
Ward:	Euxton North	Date Decided	08.02.2006		
Proposal :	Removal of 4 trees, crown lifting of 2 trees and pruning of 2 trees covered by TPO 6 (Euxton) 1980,				
Location :	Footpath Adjacent 89 Runshaw Lane Euxton Lancashire				
Applicant:	Chorley BC Service Group Bengal Street Depot Chorley PR7 1SA				
Plan Ref	06/00015/FUL	Date Received	06.01.2006	Decision	Permit Full Planning Permission
Ward:	Pennine	Date Decided	08.02.2006		
Proposal :	Construction of 2 No stables and formation of a wildlife pond				
Location :	Brown House Farm Copthurst Lane Whittle-Le-Woods Lancashire PR6 8LR				
Applicant:	Mr C Noblet Brown Hill Cottage Copthurst Lane Whittle-Le-Woods Chorley				
Plan Ref	06/00018/FUL	Date Received	06.01.2006	Decision	Permit Full Planning Permission
Ward:	Coppull	Date Decided	15.02.2006		
Proposal :	Erection of first floor side extension,				
Location :	22 Pear Tree Avenue Coppull Chorley Lancashire PR7 4NL				
Applicant:	Mr & Mrs J Noblett 22 Pear Tree Avenue Coppull Chorley Lancashire PR7 4NL				
Plan Ref	06/00031/FUL	Date Received	10.01.2006	Decision	Permit Full Planning Permission
Ward:	Chorley South West	Date Decided	08.02.2006		
Proposal :	Erection of rear conservatory,				
Location :	50 Keepers Wood Way Chorley Lancashire PR7 2FU				
Applicant:	Mr & Mrs Tuddenham 50 Keepers Wood Way Chorley Lancashire PR7 2FU				

Plan Ref 06/00038/FUL **Date Received** 10.01.2006 **Decision** Permit Full
Planning
Permission

Ward: Clayton-le-Woods **Date Decided** 15.02.2006
And Whittle-le-
Woods

Proposal : Erection of rear conservatory,

Location : 17 Cross Keys Drive Whittle Le Woods Lancashire PR6 7TF

Applicant: Mr & Mrs Perkins 17 Cross Keys Drive Whittle Le Woods Lancashire PR6 7TF

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Report of	Meeting	Date
Head of Development & Regeneration	Development Control Committee	6.03.2006

ENFORCEMENT ITEM

ERECTION OF STABLES ASH HOUSE FARM ULNES WALTON ULNES WALTON

PURPOSE OF REPORT

1. To consider whether it is expedient to take enforcement action in respect of the above case.

CORPORATE PRIORITIES

2. This report does not affect the corporate priorities.

RISK ISSUES

3. The report contains no risk issues for consideration by Members.

BACKGROUND

4. The case relates to the erection of a large stable block on land that is claimed to be residential curtilage at this property. An application was received and considered by the Planning Authority for the erection of six stables on land to the south and east of Ash House Farm; this development was described on the planning application as, "Proposed erection of six stables". Part 2 (P1A), additional information in respect of shopping, office, industrial or other commercial use was also completed on which it was stated that, "Once or twice a week she would give carriage driving lessons from the property". This application was refused. The reasons for refusal were threefold, highway safety, contrary to Greenbelt Policy and contrary to the Councils Supplementary Planning Guidance, Development Involving Horses.
5. Following refusal of that planning application, a stable block has been erected upon land to the south and east of Ash House Farm, the same parcel of land as that shown in the refused application. The landowner has erected these stables claiming the land forms part of the domestic curtilage of the dwelling, and that the stables, therefore benefit as permitted development granted by virtue of, Schedule 2, Part 1, Class E, The Town & Country (General Permitted Development) Order 1995. Complaint regarding the erecting of these stables coupled with information, which counter the assertion by the landowner that the land is domestic curtilage has been received. The complainant stating the land has never been used as such and in addition, the complainant reports that carriage-driving lessons are being operated from the property by the owner/occupier.

ASSESSMENT

6. The main issue to consider is whether the development that has been carried out is in fact on land that forms part of the residential curtilage of this property. On the one hand the title holder of this recently acquired property states the land to the south and east is residential curtilage. The owner refers to advice given to her by the Planning Office, and



that only after receipt of that advice were the stables erected on that land. However no correspondence exists between the Council and the landowner to corroborate this statement. It is accepted that the title holder of the property did seek advice regarding erecting stables utilising permitted development rights. However the advice given by the Planning Office regarding permitted development rights concerned a different parcel of land, land immediately to the rear of the dwellinghouse, not land to the south and east. There are no planning records held since 1948, that accurately reflect the use of this parcel of land, save old aerial photographs which of themselves are inconclusive.

7. The owner of the land has not made any formal application to the Council for determination of the use of this land. This could be done through the submission of an application for a Certificate of Lawful Use and would examine all evidence given by the landowner to establish whether that claimed use is lawful. The complainant has stated in correspondence to the Council that the parcel of land had originally had a commercial greenhouse on it and subsequent to it falling down no care had been expended on including it into the large garden and orchard area immediately behind the farmhouse.
8. Given the evidence which has been submitted to the Council by the complainant and in the absence of any evidence to the contrary, it appears that there has been a breach of planning control. The the stables erected are not on residential curtilage and require planning permission and that there has been a material change in use of the land to the south and east of the rear of Ash House Farm from agricultural land to, domestic curtilage.
9. Within Paragraph 4 it is stated that complaint has also been made to the Council that the property is being used for commercial purposes in that carriage driving lessons are being given from the property. Evidence has been given stating that on three occasions since 22 October 2005 through to 10 December 2005 the owner of the property has been seen and photographed giving carriage driving lessons. No further evidence has been submitted to the Council relating to this business activity. The property owner who asserts only friends and family are taken on carriage drives from the property has repudiated this allegation. Any teaching has been from a local commercial equestrian yard.
10. Notwithstanding either parties statements, the use of the land on three occasions for the giving of driving lessons would not amount to a material change in use of the land and in the absence of further documentary evidence it is not proposed, at this time to seek authority for any enforcement action with regard to this alleged activity.

POLICY

11. The site is within the designated Green Belt as defined by Policy DC1 of the Adopted Chorley Borough Local Plan Review. Within the designated Green Belt planning permission will not be granted, except in very special circumstances, for very limited forms of development including: (b) essential facilities for outdoor sport and outdoor recreation, or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes. PPG2 states that possible examples of such facilities include small stables for outdoor sport and outdoor recreation.
12. Policy EP8 establishes a set of criteria against which proposals for development involving horses are judged, these criterion, together with the Councils Supplementary Planning Guidance (SPG), "Development involving Horses" which elaborates the criterion defined within Policy EP8 clearly defines appropriate development. The stables erected conflict with criterion (a) of Policy EP8 in that the size and scale of the stables erected are considered to be too large for the character of the site and the amenity of the

neighbouring properties. The stables erected are contrary to criterion (c) in that the stable block erected is not close to existing buildings on the site area and is not well screened from property, Homecroft Cottage, Ulnes Walton Lane.

13. Supplementary Planning Guidance Development Involving Horses directs that small private developments are those that involve no more than two or three horses, the stables erected are in excess of this number. The Guidance reflects criterion (a) of Policy EP8 at paragraph 6.2 small private developments are those involving no more than two to three horses and paragraph 6.3 reflects criterion (c) of Policy EP8 in that proposals should be well related to existing buildings and be well screened by existing trees, hedges and landscape features. The stables erected do not comply with that guidance given.

COMMENTS OF THE DIRECTOR OF FINANCE

14. No comments.

COMMENTS OF THE HEAD OF HUMAN RESOURCES

15. No comments.

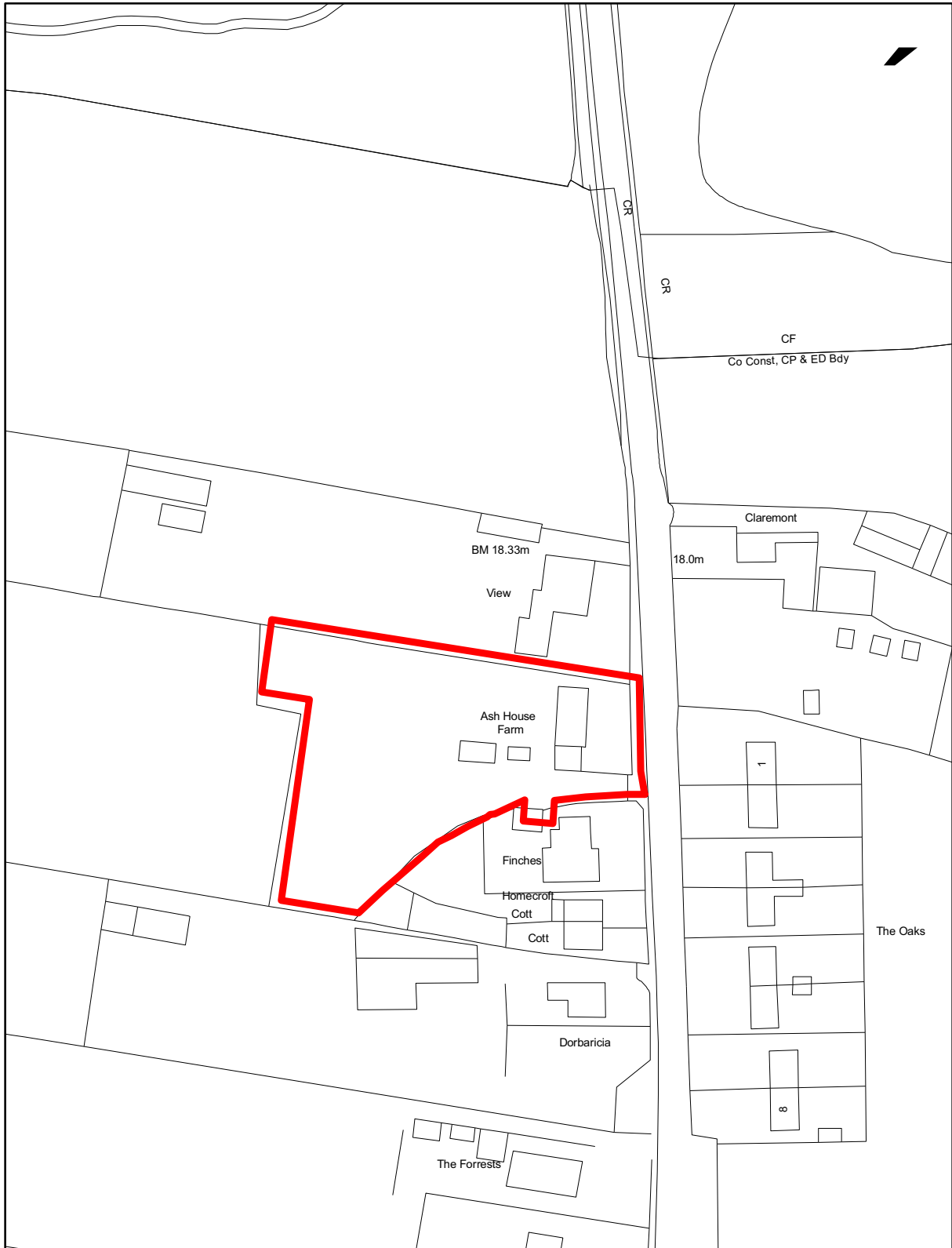
RECOMMENDATION

16. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:
- i. Without planning permission the erection of a stable block upon land to the south and east of the rear of Ash House Farm, Ulnes Walton Lane.
 - ii Remedy for Breach
 - ii(a). Demolish the stable block erected upon the land identified at 15(i).
 - ii(b). Remove all material resultant from the works carried out under 15ii(a) from the land.
 - ii(c). Period for Compliance
180 days.
 - ii(d). Reason
 - i. The development is located within the Green Belt as defined by Policy 2 and the Key Diagram of the Adopted Lancashire Structure Plan and by the Proposals Map of the Adopted Chorley Borough Local Plan Review. The development is contrary to Policy 4 of the Adopted Lancashire Structure Plan and Policy DC1 of the Adopted Chorley Local Plan Review. Within the Green Belt planning permission will not be given except in very special circumstances for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for indoor sport and recreation, for cemeteries, and other uses which do not conflict with the purposes of including land in it, or limited extension, alteration, or replacement of existing dwellings. It is not considered that the stable block as erected represents an essential facility for outdoor recreation in this case.

- ii. The stable block erected by virtue of its siting and scale is contrary to the provisions of criterion (a) & (c) of Policy EP8 of the Adopted Chorley Borough Local Plan Review and Adopted Supplementary Planning Guidance "Development involving Horses".

JANE E MEEK
HEAD OF DEVELOPMENT & REGENERATION

Report Author	Ext	Date	Doc ID
Steve Aldous	5414	20 February 2006	
Background Papers			
Document	Date	File	Place of Inspection
Planning Application		05/01339/FUL	Union Street Offices



Jane E Meek BSc(Hons) DipTP MRTPI
 Head of Development and Regeneration
 Chorley Borough Council

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Enforcement Item
 Ash House Farm
 Ulnes Walton Lane
 Ulnes Walton

SCALE
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