

PLANNING COMMITTEE

TUESDAY, 12TH NOVEMBER 2019, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

- 1 MINUTES OF MEETING TUESDAY, 8 OCTOBER 2019 OF PLANNING COMMITTEE**

(Pages 3 - 6)

- 2 DECLARATIONS OF ANY INTERESTS**

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

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

- 3 PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted nine for planning applications to be determined (enclosed).

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

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

- A 19/00654/OUTMAJ - LAND BETWEEN PEAR TREE LANE AND SCHOOL LANE, PEAR TREE LANE, EUXTON (REPORT TO FOLLOW)**

- B 19/00825/REM - LAND ADJACENT 8 MILLER AVENUE ABBEY VILLAGE**

(Pages 7 - 18)

- C 19/00845/COU - HALLS BAKERY 93 COLLINGWOOD ROAD CHORLEY PR7 2QE**

(Pages 19 - 26)

- D 19/00840/P3PAJ - THE FAIRPOINT GROUP FAIRCLOUGH HOUSE CHURCH STREET ADLINGTON**

(Pages 27 - 34)

E	18/00963/FUL - GO APE, RIVINGTON LANE RIVINGTON	(Pages 35 - 42)
F	19/00916/FUL - LOWE FARM COTTAGE LEYLAND LANE ULNES WALTON (REPORT TO FOLLOW)	
G	18/00704/OUT - LANCASTER HOUSE FARM, PRESTON ROAD, CHARNOCK RICHARD	(Pages 43 - 52)
H	19/00623/FUL - LEIGH FARM MARSH LANE BRINDLE	(Pages 53 - 60)
I	19/00403/FUL - WOGDENS FARM, TITHE BARN LANE, HEAPEY, PR6 8TE	(Pages 61 - 66)
4	ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR	

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Steve Murfitt, Neville Whitham and Alan Whittaker.

Electronic agendas sent to Planning Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here

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

**MINUTES OF****PLANNING COMMITTEE****MEETING DATE****Tuesday, 8 October 2019****MEMBERS PRESENT:**

Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Danny Gee, Yvonne Hargreaves, Alex Hilton, Neville Whitham and Alan Whittaker

RESERVES:

Councillor Julia Berry

OFFICERS:

Adele Hayes (Service Lead - Planning), Iain Crossland (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES:

Councillors Tom Gray and Alistair Morwood

OTHER MEMBERS:

Councillor Peter Wilson

19.P.9 Minutes of meeting Tuesday, 10 September 2019 of Planning Committee

Decision – That the minutes of the Planning Committee meeting held on 10 September 2019 be approved as a correct record for signature by the Chair.

19.P.10 Declarations of Any Interests

There were no declarations of interest received.

19.P.11 Planning applications to be determined

The Director of Customer and Digital submitted five items for consideration. In considering the applications, Members of the Planning Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals.

19.P.12 18/00334/FULMAJ - Woodcocks of Coppull, Bridge Farm, Coppull, Moor Lane

Registered speaker: Shirley Snowdon (Applicant)

Councillor Berry arrived after the item was introduced.

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Aaron Beaver and a decision was subsequently taken

(10:0:1) **that full planning permission be granted, subject to conditions in the addendum.**

19.P.13 19/00683/FUL - 31 - 33 Cunliffe Street, Chorley

This item was withdrawn from the agenda.

19.P.14 19/00767/FUL - Land Adjacent to 1 Melling Close, Bolton Road, Adlington

Registered speakers: John Hayes (Objector) and Cllr Peter Wilson (Ward Councillor)

After careful consideration, it was proposed by Councillor John Dalton, seconded by Councillor Danny Gee and a decision was subsequently taken (unanimously) **that full planning permission be refused for the reason set out below;**

The proposed development by reason of its siting and scale would result in a loss of light and overbearing and oppressive environment for the occupiers of the adjacent property, 62A Bolton Road, which would be detrimental to the level of residential amenity they currently enjoy. The proposed development is, therefore, contrary to policy 17 of the Central Lancashire Core Strategy (2012), policy BNE1 of the Chorley Local Plan (2012-2026).

19.P.15 19/00659/FUL - The Chorley Subscription Bowling Green Co, Windsor Road, Chorley, PR7 1LN

Registered speaker: Rebecca Gilbert-Rule (Objector)

After careful consideration, it was proposed by Councillor Danny Gee that the decision be deferred to allow Members of the Planning Committee the opportunity to visit the site of the proposals. The motion was seconded by Councillor Alan Whittaker. A vote was taken, and the motion was lost (4:7:0)

It was proposed by Councillor Martin Boardman, seconded by Councillor Alex Hilton and a decision was subsequently taken (8:0:3) **that full planning permission be refused for the reasons set out below;**

- 1) The proposed 10m high lighting columns would be out of character and overly prominent features within the surrounding Queen's Road and Southport Road Locally Important Area as defined by the Chorley Local Plan 2012-2026 resulting in a detrimental impact to both the street scene and the surrounding locality. This is contrary to policy BNE8 of the Chorley Local Plan 2012-2026**
- 2) The applicant has failed to provide sufficient evidence to demonstrate that the erection of 6no, 10m high lighting columns would not result in light spillage beyond the bowling green that would result in detrimental impact on the occupiers of neighbouring residential properties. This is contrary to policy BNE6 of the Chorley Local Plan 2012-2016.**

The wording of the reasons for refusal to be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

19.P.16 19/00670/CB3MAJ - West Way Playing Fields, West Way, Astley Village

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) **that planning permission be approved, subject to conditions in the addendum.**

19.P.17 19/00763/CB3MAJ - West Way Playing Fields, West Way, Astley Village

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) **that planning permission be approved, subject to conditions in the report and the addendum.**

19.P.18 Planning Appeals and Decisions Received between 5 August 2019 and 30 September 2019

The Director of Customer and Digital submitted a report which set out planning appeals and decisions received between 5 August 2019 and 30 September 2019.

One planning appeal had been lodged, five appeals had been dismissed and one appeal had been allowed.

One enforcement appeal had been lodged and one enforcement appeal had been dismissed.

The Council's Legal Services Team Leader updated Members on a recent prosecution following an appeal of a committee decision in which the applicant was fined for breaches of TPO regulations at Sarscow Lane, Ecclestone, and the costs awarded to the council.

Chair

Date

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APPLICATION REPORT – 19/00825/REM

Validation Date: 28 August 2019

Ward: Wheelton And Withnell

Type of Application: Reserved Matters

Proposal: Reserved matters application (access, appearance, landscaping, layout, and scale) pursuant to outline permission ref: 18/00800/OUT (Outline application for the erection of up to 9 houses (with all matters reserved))

Location: Land Adjacent 8 Miller Avenue Abbey Village

Case Officer: Mike Halsall

Applicant: Lancashire Developments Ltd

Agent: LMP Ltd

Consultation expiry: 1 November 2019

Decision due by: 15 November 2019

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement boundary of Abbey Village and is also within Abbey Village Conservation Area. The application site comprises 0.34ha of pasture land. It is relatively flat and does not accommodate any buildings.
3. To the north east of the site are dwellings located on Miller Avenue and Cherry Grove. To the south east and south west the site is bound by undeveloped open land located in the Green Belt, whilst the north west of the site is bound by the Withnell Nature Reserve.
4. Two previous outline applications for the erection of three detached dwellings on part of the site and accessed from Miller Avenue have been approved. One of these approvals was through an appeal following the refusal of planning permission by Chorley Council.
5. Outline planning permission ref. 18/00800/OUT for the erection of up to 9 houses on the site, with all matters reserved, was approved in December 2018. It is to that permission to which this reserved matters application relates.
6. There is no legal agreement attached to the outline consent as there is no requirement for financial contributions to amenity greenspace, parks and gardens, greenspace, allotments or playing pitches due to fewer than 11 dwellings being proposed. There is no requirement for provision for children/young people as there is currently a surplus of provision in Abbey Village in relation to this standard and the site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. Further, there is no requirement for the provision of affordable housing as part of the development.

7. A discharge of conditions application, ref. 19/00919/DIS, in relation to conditions attached to the outline planning permission for this site, is currently pending decision. The discharge of conditions application seeks approval of details relating to dwelling emission rates, a surface water drainage scheme, finished floor levels, a construction method statement and road construction details.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. The proposal seeks approval of reserved matters relating to the appearance, means of access, landscaping, layout and scale of nine detached dwellings, approved by outline planning permission ref. 18/00800/OUT.
9. The dwellings would be located either side of a logical extension to Miller Avenue with the dwelling on the first plot next to the existing dormer bungalow of No. 8 Miller Avenue set back from the existing building line. The dwellings would be a mixture of 2 and 2.5 storey dwellings of between 4 and 6 bedrooms. External garaging would be provided to serve plots 1, 2, 5 8 and 9, whilst plots 3 and 4 would have internal garages.
10. The dwellings would be of varying styles with standard construction materials of brick walls, with some elements of render, and slate roofs.

REPRESENTATIONS

11. Responses were received from 18 individuals raising objections to the initial reserved matters planning application on the following grounds (summarised):
 - The proposed dwellings will tower over the village / existing bungalows and have an overbearing impact and would block light
 - Three storey dwellings are too high, affecting views, light levels & privacy of those in surrounding dwellings and surrounding footpaths
 - The dwellings are too large for their plots
 - There is no privacy barrier over the height of the boundary fence planned to the rear of plot 1
 - The proposed dwellings are out of keeping with the existing buildings in the area
 - The gated community would change the integrated, open, village style character of the area both architecturally and socially
 - The gate means cars will have to 'wait' in Miller Avenue for the gates to open, causing obstruction, noise & extra pollution. Visitors to these new houses who do not have the means to open 'the gates' will end up parking on the neighbouring roads causing problems to these narrow roads.
 - New buildings should look and feel like a continuation of what is already present
 - Road safety is a concern – the access presents many problems for residents of Miller Avenue and utility vehicles
 - Extra traffic will make Miller Avenue and Lilac Grove congested bottlenecks
 - The junction with the A675 is already hazardous and will be made worse
 - Pressure on local amenities - water, sewerage, drainage, roads and other infrastructure is a concern
 - The land is a conservation area land a conservation area in the middle of greenbelt land. Any development on this land would impact detrimentally on the wealth of diverse flora and fauna found here and totally change its character
 - Insufficient parking is provided by small garages and driveways
 - extra cars being parked on adjacent roads will lead to issues with residents parking, visibility when accessing their driveways & safe access for pedestrians/prams/wheelchairs when people park on the pavements.
 - A Council review of the Conservation Area noted negative impacts from traffic and parked cars already have on the village, this development will make the situation worse
 - The balconies will harm the privacy of existing and the new properties

- Tree on plot 2 will be removed which could have helped maintain privacy and will have a negative impact on wildlife
 - Removal of existing mature trees and lack of grass and green space is disappointing and generally inappropriate
 - The high fencing and gates will segregate the new houses from the village
 - Overdevelopment of the breathtakingly beautiful site
 - Impacts upon the Conservation Area
 - The design and bulk of the development is inappropriate and would change the character of the area
 - Council policy states that dwellings should be built in rural areas, such as Abbey Village, to meet local need for affordable housing. The last 2 planning applications have been for 4 and 6 bedroom houses, respectively, hardly enabling locals to remain in the village. It appears that the priority is for developers to make maximum profit with least consideration to the local community. E.g. those behind Hare and Hounds pub
 - The proposal goes against other policies in relation to respecting local distinctiveness and character, taking account of noise, access and emissions and increasing the supply of affordable housing
 - The side of the dwelling on plot 3 will be 3m or less from the neighbour's existing rear garden, resulting in a loss of privacy
 - Original permission was only for three houses
 - The proposal will block views of the countryside for existing residents
 - The development will unfairly reduce house prices of existing dwellings
 - The gated element would mean bins would be left outside the new estate and the road could not be adopted by Lancashire County Council
12. One response was received making comments in support of the planning application, stating that they would like to live in one of the new homes.
13. The proposed development was revised following receipt of the above comments and also concerns expressed by Lancashire Highways Services (explained in more detail later) in order to remove the access gates to the new development, amend the landscaping details and lower the height of four of the nine dwellings.
14. Neighbours were re-notified of the revised proposals, following which, responses were received from 4 individuals, two of which had already commented on the initial scheme. The additional responses raised objection to the revised development. Their comments can be summarised as follows:
- Despite the revisions, the development would be out of scale with the existing bungalows and are too overbearing
 - The removal of the gates is welcomed
 - The development would be out of character with the area
 - The proposal would be visually obtrusive from footpaths
 - The proposal would detract from the visual aspect of the village set in its historic landscape and are out of context and would detract from the local character of the village
 - The development would harm the Conservation Area and Withnell Nature Reserve and local ecology
 - Impacts and disruption on 5 and 8 Miller Avenue and health and safety concerns during construction
 - The revised dimensions leave the possibility open to turn the dwellings into 6-bedroom properties
 - This development fails to follow the Chorley Local Plan 2012-26 reference; BNE1 Design Criteria. Additionally it does not follow suggested guidelines as described in the "National Planning Policy" published 2019 by the Ministry of Housing, Communities and Local Government with regard to the "Context" and "Local Character and Identity" sections

- The dwellings will be very prominent in the local landscape as a result of their proposed height
 - Where the existing bungalows and farm buildings form quite a gentle visual edge to the settlement, this proposal will be unnecessarily prominent with the tallest properties placed on the projecting tip of the development. This will provide a harsh visual edge in long distance views from the surrounding open countryside
 - 1.5 storey dwellings could be proposed which would sit far more comfortably with the surrounding development of Miller Avenue and Gerrards Fold
 - The building materials should be from local stone
 - The harmful impact of the use of render is only too evident on the recent development behind the Hare and Hounds pub
 - The properties on Gerrards Fold contribute positively to the Conservation Area and follow the public footpath round from this development. They are contemporary with (if not pre-dating) the Mill and original terraced dwellings of the village, sharing numerous vernacular design characteristics. I fail to see how these could not therefore be considered to contribute positively to the significance of the conservation area
 - The site provides a positive contribution to the Conservation Area by providing a landscape buffer, the development would replace it with a modern, visually prominent development
 - The proposals would harmfully alter the setting of the Grade II Listed Mill
 - Drystone walling would be more suitable than fencing
 - The harm highlighted above is considered minor 'less than substantial' harm which would need to be weighed against any public benefits flowing from the development in accordance with paragraph 196 of the NPPF. Public benefits flowing from this development will be minor and will not outweigh the harm.
15. Relevant material considerations, which have been raised within representations are assessed in full in the planning considerations section below.

CONSULTATIONS

16. Parish Council: no response had been received at the time of writing this report.
17. Lancashire Highway Services (LCC Highways): initially responded with concerns in relation to the location of vegetation planting near the highway and access gates proposed to be located within the highway. The scheme was later revised by the applicant's agent to meet the requirements of LCC Highways with proposed vegetation removed from near the highway to improve visibility of highways users and the removal of the access gates. LCC Highways have responded to revised proposals to state that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Their response also requested that the size of garages and driveways be increased to accommodate the required number of off-road parking spaces. They also suggested a number of planning conditions be attached to the Reserved Matters consent. The proposed site layout was amended by the applicant's agent to address the points raised by LCC Highways with regards to vehicle parking.
18. United Utilities: no response had been received at the time of writing this report. United Utilities responded to the consultation on the Outline planning application to raise no objections and suggested standard planning conditions to be attached to the planning permission. Those conditions are attached to the Outline planning permission and so are not required to be attached to the Reserved Matters consent.
19. Greater Manchester Ecology Unit: responded with no objections to the scheme and recommended measure to protect and enhance biodiversity.

PLANNING CONSIDERATIONS

Principle of the development

20. The acceptability of the principle of the development has been established by the grant of outline planning permission.

Impact on designated heritage asset

21. Policy BNE8 of the Chorley Local Plan 2012 – 2026 seeks to protect and enhance the designated Heritage Assets. The application site is located within the Abbey Village Conservation Area. The key characteristics of the conservation area are:
- Linear development either side of a focal point, Abbey Mill;
 - The dominant building materials are elevations faced with local sandstone and grey slate roofs;
 - Dominance of small, two-storey terraced houses. The smallest ones are the oldest (1840) and are nearest to the mill. Slightly larger ones are younger (1875) and situated on the edge of the village; and
 - Modern development on the north western fringe.
22. The application site is located within the Abbey Village Conservation Area and is located adjacent to an area of the Conservation Area that comprises entirely of modern, late 20th Century houses that have no particular historic, architectural or cultural significance and it is not located adjacent to any buildings that currently contribute to the significance of the Conservation Area. The character of the conservation area is defined by the typical stone-built mill-workers cottages arranged in a series of terraced blocks that are focused around the mill.
23. The only listed building in the area, Abbey Mill, is located approximately 140 metres south east from the application site. Given the character of the immediate area, and the separation distance to the only listed building in the area, it is considered that the proposed development would have no material impact on either the appearance of the listed building or the conservation area, or the significance of these designated heritage assets.
24. In light of the above, it is considered that the proposed development would preserve the appearance of the adjacent grade II listed building, Abbey Mill, and the Abbey Village Conservation Area and thus also sustain the significance of these designated heritage assets. Accordingly, the proposed development would be in conformity with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, S.16 of the National Planning Policy Framework, Core Strategy Policy 16 and the Chorley Local Plan 2012 – 2026, policy BNE8.

Impact on character and appearance of locality

25. The National Planning Policy Framework (the Framework) attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the Central Lancashire Core Strategy (policy 17) and the Chorley Local Plan (policy BNE1). It is considered that detached dwellings of the design proposed on this plot would be appropriate to the character of the area.
26. The prevailing dwelling types within the vicinity of the application site are detached bungalows and dormer-bungalows. However, elsewhere in Abbey Village, including within the conservation area, other dwelling types exist, including detached two-storey properties.
27. Whilst Miller Avenue and the immediate surrounding roads comprise mainly bungalows, there are a number of larger scale buildings within the vicinity of the application site. In addition, the closest dwellings would be set back from the bungalow at No 8 and would extend beyond the group of dwellings on Miller Avenue. The dwellings on Plots 1 to 4 have been lowered from 2.5 to 2 storey, reducing their ridge height by approximately 1m. This provides a transition between the existing bungalows on Miller Avenue and the slightly larger proposed dwellings on Plots 5 to 9.

28. It is considered that the proposed dwellings will assimilate with the built form of Miller Avenue and would act as a logical extension to those existing dwellings, continuing the existing line of built form westwards.
29. In light of the above, the proposal would not cause harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

30. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact.
31. The proposed dwellings would be located approximately 7m (Plot 3) to the west and 22m (Plot 1) to the south west of the nearest existing dwellings at 8 and 5 Miller Avenue, respectively. The dwelling on Plot 3 would be set-back from No. 8 Miller Avenue, thus significantly reducing any amenity impacts which may have occurred should they have been located side by side. The degree of separation and relative positioning are such therefore that there would be no unacceptable impact on light, outlook or privacy.
32. The proposed dwellings have been designed in such a way so as to be compatible with each other without creating an amenity impact of adjacent plots. There would be an adequate degree of screening around the plots and it is noted that a privacy wall is included at the side of the balcony, which would otherwise cause overlooking from Plot 3 towards the rear garden of No.7 Cherry Grove. It is also recommended that privacy screens are provided to the sides of all balconies proposed as part of the scheme and these are secured in perpetuity via an appropriate condition.
33. In light of the above, it is considered that the proposal would be acceptable in terms of amenity impacts and accords with Policy BNE1 in this regard.

Highway safety

34. The development is to be accessed from the western extent of Miller Avenue, as a continuation of the existing highway. It is noted that Miller Avenue currently terminates at an area of grassed verge, which appears to have been planted and tended as a garden.
35. (LCC) Highways are of the opinion that the highway layout and car parking conforms to current guidelines; recommendations; the philosophy of Manual for Streets; Creating Civilised Streets; the National Planning Policy Framework; the Wyre Local Plan (adopted 28th February 2019), Appendix B, page 184. However, the layout is not to an acceptable standard for adoption. LCC has therefore requested conditions be attached to the Reserved Matters consent to ensure the proper ongoing management and maintenance of the road.
36. Adequate parking spaces are proposed to serve the 5no. six bedroom dwellings and the 4no. four bedroom dwellings, by way of garages and/or driveway space. This would ensure that the proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026.
37. It is considered that the surrounding highway network could accommodate the uplift in traffic associated with the delivery of the dwellings and that the residual cumulative impacts on the road network would not be severe. It is also noted that LCC Highways have no objection to the proposed development subject to the imposition of conditions.

Ecology

38. The application site consists of managed grassland and is not considered to provide any substantive nature conservation importance. The site is located adjacent to a Local Nature Reserve, Withnell Nature Reserve. The Greater Manchester Ecological Unit are satisfied that there is sufficient distance between the proposed houses and the boundary of the Local Nature Reserve and did not record any evidence of protected species within the site

or in habitats adjoining it. It is considered that a suitably worded condition to protect nesting birds would ensure that the proposal is acceptable in ecological terms.

Other matters

39. *Inconvenience caused during the construction period:* a construction method statement has been submitted to discharge the requirements of planning condition 8 attached to the Outline consent, in the interests of highway safety and to protect the amenity of neighbouring occupiers. Once approved, the measures identified within the statement will be capable of being enforced throughout the construction period.

Community Infrastructure Levy

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

CONCLUSION

40. The details of the proposed dwellings are considered to be acceptable and the reserved matters application is recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 17/00225/OUT **Decision:** REFFPP **Decision Date:** 26 May 2017
Description: Erection of three detached dwellings accessed from Miller Avenue

Ref: 17/00913/OUT **Decision:** PERFPP **Decision Date:** 15 December 2017
Description: Outline application for erection of two detached houses and a detached dormer bungalow (with all matters reserved)

Ref: 18/00800/OUT **Decision:** PEROPP **Decision Date:** 12 December 2018
Description: Outline application for the erection of up to 9 houses (with all matters reserved)

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

Suggested Conditions

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

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

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

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

3. The external facing materials, detailed on the approved plans and within the document entitled 'Materials Specification' received on 27th August 2019, shall be used and no others

substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

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

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

Title	Plan Ref	Received On
Location & Site Plan	18/108/L01	27 August 2019
Proposed Site Plan	18/108/P01 Rev D	1 November 2019
Plot 1 Proposed Plans & Elevations	18/108/P02 Rev B	24 October 2019
Plot 2 Proposed Plans & Elevations	18/108/P06 Rev B	24 October 2019
Plots 3 & 4 Proposed Plans & Elevations	18/108/P04 Rev C	1 November 2019
Plots 5 & 8 Proposed Plans & Elevations	18/108/P07	27 August 2019
Plots 6 & 7 Proposed Plans & Elevations	18/108/P05	27 August 2019
Plot 9 Proposed Plans & Elevations	18/108/P03	27 August 2019
Double Garage - Eaves to Road	18/108/G01 Rev A	1 November 2019
Quad Garage - Eaves to Road	18/108/G02 Rev A	1 November 2019
Swept Path Refuse Vehicle	086-19-1	27 August 2019
1.8m High Timber High Fence	18/108/EW02	27 August 2019
1.8m High Party Fence	18/108/EW03	27 August 2019
1.2m High Timber Post & Rail Fence	18/108/EW04	27 August 2019
Proposed Site Enclosures Plan	18/108/P08 Rev C	4 November 2019
Proposed Phasing Plan	18/108/PH01 Rev C	4 November 2019
Proposed Site Plan indicating Proposed Fibre Optic Ducting	18/108/FD01 Rev C	4 November 2019
Landscape Proposals Plan	2276_01 Rev A	22 October 2019

5. Prior to the erection of the superstructure of the dwellings hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of privacy screens to be erected to the sides of each balcony. No dwelling shall be occupied until the privacy screens as shown in the approved details have been erected. The privacy screens shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

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.

7. 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.

8. Before the dwellings hereby permitted are occupied the driveways and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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.

9. The garage(s) hereby approved shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.

10. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

11. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate street phasing and completion plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway

12. No dwelling within phase each phase shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Estate Street Development Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

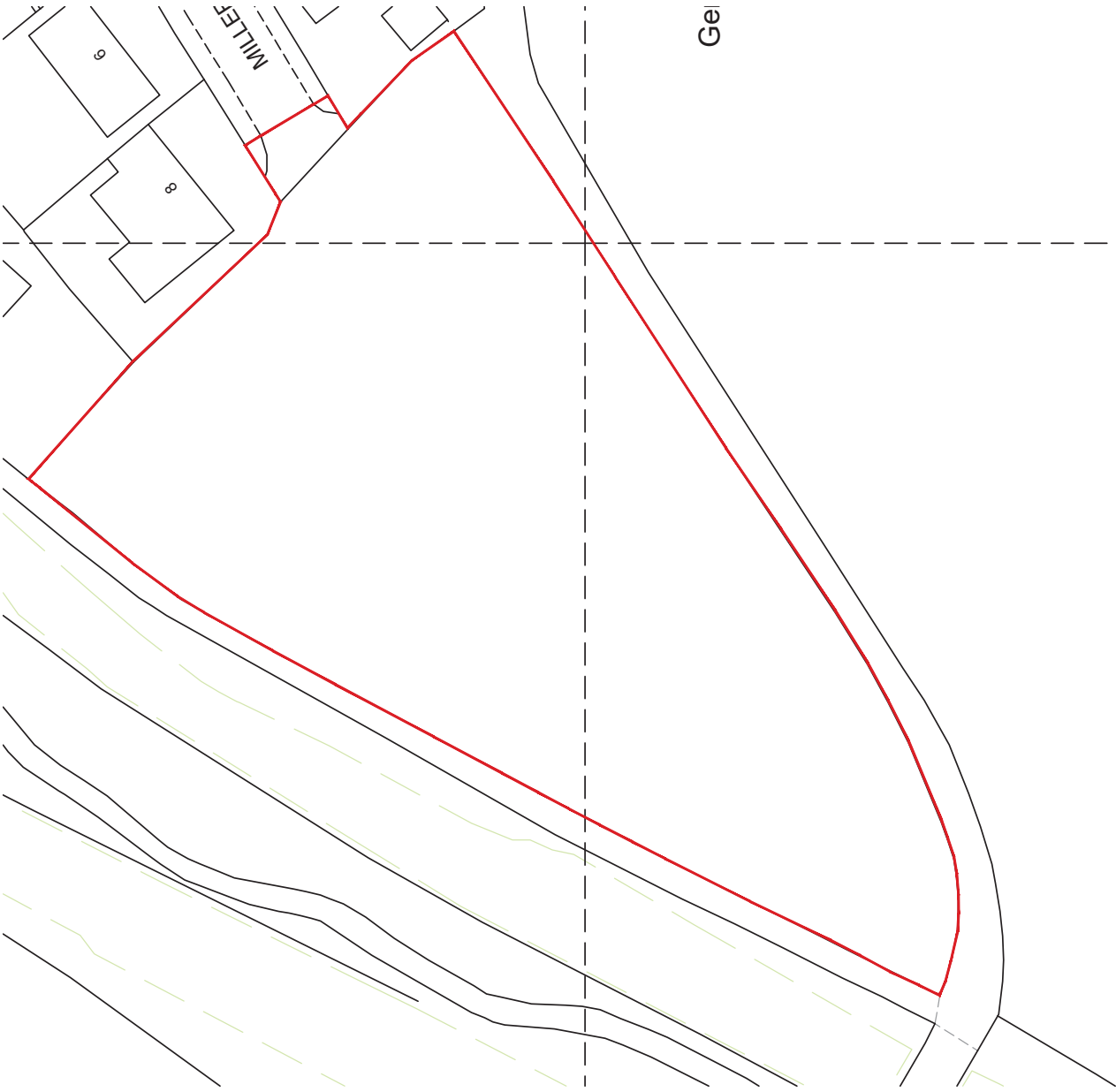
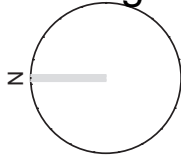
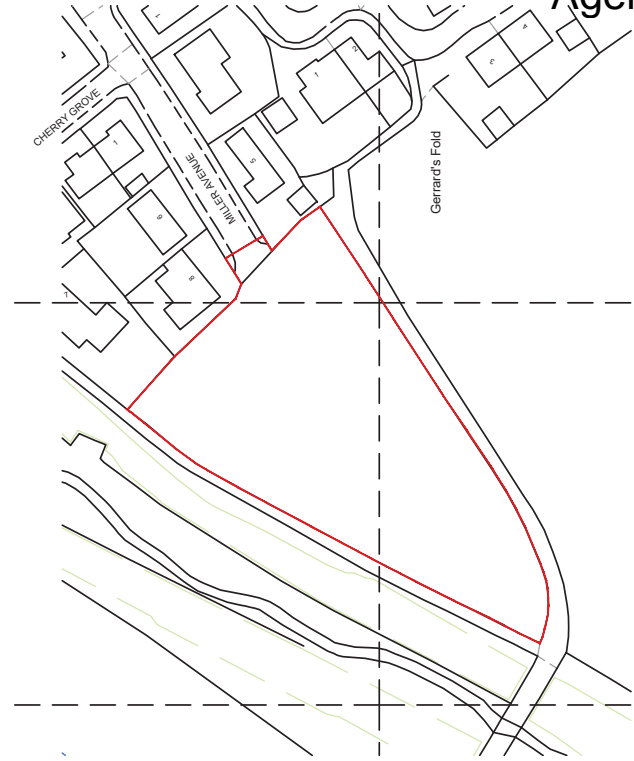
Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway

14. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

15. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.



Gei



CLIENT	Lancashire Developments Ltd.
PROJECT NAME	Proposed Residential Development at
DRAWING NAME	Miller Avenue, Abbey Village, Chorley, PR6 8DH.
SCALE	Varies @ A1
DRAWN BY	JRM
DATE	20/08/19
DRAWING NUMBER	18/108/L01
REVISION	-

213 Preston Road, Whittle-le-Woods, Chorley, Lancashire, PR6 7PS
 Telephone: 01257 261555 Fax: 01257 267224 Website: www.lmparchitects.co.uk
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APPLICATION REPORT – 19/00845/COU

Validation Date: 5 September 2019

Ward: Chorley North West

Type of Application: Change of Use Planning

Proposal: Change of use from shop (Use Class A1) to micropub (Use Class A4)

Location: Halls Bakery 93 Collingwood Road Chorley PR7 2QE

Case Officer: Mrs Hannah Roper

Applicant: Mr Asim Gulzar

Consultation expiry: 25 October 2019

Decision due by: 31 October 2019

RECOMMENDATION

1. Refuse full planning permission

SITE DESCRIPTION

2. The application relates to a small commercial unit on Collingwood Road, Chorley. This is listed on the application form as a bakery, however, on site it is clearly most recently being used as a sunbed shop. The property is the end unit in a small parade of four, single storey, shops facing onto Collingwood Road opposite the junction with Isleworth Drive.
3. The surrounding area is characterised by residential dwellings. Directly to the north of the site is number 1 Hardy Drive, which has been extended by means of a single storey side extension that abuts the common boundary. The rear boundary of this property forms the side boundary of the rear yard at the application site.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks to change the use of the former shop from A1 to A4 for use as a drinking establishment. Whilst the current proposal is for a micro pub, the A4 use class covers all types of drinking establishments. The plans demonstrate a patio area to the front of the property with a 1.2m high balustrade and a ramp to the pavement level.
5. The application form indicates that the proposed A4 use would be in operation between the hours of 10am and 1am every day.

REPRESENTATIONS

6. Seven letters of objection have been received raising the following issues:
 - Disturbance to the surrounding area, especially when people are under the influence of alcohol

- Parking will be difficult in the surrounding area
- Music will be antisocial in the early hours of the morning
- Children's bedrooms less than 12m away and overlook the rear of this property
- Unacceptable exposure to cigarette smoke and butts
- Litter, glass and food waste disposed of inappropriately pose a safety risk
- Ground floor bedroom in close proximity
- Health and hygiene issues due to drunk people
- The former pub to the rear was a magnet for violence and antisocial behaviour with the police regularly having to intervene
- The current use of the building has been incorrectly reported to the Council
- The opening hours are inappropriate in a residential area
- The footpath will be blocked

CONSULTATIONS

7. CIL Officers – the proposal is a non-chargeable development
8. Lancashire Highway Services – no objection subject to details requiring how street furniture within the patio area will be dealt with and showing a storage area for empty kegs
9. Regulatory Services - Environmental Health – have raised concerns regarding the proposal

PLANNING CONSIDERATIONS

Principle of the development

10. Paragraph 92 of The National Planning Policy Framework (The Framework) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - a) Plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
11. Policy V2 of the Chorley Local Plan 2012 – 2026 states that within the settlement areas excluded from the green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations.
12. The application site is located in the settlement area of Chorley, which is excluded from the Green Belt and identified on the Policies Map. The property is located within the defined local centre of Collingwood Road. This is a small centre consisting only of the four units within this purpose built block.
13. Policy EP7 seeks to states that planning permission will be granted for A1, A2, A3 and A4 uses, which support the function of the district and local centre.
14. The principle of the proposal is therefore considered to be acceptable subject to other material planning considerations.

Impact on the amenity of neighbouring occupiers

15. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
16. The application premises comprise the end unit in a parade of shops. The other three properties within this small, purpose-built block are in commercial use. However, the wider surrounding area is residential in nature with a residential property directly adjacent to the site to the north. This property has an extension directly adjacent to the common boundary between the two properties. This extension/garage conversion houses ground floor habitable rooms.
17. The side elevation of the application property is located less than 1.8m from the side elevation of the extension to this dwelling at its closest point and the patio area proposed to the front of the unit would be adjacent to the boundary. Similarly, the bin store is located directly adjacent to the rear boundary of the residential dwelling. No indication has been given with regard to the storage of empty barrels and kegs, however, it is assumed that this would also take place to the rear of the property.
18. The application forms indicate that permission is being sought for the operation of the proposed use until 12:30am every day with the premises currently seeking a license to sell alcohol and to play recorded music for similar hours. It is therefore considered that there would be potential for the generation of noise disturbance, which would go above and beyond that typically associated with a retail unit. This would include conversation, laughter and other noise usually associated with a drinking establishment of this type. This would be amplified through the use of the exterior patio area directly to the front of the building, which is both directly adjacent to a residential property and opposite a number of others. This would be especially acute during the summer months where surrounding dwellings may wish to have windows open.
19. Furthermore, this patio area is likely to act as a congregation point at both closing time and for those needing to leave the premises to smoke. A ground floor bedroom at number 1 Hardy Avenue is located less than 3m from the boundary and is likely to be particularly susceptible to the impacts of both noise and smoke. A recent appeal decision (ref: PP/D2320/W/19/3230707) dealt with a similar application for a micro pub in close proximity to residential dwellings. It was dismissed at appeal with the Inspector placing significant weight upon the impacts of smoke and noise on neighbouring dwellings, stating that "The noise and cigarette smoke associated with its use by a potentially large number of people over long hours would be detrimental to the living conditions of nearby residential occupiers, both within their homes and using their gardens."
20. The Inspector also considered the position of the refused application within a defined centre stating *"The Local Centre would be expected to be a vibrant and busy area. However, and irrespective of some late-night uses, activity would be likely to be greatest during daytime retail hours. At other times, including weekday evenings and Sundays, there would be a reduction in footfall and traffic in the surrounding area with a consequent reduction in background noise. The extended opening hours of the appeal scheme and the nature of the proposal would therefore result in an increase in noise and activity in and around the premises at otherwise quieter times when residential occupiers might reasonably expect to enjoy their homes free from significant noise and disturbance."*

21. The application currently being considered is located within a significantly smaller defined centre than the appeal property, with only four units forming the centre in its entirety. As such, the level of noise and footfall would be significantly smaller than that of the dismissed appeal site. This would result in a more pronounced difference in noise and activity between the day time and night time, should this application for a change of use to A4 use be approved, for the surrounding residents.
22. Furthermore, the history of the site includes two refusals of planning permission at the same property for a change of use to a hot food takeaway on the basis of the increased noise and disturbance to the surrounding residential dwellings. It is considered that the A4 use now proposed with external front patio area would also result in a significantly greater detrimental impact than these previously refused applications.
23. Having considered the relationship of the site with its residential neighbours, the recently dismissed appeal for a similar scheme and the previous refusals at the application site, it is considered that no alternative conclusion can be drawn other than that the proposal would result in significant detrimental impact by means of noise and disruption to the surrounding residential dwellings and refusal is recommended on this basis.

Highway safety

24. Policy ST4 of the Chorley Local Plan 2012-2026 requires that proposals for development will need to make parking provision in accordance with the standards set out in Appendix A of the Local Plan. Appendix A identifies the Council's minimum parking standards for drinking establishments within Chorley Town Centre as being 1 space per 6sqm of public floor space. Policy ST4 does provide some flexibility in the parking standards and locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
25. Highways have been consulted on the application and have raised no objection in principle to the proposal as there is a public car park to the rear of the site and on street parking available in the vicinity. However, they have raised queries regarding how street furniture (phone box and public litter bin) would be dealt with as the submitted plans show them within the patio area. It is considered that these are issues that could be overcome and could be dealt with by condition should the application be approved.
26. It is also noted that the application building has permission as a retail unit that would generate traffic in its own right. In this sense, any impact on highway safety in the local area would be similar to the previous situation and would not be unacceptable.

CONCLUSION

27. The proposed A4 drinking establishment is likely to have an unacceptable adverse impact on the amenity of the neighbouring residential occupiers. This impact is likely to be most detrimental to the occupiers of number 1 Hardy Avenue, but also to those of properties in the wider surrounding area as the proposal would result in increased noise generation and general disruption over an extended period of time, due to increased comings and goings, external congregation on the proposed patio area and smoke generation in close proximity to habitable rooms. It is therefore concluded that the proposed change of use would have a harmful impact on the amenity of neighbouring occupiers contrary to policies EP9 and BNE1 of the Chorley Local Plan 2012-2026.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central

Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Reasons for Refusal

1. The proposed development would result in people congregating outside of an enclosed building that would result in noise, cigarette smoke and general disturbance, which would be harmful to the amenity of both direct neighbouring occupiers and those in the wider area, contrary to Policies EP9 and BNE1 of the Chorley Local Plan 2012 - 2026

RELEVANT HISTORY OF THE SITE

Ref: 02/00132/COU **Decision:** REFFPP **Decision Date:** 10 April 2002
Description: Change of use from Retail to Hot Food Takeaway,

Ref: 95/00833/FUL **Decision:** PERFPP **Decision Date:** 24 January 1996
Description: New shopfront,

Ref: 5/1/03313 **Decision:** PERFPP **Decision Date:** 7 May 1969
Description: Shop development, Collingwood Road.

Ref: 90/00099/COU **Decision:** REFFPP **Decision Date:** 3 April 1990
Description: Change of use from video hire to video hire plus pizza takeaway

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87, 89, 91 & 93 Collingwood Road, Chorley, PR7 2PT



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03 SEP 2019

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SHORLEY COUNCIL
DEVELOPMENT CONTROL
03 SEP 2019

The Rookery

Ordnance Survey

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APPLICATION REPORT – 19/00840/P3PAJ

Validation Date: 4 October 2019

Ward: Adlington And Anderton

Type of Application: Prior Approval Offices to Dwellings

Proposal: Prior approval application under Part 3, Class O of The Town and Country (General Permitted Development) (England) Order 2015 for change of use from office (Class B1a) to 56 apartments (Class C3).

Location: The Fairpoint Group Fairclough House Church Street Adlington

Case Officer: Mr Iain Crossland

Applicant: Peter Rowlinson

Consultation expiry: 28 October 2019

Decision due by: 28 November 2019

RECOMMENDATION

1. That prior approval is granted.

REPRESENTATIONS

2. Representations in objection have been received from 6 addresses. These raise the following issues:
 - Lack of parking.
 - Impact of high demand for on street parking given previous issues caused by employees based at the offices.
 - Disruption to the efficient functioning of the highway.
 - Lack of alternative transport to support the development.
 - Lack of school places and local services to support the development.
 - Impact on privacy.
 - It would be more beneficial to the existing community if it was made into something that we could all use like a School, College, Hospital/Clinic, Gym, etc.
 - Potential for anti social behaviour from future residents.
 - There is no need for the development. It is purely driven by the pursuit of profit.

CONSULTATIONS

3. **Waste & Contaminated Land:** Based on the available information, the Council currently has no concerns over ground contamination in relation to this site. The site is unlikely to be determined as Contaminated Land.
4. **Lancashire Highway Services:** No objection.
5. **Lead Local Flood Authority:** No comments received.

PLANNING CONSIDERATIONS

6. The Town and Country Planning (Use Classes) Order 1987 puts uses of land and buildings into various categories known as "Use Classes". The categories give an indication of the types of use that may fall within each use class. It is only a general guide and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which class a particular use falls into. The Town and Country Planning (General Permitted Development) (England) Order 2015 provides permitted development rights to allow buildings falling within Class B1(a) offices to change to a dwellinghouse(s) (falling within class C3).

7. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O of the above Order permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

8. Development is not permitted by Class O if—

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the site is, or forms part of, a military explosives storage area;
- (e) the building is a listed building or is within the curtilage of a listed building; or
- (f) the site is, or contains, a scheduled monument.

9. Development under Class O is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W shall apply in relation to any such application.

10. Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

11. The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in the Part as being applicable to the development in question.

12. In relation to the criteria above:

- (a) the building is not on article 2(5) land [areas listed in the GPDO as an area exempt from these permitted development rights] and the application was not received by the council before the 30th May 2019.

- (b) the building was in use as an office on 29th May 2013;
- (c) the site is not in a safety hazard area;
- (d) it is not in a military explosives storage area;
- (e) the building is not listed or in the curtilage of a listed building;
- (f) the building is not listed or a scheduled monument.

13. In consideration of the matters set out above the application is assessed as follows:

14. a) Transport and highways impacts of the development

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority shall consult the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority;

15. In this case, the site lies to the east of the White Bear Marina and is fronted by the A6 Church Street in Adlington. It has a three storey office building on its northern half and a warehouse on the southern half including associated parking spaces. Also on the site is a residential lodge situated to the east of the warehouse approximately 50m west of the site entrance.

16. The proposal is to change the use of the office building and convert it into 56 apartments comprising 16no. 1-bedroom and 40no. 2-bedrooms with associated car parking and amenity spaces. In all, 96 car parking spaces (including 5 for the disabled) are required to comply with local authority parking standards. However, the applicant considers that the site is in a sustainable location as it is well served by public transport and within close proximity to bus stops, cycle routes and a train station all within acceptable walking distance. The applicant therefore proposes 56 parking spaces, which is just over 58 percent of the required standard provision.

17. The applicant provides no information relating to existing trips, but estimates that the proposed number of vehicles would generate 61 less two-way trips in the AM peak period and 48 less two-way trips in the PM peak period when compared to its existing use as an office block. There is an existing vehicular access serving the site from a classified road (A6) that would be retained as part of the development.

18. LCC Highways raises no objection to the proposed change of use, however it should be noted that the change from offices to residential with a lower level of proposed parking provision would potentially lead to increased on-street parking outside the site and its immediate surroundings. The offices previously generated high levels of on street parking and therefore the proposed use would be similar in this respect. Notwithstanding the fact that this application cannot be assessed on matters of amenity it is not considered that there would be any greater impact on amenity than the existing use.

19. Therefore the transport and highways impacts of the development are considered to be acceptable.

20. b) Contamination risks on the site

In relation to the contamination risks on the site—

- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
- (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

21. The Council's Waste and Contaminated Land Officer has reviewed the application in relation to the contamination risks on the site, and based on the currently available information considers that the site is unlikely to be determined as contaminated land as described in Part 2A of the Environmental Protection Act 1990.
22. c) Flooding risks on the site
Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority shall consult the Environment Agency where the development is—
- a) in an area within Flood Zone 2 or Flood Zone 3; or
 - b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
23. The application site does not lie within flood zone 2 or 3, or an area that is susceptible to surface water flooding, based on Environment Agency mapping sources.
24. d) Impacts of noise from commercial premises on the intended occupiers of the development
The building is self-contained and although located relatively close to other commercial uses, including public houses and business premises, it is not considered that there would be noise of a frequency and volume that would have an unacceptable impact on the proposed dwellings. Indeed there are already other residential properties in the vicinity.
25. Other matters
The legislation states that the local planning authority shall, when determining an application, take into account any representations made as a result of any consultations or representations received and shall have regard to the National Planning Policy Framework (The Framework) issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
26. No consultee responses or representations have been received that would result in the proposal being unacceptable, and it is considered that the proposal accords with the aims of the Framework.
27. Community Infrastructure Levy (CIL)
The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development will be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.
28. Development commenced under general consent is liable to pay the Community Infrastructure Levy (CIL) if a new dwelling is being created (even if this is through a change of use). 'General consent' includes permitted development rights granted under the General Permitted Development Order 2015. Although not a reason for consideration under this application, the agent has been made aware of this and submitted the relevant CIL forms.
29. **CONCLUSION**
It is considered that the proposed change of use meets the criteria of the legislation. Prior approval is required and is granted subject to required conditions.

RELEVANT POLICIES: Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RELEVANT HISTORY OF THE SITE

Ref: 06/01071/ADV **Decision:** PERADV **Decision Date:** 28 November 2006
Description: An illuminated sign at site entrance, one sign at pedestrian walk way 3 No. directional signs around the carpark area one wall mounted to indicate CCTV and two wall mounted signs on the buildings

Ref: 07/00529/FUL **Decision:** PERFPP **Decision Date:** 5 July 2007
Description: Proposed erection of 5 metre CCTV tower

Ref: 00/00743/ADV **Decision:** PERADV **Decision Date:** 6 November 2000
Description: Display of three advertisement signs, two fronting Church Street and one fronting Park Road,

Ref: 97/00765/FUL **Decision:** PERFPP **Decision Date:** 19 December 1997
Description: Proposed 3 storey extensions to existing offices, the erection of a single storey laboratory building, and the provision of additional parking within the site,

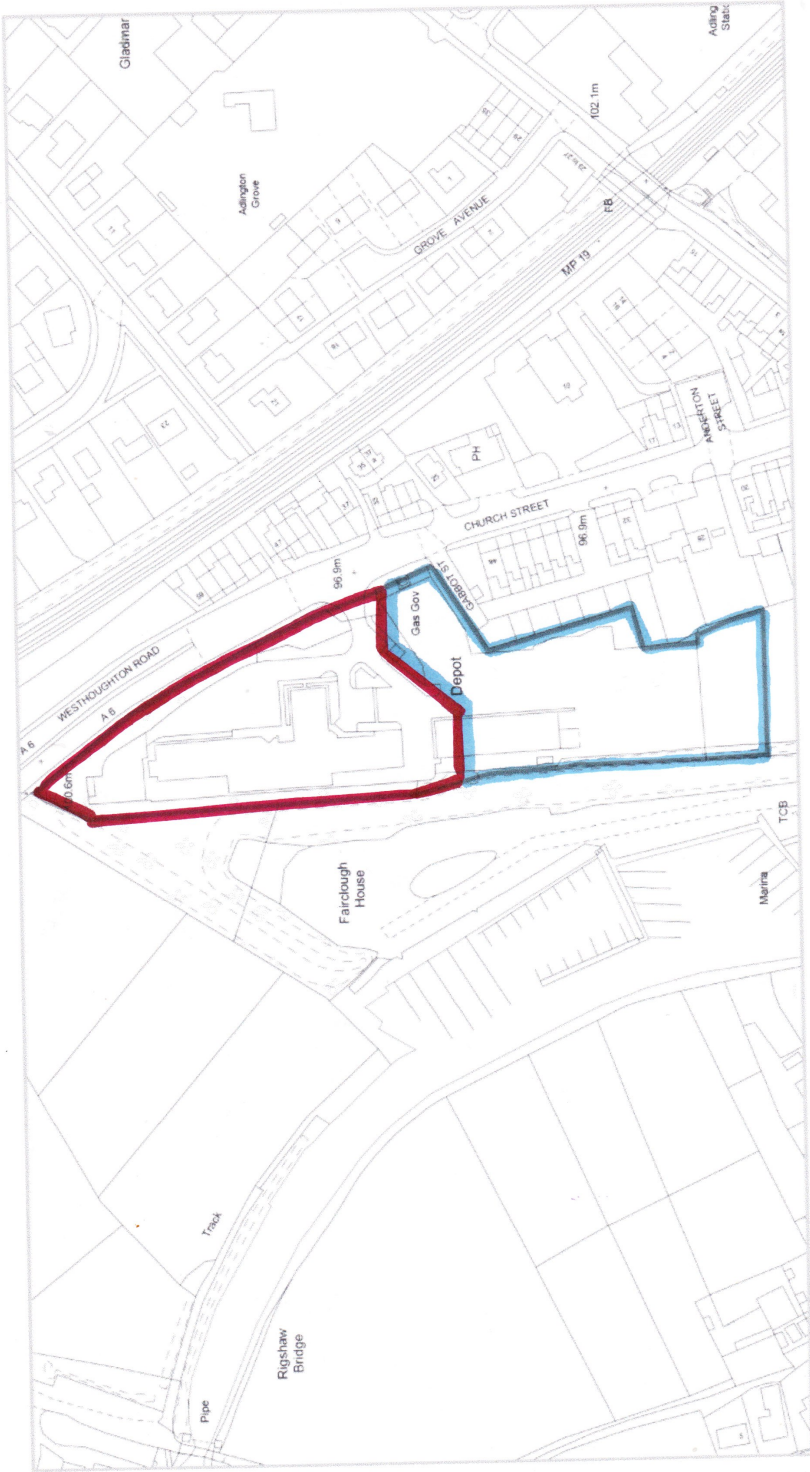
Ref: 90/00311/FUL **Decision:** PERFPP **Decision Date:** 22 May 1990
Description: Erection of three-storey office block and car park

Suggested Conditions

The use of the building as a dwelling house must be completed within a period of 3 years starting with the date of this letter.

Reason: As required by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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APPLICATION REPORT – 18/00963/FUL

Validation Date: 22 October 2018

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Construction of landing structure to replace existing forming part of the Go Ape Ropes course.

Location: Go Ape Rivington Lane Rivington Bolton BL6 7RZ

Case Officer: Mr Iain Crossland

Applicant: Mr Ben Davies

Consultation expiry: 20 February 2019

Decision due by: 15 November 2019

RECOMMENDATION

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

SITE DESCRIPTION

2. The Go Ape course is situated at Rivington, close to the Great House Barn and is accessed from Rivington Lane. The site is located in the Green Belt and forms part of a designated Historic Park and Garden. The area of the site to which this application relates comprises an existing zip wire and landing area close to the shore of Lower Rivington Reservoir and adjacent to a permissive footpath. The area comprises numerous mature trees.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the construction of a landing structure to replace an existing landing structure that forms part of the Go Ape Ropes course. The proposed landing structure would measure approximately 12m by 4m and would have a maximum height of up to approximately 3.4m to the top of the safety rail. The landing structure would be constructed of timber.
4. The proposed development originally included the diversion of a permissive right of way, however, this has since been removed from the proposal.

REPRESENTATIONS

5. Representations in objection to the proposed development have been received from 3 addresses. These raise the following issues:
 - Concern about the introduction of further landing zones and further restrictions to public access.
 - Impact on the special character of the area.
 - Impact on the Green Belt

- The Go Ape course is expanding incrementally.
- Parking issues and increased parking demand.
- The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so.
- There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal.
- The details regarding the position of the zip line are erroneous
- It is unclear which trees will be affected.
- The zip line should not be allowed to change anchor point.
- Damage to trees.
- The existing landing zone does not have planning permission.

CONSULTATIONS

6. Rivington Parish Council: No comments received.
7. The Gardens Trust: We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.
8. Friends of Lever Park: Two letters of objection have been received on the basis of the following:
 - The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so.
 - There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal.
 - The details regarding the position of the zip line are erroneous.
 - The zip line should not be allowed to change anchor point.
 - Damage to trees.
9. Lancashire County Council Public Rights Of Way: No comments received.

PLANNING CONSIDERATIONS

Applicants case

10. The only change proposed to the Go Ape course affects Site 3, the zip wire landing zone of which is situated adjacent to Site 4, the furthest from the car park and cabin. Currently, due to its location the landing zone is set at such a gradient that it is necessary that customers are manually 'braked' by a member of staff as they come into land. Other woodland users are required to halt on the pathway by means of gates, and direction from the same member of staff, whilst a Go Ape customer is coming into land; they can only continue when they are told by the staff member that it is safe to do so.
11. The reasons Go Ape wish to amend the landing site are:
 - To remove the need for a manual braking system thus enhancing the safety for users.
 - To improve the visitor experience.
 - To improve the aesthetic appearance of the landing site.
12. To achieve this, the landing site would be rebuilt, extending a metre or so further back towards the anchor tree, and shortening it at the front to sit just behind the tree that is currently within the landing zone, such that it can be approached at a gradient that does not require additional mechanical braking, so operating as the other sites currently do. Go Ape would retain control measures for the safe passage of other woodland users on the existing permissive right of way.

Principle of development

13. The site is located in the Green Belt. The National Planning Policy Framework (the Framework) states that there is a general presumption against inappropriate development in the Green Belt and the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

14. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:

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

134. Green Belt serves five purposes:

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

15. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to inappropriate development. One exception at paragraph 125.b) is: *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

16. The Go Ape climbing course and its associated facilities fall to be considered outdoor recreation, in accordance with the definition in the Framework, which is an exception to inappropriate development. This exception states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. As the landing structure replaces an existing landing structure in a similar position it is considered to preserve openness being an open structure that is only slightly larger than the existing one. It is therefore considered that the proposal would not represent inappropriate development in the Green Belt.

Historic Park and Garden and Impact on Listed Buildings

17. The application site is within the designated boundary of the registered park and garden. However, the site of the proposed development is not in the 'designed' element of Lever Park. It is not, therefore, considered that the change to the course has a detrimental impact on the Historic Park and Garden and is viewed in the context of the existing Go Ape course and its associated development.

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

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

Impact on trees and the character of the area

20. The replacement landing structure would be a timber ramp supported by timber posts, with a timber safety rail atop. The structure would measure approximately 4m wide by 12m long with a maximum height of approximately 3.4m. It would have a similar appearance and character to other existing structures around the site, and would not be harmful to the

character of the wider area, given that it would be sited in the context of an existing well established Go Ape ropes course and would replace an existing landing structure in the same position.

21. The zip line that is associated with the landing structure is attached to existing trees and this arrangement would not change. There would, however, be a requirement to remove one limb from a tree on the southern side of the existing pathway. The tree itself is not protected and the removal of the limb from this tree would not be harmful to the health of the tree and would not result in any adverse impact on the character of the landscape in the context of this woodland location.
22. It is noted that the landing structure would be constructed in close proximity to a number of trees. The applicant has confirmed that the method of construction that would be used seeks to minimise the impact to the health of surrounding trees. The landing platform would be supported on several upright posts resulting in low ground impact. No support pole holes would be dug within 1m of the base of any trees over a DBH of 20cm (the posts closest to the trees would stand on a wooden base and not enter the ground). Any holes within 4m of a tree would be hand dug ensuring any roots over 2.5cm in diameter are not damaged. Roots under 2.5cm may be cleanly cut back to the edge of the hole. If roots over 2.5cm are found the location of the hole, it would be reposition to avoid the root. It is recommended that this specific method of construction is secured by condition.

Other matters

23. Concern about the introduction of further landing zones and further restrictions to public access: The application is for a replacement landing zone and would not justify further landing zones. No restricted access is proposed to enable the development.
24. The Go Ape course is expanding incrementally: The proposed development would not expand the scope of the course.
25. Parking issues and increased parking demand: It is recognised that there are parking difficulties at peak times in area of the application site, however, the current applicant does not seek to expand the capacity of the course to the extent that this would result in greater demand for parking in the area.
26. The re-routing of the permissive footpath is unnecessary and Go Ape do not have the authority to do so: The re-routing of the permissive footpath that was originally proposed has been removed from the proposal.
27. There is no need to extend the landing area, and the reduced operating costs Go Ape do not justify the proposal: Go Ape are seeking to provide a new landing structure to improve the facility and the application has been assessed on the planning merits of the development.
28. The details regarding the position of the zip line are erroneous: It was identified that the position of the zip line shown on the original block plan was incorrect. A revised block plan was subsequently received and letters of re-notification were sent out on this basis.
29. It is unclear which trees will be affected: The block plan, design and access statement and associated documents make clear which tree would be affected by the proposal.
30. The existing landing zone does not have planning permission: The existing landing structure is lawful.

CONCLUSION

31. The proposed development is not considered to detrimentally harmful to the openness of the Green Belt or landscape character. Nor would there be any harm to designated heritage assets. It is, therefore, recommended that the application is approved.

RELEVANT HISTORY OF THE SITE

Ref: 08/00553/FUL **Decision:** PERFPP **Decision Date:** 24 July 2008
Description: Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark

Ref: 11/00466/FUL **Decision:** PERFPP **Decision Date:** 7 September 2011
Description: Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Ref: 11/00938/FUL **Decision:** PERFPP **Decision Date:** 10 May 2012
Description: Extension of car park to Go Ape (enlargement of car park as built)

Ref: 12/00506/DIS **Decision:** PEDISZ **Decision Date:** 10 July 2012
Description: Application to discharge conditions 5 (boundary treatment and surfacing), 6 (parking bay details) and 7 (travel plan) of permission 11/00938/FUL (for enlargement of car park)

Ref: 13/01042/FUL **Decision:** PERFPP **Decision Date:** 14 March 2014
Description: Proposed changes to site 4 of existing Go Ape course including a new zip line, removal of course infrastructure from trees 414 and 416, new path from site 4 and relocation of forest shelter (change to position of shelter approved under planning permission ref: 08/00553/FUL). Also, retrospective application for paths/surfacing around the pre-brief site (adjacent to the cabin) and linking paths to site 1, 2 and 3.

Ref: 13/01149/ADV **Decision:** PERADV **Decision Date:** 14 March 2014
Description: Application for Advertising Consent for signs: additions to three existing ladder board signs and one 'gallows' style sign (please see application for full details).

Ref: 17/00932/FUL **Decision:** PERFPP **Decision Date:** 8 November 2017
Description: Application to vary the conditions (Section 73 application) on permission ref: 13/01042/FUL (which related to the Go Ape course) to amend the design of how the zip line ending at tree 0042 is terminated, so it alternatively ends at a pole located in front of the tree 0042 supported by back-stays to the existing concrete ground anchors.

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

Suggested Conditions

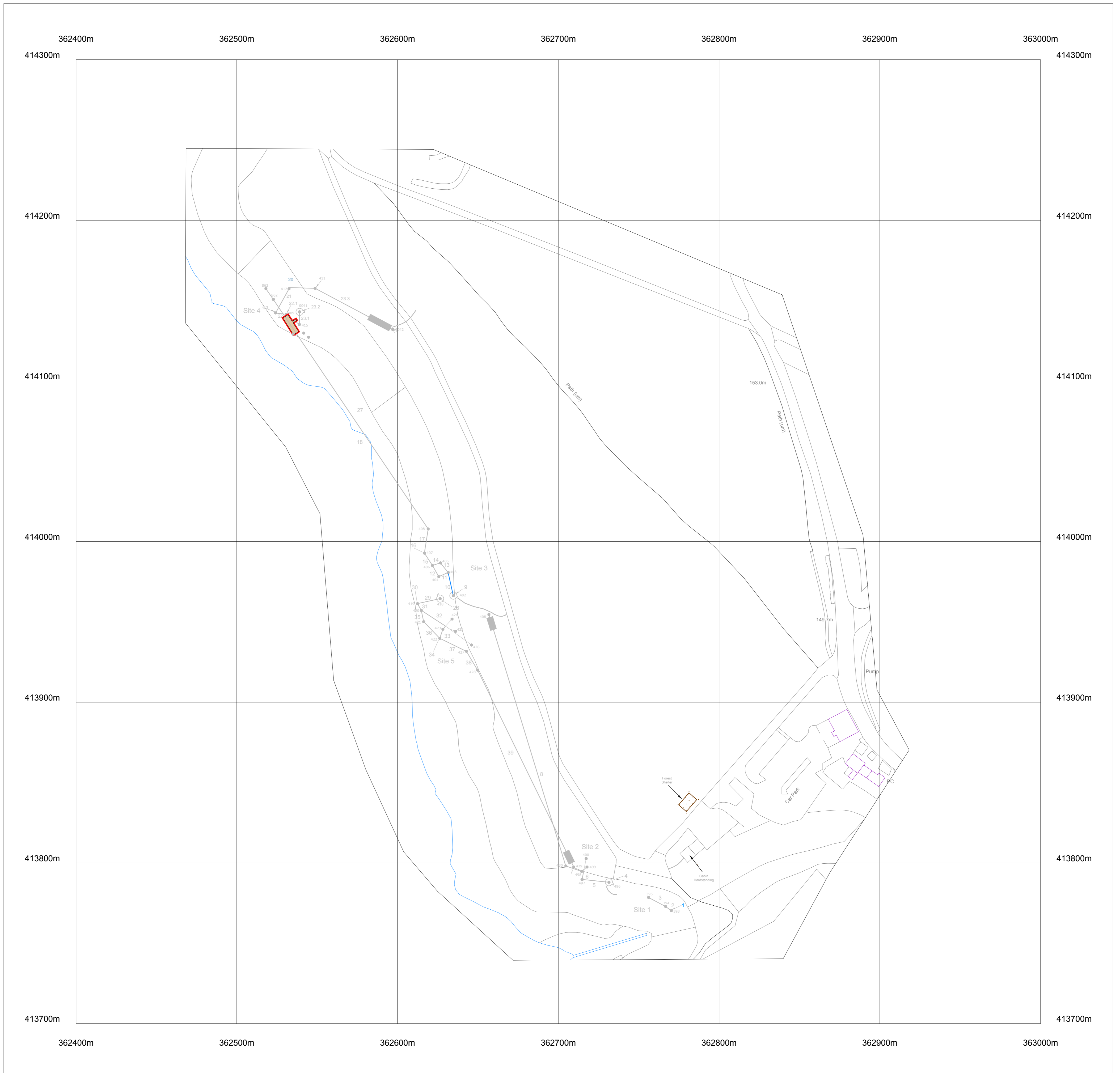
No.	Condition									
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i>									
2.	The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans: <table border="1" data-bbox="316 1877 1353 2033"> <thead> <tr> <th>Title</th> <th>Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location plan</td> <td>N/A</td> <td>07 October 2019</td> </tr> <tr> <td>Redesigned Site 3 Landing Zone Block Plan</td> <td>N/A</td> <td>07 October 2019</td> </tr> </tbody> </table>	Title	Reference	Received date	Location plan	N/A	07 October 2019	Redesigned Site 3 Landing Zone Block Plan	N/A	07 October 2019
Title	Reference	Received date								
Location plan	N/A	07 October 2019								
Redesigned Site 3 Landing Zone Block Plan	N/A	07 October 2019								

	Site 3 zip wire landing zone elevation and plan	N/A	16 October 2018
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>			
3.	No support pole holes shall be dug within 1m of the base of any trees over a DBH of 20cm, and any posts within this area shall stand on a wooden base and not enter the ground. Any holes to be dug within 4m of a tree shall be hand dug to ensure that any roots over 2.5cm in diameter are not damaged. Roots under 2.5cm may be cleanly cut back to the edge of the hole. If roots over 2.5cm are found in the location of a hole, the hole shall be relocated to avoid the affected roots.		
<i>Reason: To safeguard the trees to be retained.</i>			
4.	During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.		
<i>Reason: To safeguard the trees to be retained.</i>			

Ordnance Survey

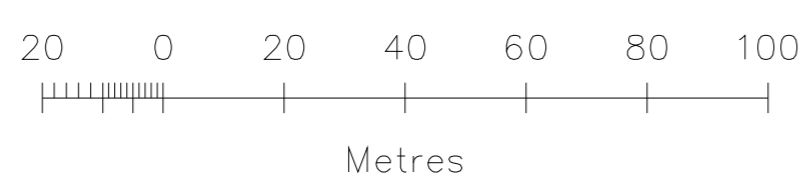


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Print Date: 7th October 2019



- Tree number
- Existing Activity number
- Supporting wires
- Trail / road
- Zip wire landing zone
- Planning Areas
- Existing Treetop Adventure Course and associated infrastructure

**Go Ape - Rivington
Redesigned Site 3 Landing Zone
Location Plan
1:1250**

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APPLICATION REPORT – 18/00704/OUT

Validation Date: 18 July 2018

Ward: Chisnall

Type of Application: Outline Planning

Proposal: Outline planning application for the erection of 6no. detached dwellings following demolition of existing buildings, including matters of access, scale and layout. All other matters reserved.

Location: Lancaster House Farm Preston Road Charnock Richard Chorley PR7 5LE

Case Officer: Amy Aspinall

Applicant: Thomas and Harold Heaton

Agent: Mr Chris Weetman

Consultation expiry: 16 July 2019

Decision due by: 14 November 2019

RECOMMENDATION

1. The recommendation is to approve the application, subject to conditions.

SITE DESCRIPTION

2. The application site comprises various former farm buildings, which have been occupied by various businesses over time as the buildings have become redundant for agricultural purposes. The site comprises outdoor storage, hardstanding areas, parking and various uses such as B2.
3. To the north of the site, (and within the same ownership), is Lancaster House which is a residential property; and the fishery to the northwest also shares the same vehicular access from Preston Road. Further to the west of the site is the M6 motorway and associated services. The site lies wholly within the Green Belt, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application is submitted in outline form, seeking approval of matters of access, scale and layout, for the erection of 6No dwellings. Landscaping details and appearance are reserved for later consideration. Existing buildings on site would be demolished.

REPRESENTATIONS

5. At the time of report preparation 1No objection has been received. This is summarised below:
- 6 houses would result in more traffic on and off the site
 - Dwellings totally out of character for the site within the Green Belt.
 - Over 50% of plot 1 is to be built on the adjacent field
 - The comment regarding the existing businesses possibly no longer needing their premises is no justification to allow development of the site, nor is the fact the existing buildings have been allowed to fall into disrepair.
 - Development would cause irreparably damage to the pleasant rural aspect of the area
 - It would be the start of village sprawl and lead to even more "in fill" development in the future.

CONSULTATIONS

6. Charnock Richard Parish Council states the following:
"The Parish Council once again object to these proposals as they consider them to be inappropriate development in the Green Belt. The proposed dwellings, which have increased in number, would not be in keeping with the existing street scene, namely low level buildings associated with a farm. Furthermore, 6 detached homes would be out of character with the rural nature of the surrounding land and environment and would constitute over intensification of the site. The loss of the businesses associated with the diversification of the current farm buildings will result in a loss of much needed employment in the village. The Council are also concerned that the current access to the site would be inappropriate to support the existing farm, granny annexe and an additional 6 detached properties".

CIL Officers:

7. The development would be CIL liable at final reserved matters stage.

United Utilities:

8. Recommend that foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance.
 They also advise that a public sewer cross the site and that they may not permit building over it.

Greater Manchester Ecology Unit:

9. No objection. Conditions and informatives advised.

Lancashire Highway Services:

10. No objection in principle but recommends conditions.

PLANNING CONSIDERATIONS

Principle of development

11. The application site comprises employment uses with buildings, outdoor storage, hardstanding areas, and associated parking. The former farm has diversified over time and the application site is no longer agricultural. Having regard to the definition contained in the National Planning Policy Framework at Annex 2: Glossary, the site as a whole is previously developed land. A small parcel of the land to the south of the site was formerly agricultural land, but benefits from planning permission to extend the site with a parking area and extension to the existing building. This planning permission has been implemented and falls within the planning unit of the industrial use. It does, therefore, reasonably fall within the definition of previously developed land.
12. The NPPF at paragraph 145 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to this which includes (g) limited infilling or the partial or complete

redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

13. The key test is, therefore, whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. Case law has determined that for there to be a greater impact on openness, there must be something more than merely a change.
14. A volumetric assessment is a long-standing objective way of assessing openness, comparing existing volumes with proposed. The volume of existing buildings equates to 5327m³ with the submitted plan identifying a proposed total volume of 5177m³.
15. Existing buildings are spread across the site, except for areas of open storage which are set to hardstanding and concentrate in three distinct areas which the largest being to the southwest of the site, and also to the north and east. The buildings vary in height from single storey to two storeys, some being more traditional brick-built farm buildings, with others being industrial units.
16. The proposal seeks a courtyard style layout, opening up the central part of the site but spreading the built form out more towards the periphery, onto areas currently used as open storage, particularly to the north and southwest of the site. Proposed garden areas would, however, provide a visual separation from the site boundaries and offer soft landscaping, which is also integrated through the site. The finer detail of landscaping would be controlled at reserved matters stage. In volumetric terms, the proposed development would have less volume than existing buildings on site. Scale is a detailed matter, however, the application does not indicate scale parameters in the form of heights. Nonetheless, if scale parameters to a maximum height of two storeys was secured by condition, in addition to the maximum volumes being conditioned, this would ensure that the proposal would not have a greater impact on openness in both spatial and visual terms.
17. It is considered that a residential scheme would result in an overall visual enhancement compared to the existing situation and is a comprehensive redevelopment of the site as a whole. The proposal would result in a change from what it currently there, but would result in a comprehensive redevelopment of a previously developed site. When considering the dimensions of openness, it is not considered that the proposed would have a greater impact on the openness of the Green belt than the existing development
18. The proposal accords with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt.

Loss of employment

19. Policy 10 of the Central Lancashire Core Strategy seeks to protect all existing employment premises and sites last used for employment. The policy sets out a presumption for 'Best Urban' and 'Good Urban' to be retained for B use class employment. For proposals on all employment sites/premises for the reuse or redevelopment other than B use class employment will be assessed under the following criteria:
 - (a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;
 - (b) the provision and need for the proposed use;
 - (c) the relative suitability of the site for employment and for the alternative use;
 - (d) the location of the site and its relationship to other uses;
 - (e) whether the ability to accommodate smaller scale requirements would be compromised;
 - (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:
(g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;
(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.

20. The application is accompanied by an Employment Statement which seeks to justify the loss of the employment site. This is summarised below
 - *The buildings in question consist of a relatively modern, but unattractive green coloured metal profiled sheeting building currently occupied by a timber fencing company, with external storage in the yard area.*
 - *The rest of the site is covered with more traditional red brick buildings immediately to the north of the timber business across the yard. The red brick buildings in the centre of the site are a mixture of single and two storey in height many with old slate roofs and many have signs of significant structural damage*
 - *The buildings to the west are more modern in appearance with metal profiled roofs.*
 - *Approximately a third of the available buildings have been in commercial use in the last 31 years*
 - *At present there are only three businesses operating from the site, one is the timber fencing company whose tenancy expires in 4 months, and he has started to outgrow the existing premises and yard area.*
 - *Of the other two, one has alternative premises elsewhere on another site and the other is about to retire.*
 - *Many of the older buildings, which make up 85 % of the available premises, are no longer fit for purpose. They are constructed of brick, with no insulation in either walls or the roofs, and in addition there are a significant number of timbers inside the former agricultural buildings that need significant repairs.*
 - *To repair those premises would require substantial financial input, and at the same time the remaining tenants who operate there now. would have to vacate the premises and there would be no guarantees that they would return, or that those premises would be suitable for future tenants.*
 - *With the obvious exception of the building used for the timber fencing manufacturing, the site has outlived its commercial usefulness and cannot be realistically said to offer modern commercial facilities.*
21. It can be noted that the Employment Statement submitted as part of the application does not fully address the criteria of policy 10.
22. It should be noted that the site is not allocated as an employment site and is not assessed as part of the Employment Land Review. Nonetheless, policy 10 is still applicable as the site is used for employment purposes.
23. As an employment site, it is relatively small and there is limited scope for expansion beyond the existing confines, given the Green Belt location and policy restrictions in this respect.
24. The site benefits from a mix of buildings, with industrial units of varying quality and traditional buildings which lack adaptability for modern employment purposes or uses. The application purports that significant repairs are required and substantial financial

input, although no specific information has been submitted. In addition, the application states that only 1/3 of the buildings are in use which identifies a lack of overall demand for this site. With the exception of the main building used by Charnock Fencing, it is evident that the remaining buildings are in need of repair and maintenance. In addition, the application advises that all three businesses will be leaving the site either due to retirement, re-location elsewhere, or the business out growing the site / tenancy coming to an end.

25. The site could potentially remain suitable for other employment uses, however it is likely that the site would need to be redeveloped as a whole to be suitable for a single user which would require investment; or alternatively financial investment would be required to bring a number of the existing buildings up to standard. Any redevelopment for employment or other uses, would need to accord with Green Belt policy.
26. The recent annual monitoring report (November 2018) provides that there is a shortfall of employment land take up in the Borough, despite allocated land with planning consent and non-allocated land with planning consent being available for employment development. Given the shortfall in take up, it is not considered that the loss of this particular site would result in the unacceptable reduction of employment land within the Borough.
27. In terms of the proposed use, i.e. residential, this would result in a net increase in amenity, having regard to nearby residential properties and the amenities of the area.
28. In terms of criteria g and h the application has not carried out a 12-month marketing assessment to evidence lack of demand for employment re-use and employment redevelopment or demonstrated viability. The application does not strictly meet the criteria set out in policy 10.
29. Since the Core Strategy was adopted, the National Planning Policy Framework has been revised which re-affirms the Government's objective of significantly boosting the supply of homes. This is further highlighted through the introduction of permitted development rights for the change of use of various industrial uses to residential use, meaning that in many instances planning permission is not required.
30. Having regard to the officer assessment above, the delivery of housing is afforded significant weight and outweighs the non-compliance with Core Strategy policy 10 in this particular case.

Design

31. Appearance is not for consideration at this stage. The courtyard layout would cater for parking provision within each plot and provide a central turning area. Development within the area is sporadic, with pockets of development and clusters of residential properties. There is no particular prevailing layout or building to plot ratios and therefore the proposed layout is considered to be acceptable.

Amenity

32. Layout is a detailed matter with the plan showing a development centred around a courtyard arrangement, with each dwellinghouse benefiting from sufficiently sized gardens for future occupiers to carry out day-to-day domestic activities. Full details such as position of habitable windows would be reserved for later consideration and would need to safeguard the living conditions of future occupiers and that of Lancaster House Farm.
33. The proposed use would be more compatible with the nearest residential neighbours than the existing industrial uses.

Ecology

34. The application is accompanied by a bat and bird nesting survey which has been assessed by the Council's appointed ecologist at Greater Manchester Ecology Unit

(GMEU). The survey found no evidence of roosting bats in any of the buildings and identifies them as having negligible roosting potential. GMEU raise no objection to the application but suggest an informative in relation to bats.

35. Nesting swallows were found in building D and therefore GMEU suggest a nesting birds condition, mitigation for the loss of the nesting site and biodiversity enhancements. These could be conditioned accordingly.
36. Subject to conditions, the proposed development would not be detrimental to nature conservation interests and would accord with Local Plan policy BNE9 (Biodiversity and nature conservation).

Highways

37. The application seeks to use the existing access to serve the proposed development of 6No dwellings. This access currently serves Lancaster House which is a residential dwelling, the fishery and a number of industrial uses at the application site, including comings and goings of associated deliveries and customers. The site already generates a level of traffic using the existing access arrangements. The application does not seek to amend the vehicular access but does seek to amend the internal road arrangements.
38. Lancashire County Council Highways consider that the existing access is suitable to accommodate the proposed dwellings, especially as there is good inter-visibility between traffic on Preston Road and traffic leaving the site. In addition, they comment that there are adequate safety measures currently in place, such as right turn lane to the site, road hatchings, arrow markings, 'SLOW' worded carriageway markings on highlighted surfaces, etc. At the time of their comments, LCC conform that there has also been no recorded traffic accidents at or within close proximity of the site access in the past 5 years.
39. LCC do raise concerns in relation to parking provision within the site, commenting that some spaces are shorter than others, or not of straight lines. The Council's parking standards require 3 spaces for any dwelling of 4 plus bedrooms, therefore each plot requires 3 parking spaces. Although the submitted plan shows a greater level of parking, it is clear that each plot can achieve 3 parking spaces, with at least 2 on the driveway and 1no in the garage. Parking provision is, therefore, adequate to serve the proposed development, in line with the Council's own standards.
40. It should be noted that the fishery does not form part of the application site and it benefits from separate parking to the north of the site. This would remain unchanged.
41. The proposed development would be acceptable in highways safety terms and would accord with Chorley Local Plan policy BNE1 (d) in respect of highways matters.

Public open space

42. Chorley Local plan policy HS4 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.
43. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
44. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the

benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to continue to seek contributions towards provision for children/young people on developments of 10 dwellings or less.

45. There is currently a surplus of provision in Chisnall Ward in relation to this standard, a contribution towards new provision in the ward is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study.
46. A financial contribution is not, therefore, required in this instance.

United Utilities

47. In their consultation response, United Utilities advise that a public sewer cross the site and that they may not permit building over it. This is a matter for the applicant to address and may prevent the development, should it be granted planning permission, from being implemented. The consultation response is readily available to view on the Council's website

CONCLUSION

48. The proposed development falls with the exception of paragraph 145 of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would result in the loss of a site last used for employment purposes and does not fully accord with the criteria set out in Policy 10 of the Central Lancashire Core Strategy. Significant weight is, however, attached to the delivery of housing and this is considered to outweigh the loss of a small employment site for the reasons set out in this report. and conflict with Policy 10 of the Core Strategy in this particular case.
49. The application is recommended for approval, subject to conditions.

Suggested Conditions

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

RELEVANT HISTORY OF THE SITE

Ref: 00/00174/FUL **Decision:** PERFPP **Decision Date:** 19 April 2000
Description: Excavation of land to form second coarse fishery pond,

Ref: 02/01097/AGR **Decision:** PAAGR **Decision Date:** 28 November 2002
Description: Application for agricultural determination in respect of the erection of a replacement barn,

Ref: 95/00144/COU **Decision:** PERFPP **Decision Date:** 15 June 1995
Description: Use of existing pond for coarse fishing and existing hardstanding for parking of up to fifteen cars

Ref: 97/00087/COU **Decision:** PERFPP **Decision Date:** 9 April 1997

Description: Change of use of farm building to upholstery workshop,

Ref: 04/00157/COU **Decision:** WDN **Decision Date:** 15 April 2004

Description: Change of Use of redundant farm buildings to storage facility,

Ref: 05/00038/COU **Decision:** PERFPP **Decision Date:** 9 March 2005

Description: Change of Use of redundant farm buildings to part workshop and storage of furniture,

Ref: 11/00132/ADV **Decision:** PERADV **Decision Date:** 6 June 2011

Description: Display of non - illuminated wall mounted sign

Ref: 11/00581/COU **Decision:** PERFPP **Decision Date:** 5 October 2011

Description: Change of use of existing building from agricultural use to fencing and garden furniture workshop

Ref: 13/00321/FUL **Decision:** REFFPP **Decision Date:** 29 July 2013

Description: Retrospective application for the siting of a static caravan for use as an office (B1 use) in connection with fence and drain company on site.

Ref: 14/00033/FUL **Decision:** REFFPP **Decision Date:** 20 March 2014

Description: To continue to use a Static Caravan in the farm yard as an office for a temporary period of 1 year

Ref: 14/00844/FUL **Decision:** PERFPP **Decision Date:** 21 November 2014

Description: Use of building as fencing and garden furniture workshop on permanent basis (temporary planning permission (Ref No. 11/00581/COU) granted for 3 year period in 2011)

Ref: 15/01079/FUL **Decision:** PERFPP **Decision Date:** 5 February 2016

Description: Extension to form granny flat

Ref: 16/00328/DIS **Decision:** PEDISZ **Decision Date:** 21 April 2016

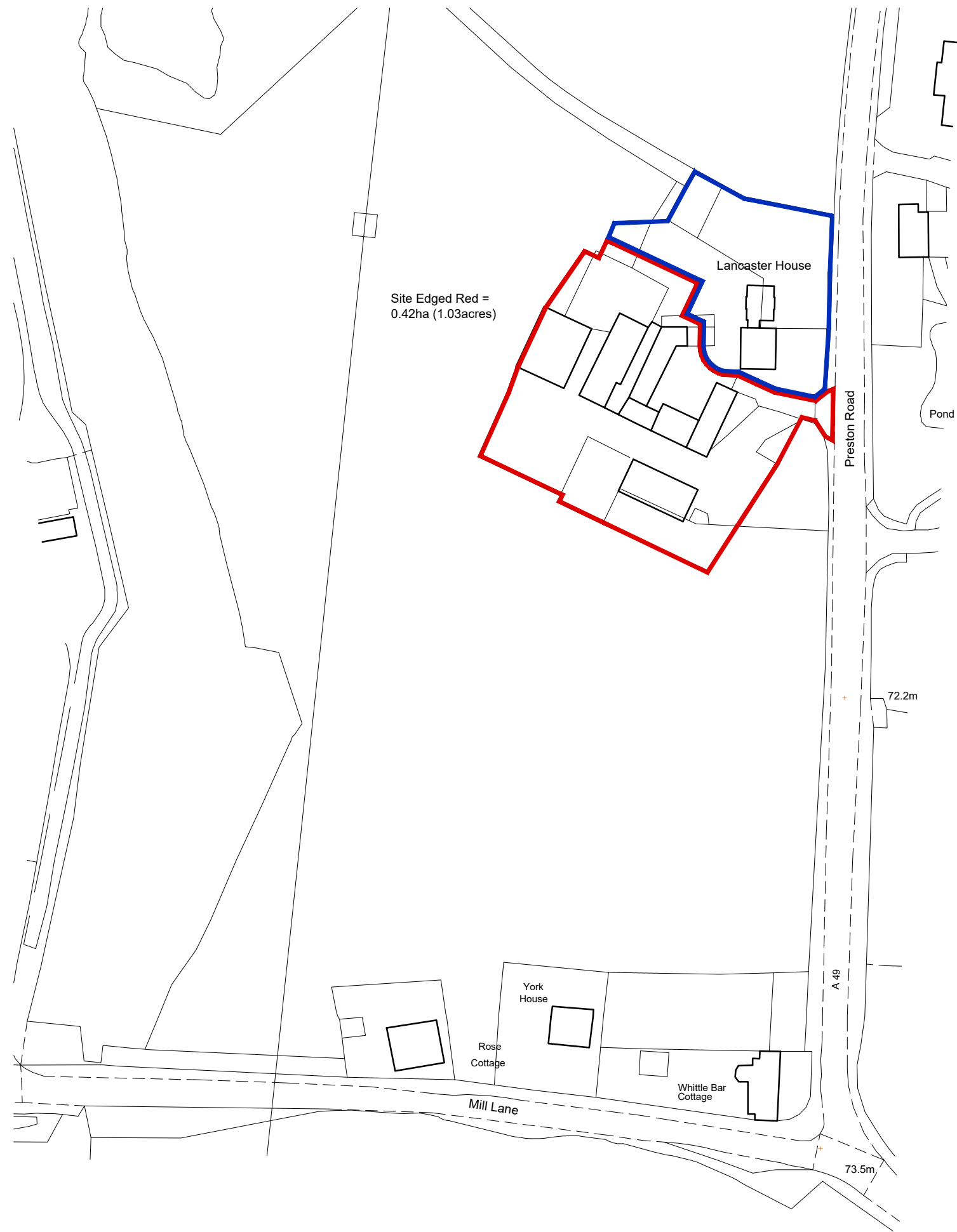
Description: Discharge of conditions 4 (Facing Materials) and 5 (External Joinery) to permission granted under 15/01079/FUL (extension to dwelling)

Ref: 17/00137/FUL **Decision:** PERFPP **Decision Date:** 21 April 2017

Description: Extension to existing fencing workshop (B2 Use Class) and creation of additional car parking spaces

Ref: 81/00919/OUT **Decision:** REFOPP **Decision Date:** 5 January 1982

Description: Outline application for agricultural workers dwelling



Site Edged Red =
0.42ha (1.03acres)

Lancaster House

Preston Road

Pond

72.2m

A 49

Mill Lane

York House

Rose Cottage

Whittle Bar Cottage

73.5m

Location Plan

1:1250

0m

125m

Scale: 1:1250

Revision Notes:



CLIENT

Mr. T. Heaton and Mr. H. Heaton

PROJECT NAME

Proposed Redevelopment of

Lancaster House Farm, Preston Road, Charnock Richard, PR7 5LE

DRAWING NAME

Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A3	ASL	16/07/18	18-050-L01	-

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APPLICATION REPORT – 19/00623/FUL

Validation Date: 28 June 2019

Ward: Brindle And Hoghton

Type of Application: Full Planning

Proposal: Conversion of existing barns to 4 no. dwellings and erection of 3 no. car garages

Location: Leigh Farm Marsh Lane Brindle Chorley PR6 8NY

Case Officer: Amy Aspinall

Applicant: Mr K Ormisher

Agent: Miss Abigail Kos

Consultation expiry: 30 September 2019

Decision due by: 13 November 2019

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site forms part of an agricultural holding, which includes various traditional farm buildings. The site is situated wholly within the Green Belt, as defined by the Chorley Local Plan Policies Map.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the conversion of the buildings to form 4no. dwellings. The application also includes the erection of 3no. garages.

REPRESENTATIONS

4. At the time of report preparation, no representations have been received.

CONSULTATIONS

5. Lancashire Highway Services: No objection.
6. Greater Manchester Ecology Unit: No objection.
7. Regulatory Services - Environmental Health: The Environment Health Officer advises that the applicant need to be mindful of the close proximity of the dwelling to the working from and the potential for complaints in relation to odour and noise. They also suggest that electric vehicle charging points should be considered to encourage the use of low

emission vehicles; and if the development is suitable for sustainable energy such as solar.

8. Waste & Contaminated Land: No objection.
9. Brindle Parish Council: Report that they have no comments.
10. CIL Officers: The development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Councils CIL Charging Schedule.
11. Lancashire County Council Archaeology Service: Recommend a condition for archaeological recording and analysis.

PLANNING CONSIDERATIONS

Principle of development

12. Planning permission has previously been granted for the conversion of the buildings to form 4no. dwellings (15/00833/FUL).
13. The National Planning Policy Framework ((NPPF) at paragraph 146 provides certain forms of development are not inappropriate in Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes: the re-use of buildings provided that the buildings are of permanent and substantial construction.
14. The Central Lancashire Rural Development SPD (Oct 2012) also provides additional guidance on the re-use of buildings in the Green Belt.
15. Chorley Local Plan policy HS9 (Conversion of Rural Buildings in the Green Belt and Other Designated Rural Areas) states that that the re-use of existing buildings in the Green Belt will be allowed provided that specific criteria are met:
 - a) ***The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;***
16. The proposal does not extend beyond the confines of existing built form and yard areas; and would not conflict with the purposes of the Green Belt.
17. The application also proposes 3No detached garage to serve plots 1,2 and 3. The National Planning Policy Framework (NPPF) states a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. The proposed garage does not fall within any of the exceptions set out at paragraph 145 and is, therefore, inappropriate development in the Green Belt. The garages would also harm the openness of the Green Belt.
18. The NPPF is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
19. At paragraph 144 the NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The Council takes a pragmatic approach to the development of domestic outbuildings within a residential curtilage, with the Householder Design Supplementary Planning Document (SPD) making provision for, among other things, the equivalent of a double garage to serve a single dwelling in the countryside.

21. At paragraph 1.2 the Householder Design SPD is clear that the guidance contained within it should be afforded significant weight as a material consideration in determining planning applications. Significant weight is, therefore, afforded to the provision of the proposed double garage within the curtilage of the dwellinghouse and the Council considers this to sufficiently justify the proposal in the Green Belt as very special circumstances to outweigh Green Belt considerations.
22. It should also be noted that the provision of these garages as part of the conversion scheme has already been acceptable under a previous planning permission 15/00833/FUL.

b) The proposal would not harm the character or quality of the countryside or landscape;

23. The proposal is for the re-use of an existing building for residential purposes and would utilise an existing access. The site would obtain a more domestic appearance, including the introduction of a domestic garages, however, the proposal would secure a viable reuse of a rural vernacular building. Views would still be seen in the context of a working farm. It is not considered that the proposal would be harmful to the character or quality of the countryside or landscape.

c) The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;

24. The application states that the buildings are redundant and used for surplus storage. In addition, the principle of the conversion of these buildings has already been accepted previously under planning permission 15/00833/FUL.

d) If an agricultural building, it is not one substantially completed within ten years of the date of the application;

25. The building is over 10 years old.

e) The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;

26. The application is accompanied by a structural survey which concludes that the barn is adequate for conversion to residential use and that the buildings are generally in a good state of repair and do not display any obvious signs of structural movement or distress. There is no conflict with criterion (e).

f) The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;

27. The proposed alterations and new openings are not excessive in number and the proposal overall would retain the simple form and functional appearance of the existing building and would read as a former agricultural building. In order to secure this in the long-term, permitted development rights for extensions and alterations would be removed to avoid the addition of overly domestic features to a traditional conversion which would ordinarily allowed under permitted development rights for a typical domestic dwelling.
28. The curtilage is shown on the plans as being defined by the existing fence line and this would be an acceptable curtilage formation, in line with the previous planning permission 15/00833/FUL.

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

29. The proposed development would utilise an existing access and would provide adequate on-site parking, including garages which are of sufficient size to be counted as parking spaces. There are no objections from LCC Highways who are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
30. The proposal is considered to be acceptable in highways safety terms having regard to criterion (g) and Chorley Local Plan policy BNE1(d).

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

31. The application is accompanied by a bat survey which provides that no evidence of use of the barn by roosting bats was detected during May and June 2019 surveys; however, a single pipistrelle bat did enter the barn during the dusk emergence survey of May 2019. The report concludes that whilst there is moderate suitability for use by roosting bats, there are no constraints posed to the proposed development. The Councils appointed ecologists at Greater Manchester Ecology Unit raise no objection to the application and do not make any recommendations or suggest any conditions.
32. The report advises that there was no evidence of use by barn owls, however confirmed use by nesting swallow, blackbird and wren was detected. Mitigation measures for birds has been provided, and this could be secured by way of condition, where relevant, in order to safeguard nature conservation interests.
33. Having regard to the advice obtained from GMEU it is considered that nature conservation interests would be safeguarded and would comply with criterion (h).

Amenity

34. The proposal includes the realignment of the existing driveway further away from the farmhouse to accommodate parking spaces and would also act as a buffer between the farmhouse and the shared driveway. There would be no adverse impacts on the residential amenity of the farmhouse over and above the previous approval at this site, and this property is within the ownership of the applicant.
35. The plans show that plots 2 and 3 would have a shared courtyard arrangement to the rear, with habitable windows of both plots facing into the courtyard. Whilst not ideal, many conversion schemes have this kind of close-knit arrangement which is considered to be acceptable in this case in order to retain traditional openings and maintain the integrity of the building and its layout which has evolved through agricultural practices over time. The submitted plans show a number of the habitable windows to be obscure glazed, however it is not considered that this is entirely necessary to have habitable rooms being predominantly obscure glazed. Unlike the previous planning permission, an obscure glazing condition for these particular windows is not considered to be necessary. In addition, any future occupiers of plots 2 and 3 would be readily aware of the close relationship.
36. The number of units and their configuration has previously been accepted, and each unit would benefit from adequate private amenity space to carry out day-to-day domestic activities.
37. As the site is still a working farm, the Council's Environmental Health Officer has advised that there is potential for complaints in relation to odour and noise. In planning terms, a balance has to be made between living conditions of potential future occupiers of the development, and the benefits of securing a long-term viable use of traditional rural

buildings which would also support investment into the farming enterprise. A dwellinghouse situated within a working farm cannot be expected to be afforded the same level of amenity as a typical residential estate. Any future occupiers would be aware of this situation. In addition, the applicant owns the farm and has made an informed decision to apply for planning permission for residential dwellings on his farm which is actively operating and could potentially be subject to noise/odour complaints.

38. The same development has been approved previously and, on balance, would afford acceptable living conditions for future occupiers.

Public open space

39. Chorley Local plan policy HS4 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided. However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.
40. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
41. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to continue to seek contributions towards provision for children/young people on developments of 10 dwellings or less.
42. There is currently a deficit of provision in Brindle and Hoghton in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and at present there are none identified.
43. A financial contribution is not, therefore, required in this instance.

Electric vehicle charging points

44. There is currently no policy requirement to secure electric vehicle charging points as part of this application. However, permitted development rights do exist for the provision of charging points if future occupiers wish to install them.

CONCLUSION

45. The application is recommended for approval, subject to conditions.

Suggested Conditions

46. To follow.

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

RELEVANT HISTORY OF THE SITE

Ref: 00/00697/MAS Decision: REMAS Decision Date: 10 October 2000
Description: Prior notification of erection of 15m monopole structure, 3 no. antennae, 1 microwave dish & associated equipment,

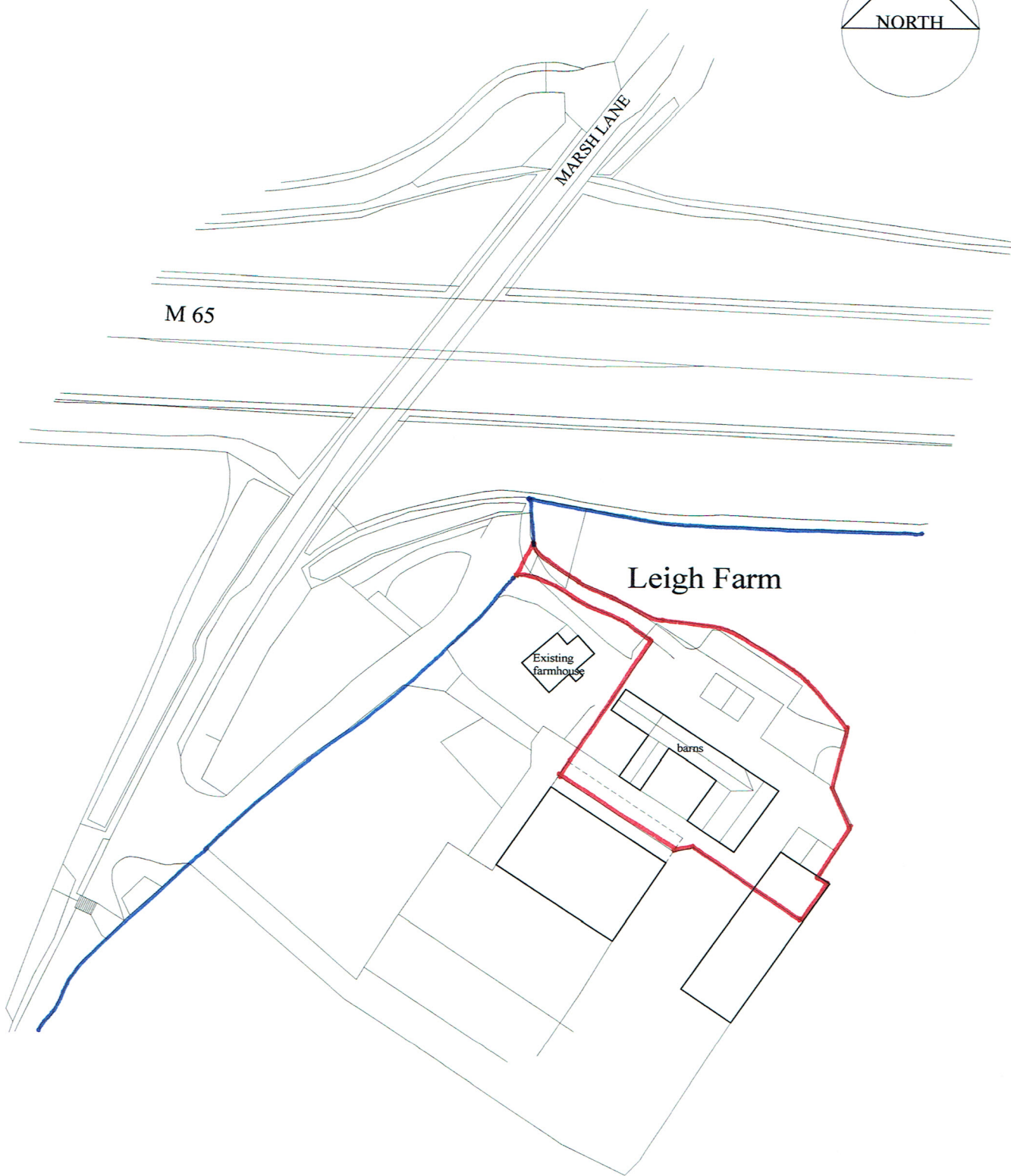
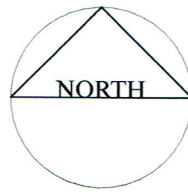
Ref: 01/00426/TEL Decision: PERTEL Decision Date: 12 June 2001
Description: Prior notification of siting of telecommunications equipment consisting of 1 equipment cabin and 3 antennae attached to existing national grid pylon ZP338,

Ref: 05/00470/OUT Decision: WDN Decision Date: 24 June 2005
Description: Outline application for the erection of an agricultural dwelling,

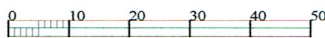
Ref: 14/00242/FUL Decision: PERFPP Decision Date: 1 May 2014
Description: New access road to existing farm

Ref: 15/00833/FUL Decision: PERFPP Decision Date: 24 March 2016
Description: Conversion of series of barns to 4 dwellings and erection of 3 single garages

Ref: 94/00314/FUL Decision: PERFPP Decision Date: 27 June 1994
Description: Demolition and rebuilding of part of building due to structural instability



LOCATION PLAN



1:1250

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APPLICATION REPORT – 19/00403/FUL**Validation Date: 15 May 2019****Ward: Pennine****Type of Application: Full Planning****Proposal: Erection of detached garage.****Location: Wogdens Farm Tithe Barn Lane Heapey Chorley PR6 8TE****Case Officer: Chris Smith****Applicant: Mr Myles Newhouse****Agent: Mr Tony Lang****Consultation expiry: 6 June 2019****Decision due by: 10 July 2019**

RECOMMENDATION

1. It is recommended that this application is refused for the following reason:

The proposed development would be located within the Area of Other Open Countryside (as defined by the Local Plan). The proposal does not fall within any of the types of development identified in policy BNE2 as being acceptable in the Area of Other Open Countryside. Insufficient reasons have been put forward to justify an exception to this policy. The proposal is, therefore, contrary to Policy BNE2 of the Chorley Local Plan 2012-2026.

SITE DESCRIPTION

2. The application site is located within the Area of Other Open Countryside as designated by the Chorley Local Plan 2012-2026. It is approximately 150m to the south of Tithe Barn Lane and is within the rural parish of Heapey. The site lies outside of and to the south west of the lawful residential curtilage of the residential property known as Wogdens Farm. The site is, however, located within a parcel of land, which has been used as residential garden in association with Wogdens Farm, which is a grade II listed building. This was established by the Council under a lawful development certificate for an existing use in December 2018 (ref: 18/01005/CLEUD).
3. The immediate locality is almost entirely rural and open in character apart from the residential property Wogdens Farm and the neighbouring residential property Rose Hips Barn, which is located directly to the north of Wogdens Farm. A small group of buildings lie to the north west of Wogdens Farm including a garage and a modern stables and agricultural style storage building. To the west is a substantial sand paddock.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for a detached garage. This would measure approximately 12m by 6.5m and would have a dual pitched roof with an eaves and ridge height of approximately 3.5m and 4.5m respectively. The garage would be located approximately 30m to the south east of the residential property Wogdens Farm. Vehicular access to the garage would be gained via an unmade track which is accessed from the

hardstanding driveway located within the residential curtilage of Wogdens Farm. The proposed garage would provide car parking spaces for 4no. cars.

REPRESENTATIONS

5. None received

CONSULTATIONS

6. Heapey Parish Council – Have not provided any comments.

Applicant's case in support of the application in the Area of Other Open Countryside

7. In order to justify the proposed development in the Area of Other Open Countryside, the applicant's agent has referred to a planning application at the neighbouring site to the south west at Phillipson's Farm. This granted planning permission for the erection a detached double garage (application ref: 14/00994/FUL). The applicant's agent has claimed that this sets a precedent for this type of development in the immediate locality. In addition to this, the applicant's agent has stated that the proposed development would be required to provide secure storage for the applicant's valuable cars.

PLANNING CONSIDERATIONS

8. It is considered that the main issues for consideration in this application are as follows;
 1. Principle of the development in the Area of Other Open Countryside
 2. Design and impact on the character of the area
 3. Impact on the amenity of neighbouring occupiers
 4. Impact on the setting of a listed building

Principle of the development in the area of other open countryside

9. Policy BNE2 of the Chorley Local Plan 2012 – 2026 states that in the Area of Other Open Countryside, development will be permitted provided the applicant can demonstrate that:
 - a) It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area;
 - b) It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside.
10. The proposed development would be located in the Area of Other Open Countryside. In this location the same principles of development restraint that would be applicable in the Green Belt should be applied. It is not considered that the proposed development would be needed for the purpose of agriculture or forestry or any other uses appropriate to a rural area nor would it involve the rehabilitation and re-use of existing rural buildings.
11. It is acknowledged that planning permission was granted for a garage at the neighbouring Phillipsons Farm. However, it is noted that this garage measuring approximately 5.7m by 5.7m with a ridge height of approximately 3.7m, is much smaller than the garage subject of this application. It was also proposed to position this garage within the residential curtilage of Phillipsons Cottage.
12. The Council does take a pragmatic approach to the development of domestic outbuildings within rural areas and makes provision for the equivalent of a double garage, a small shed, and a small greenhouse on a single dwelling in the countryside through the Householder Design Guidance Supplementary Planning Document (SPD). However, the development subject of this application would not be located within the established residential curtilage of Wogdens Farm and the Council's Householder Design Guidance SPD cannot, therefore, be applied.

13. It is acknowledged that the garage would be required to accommodate a collection of valuable cars. However, it is not considered that this would be a use that would be appropriate to a rural area. It is considered, therefore, that the reasons which have been put forward to justify an exception to policy are insufficient to outweigh the harm to the open and rural character of the Area of Other Open Countryside.
14. The proposed development would not, therefore, be in accordance with the Council's Local Plan and it is not considered, therefore, that the principle of the proposed development is an acceptable one and for these reasons it is recommended that the application be refused on these grounds.

Design and impact on the character of the area

15. Policy BNE1 of the Chorley Local Plan 2012 – 2026 outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the surrounding area by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, orientation and use of materials.
16. The proposed garage would measure approximately 12m by 6.5m and would, therefore, occupy a relatively small area of the wider parcel of residential garden land within which it would be located. It is considered that its domestic and functional form of design would complement the residential properties located to the north of the site. This does not counteract the impact of the development on the Area of Other Open Countryside, which has been considered above.

Impact on the amenity of neighbouring occupiers

17. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
18. The nearest neighbouring residential property, Wogdens Farm, is approximately 30m to the north west of the application site. This property, however, is under the ownership of the applicants. The proposed development would be approximately 40m away from the neighbouring residential property, Rose Hips Barn. This degree of separation would be adequate to ensure that there would be no unacceptable adverse impact on the amenity of the occupiers of this property.

Impact on the setting of a listed building

19. The grade II listed building, Wogdens Farm, is located approximately 30m to the north west of the application site. It is considered that this degree of separation would be sufficient to ensure that the proposed development would not have any unacceptable adverse impact on the setting or significance of this heritage asset.
20. The proposed development is, therefore, considered to be in conformity with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of The Framework, policy 16 of the Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2026.

CONCLUSION

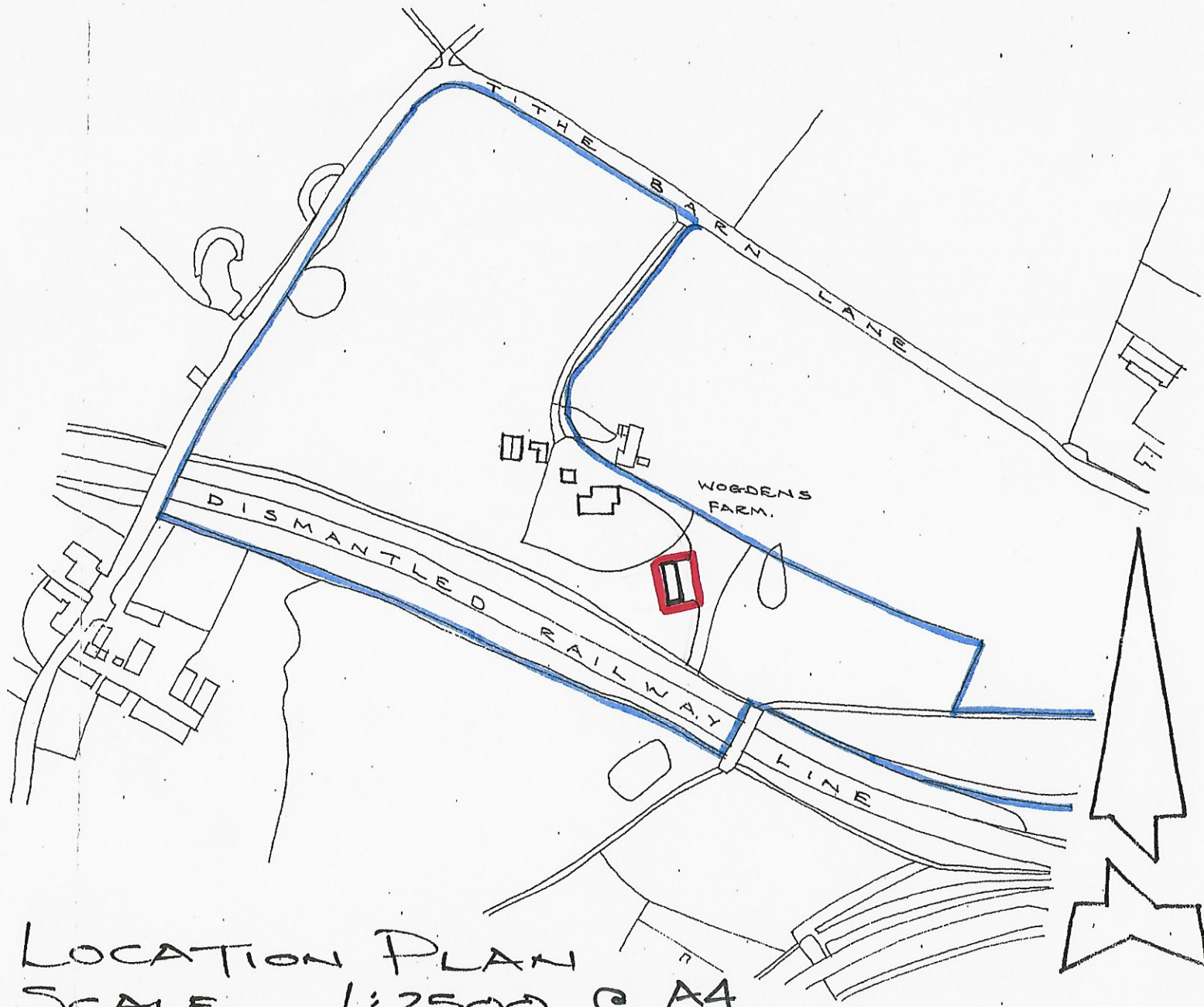
21. The proposed development would be located within the Area of Other Open Countryside (as defined by the Local Plan). The proposal does not fall within any of the types of development identified in policy BNE2 as being acceptable in the Area of Other Open Countryside. Insufficient reasons have been put forward to justify an exception to this policy. The proposal is, therefore, contrary to policy BNE2 of the Chorley Local Plan 2012-2026.

RELEVANT HISTORY OF THE SITE

Ref: 04/00073/FUL **Decision:** PERFPP **Decision Date:** 22 March 2004
Description: Demolition of existing lean-to and outbuilding
s, erection of two storey side _ single storey side extensions and detached garage,

- Ref:** 04/01357/FUL **Decision:** PERFPP **Decision Date:** 14 April 2005
Description: Proposed construction of a detached garage,
- Ref:** 06/00549/FUL **Decision:** REFFPP **Decision Date:** 12 July 2006
Description: Proposed stables and sand paddock
- Ref:** 06/00727/FUL **Decision:** REFFPP **Decision Date:** 16 August 2006
Description: Porch over rear entrance door.
- Ref:** 06/00869/LBC **Decision:** REFLBC **Decision Date:** 15 September 2006
Description: Rear open porch.
- Ref:** 06/00971/COU **Decision:** PERFPP **Decision Date:** 16 October 2006
Description: Proposed stables and sand paddock.
- Ref:** 08/00327/FUL **Decision:** PERFPP **Decision Date:** 22 May 2008
Description: Proposed agricultural unit,
- Ref:** 08/01157/FUL **Decision:** PERFPP **Decision Date:** 8 January 2009
Description: Erection of a side extension link to garage
- Ref:** 10/00492/FUL **Decision:** WDN **Decision Date:** 10 August 2010
Description: Change of use of existing barn to dwelling
- Ref:** 10/00854/FUL **Decision:** PERFPP **Decision Date:** 2 December 2010
Description: Change of use of existing barn to dwelling
- Ref:** 11/00913/FUL **Decision:** PERFPP **Decision Date:** 8 December 2011
Description: Proposed conversion of barn adjacent to Wogdens Farm, re submission of Planning Approval 10/00854/FUL and 10/00855/LBC
- Ref:** 12/00569/FUL **Decision:** PERFPP **Decision Date:** 25 July 2012
Description: Proposed single storey rear extension and detached garage to barn adjacent to Wogdens Farm
- Ref:** 12/00869/FUL **Decision:** PERFPP **Decision Date:** 31 October 2012
Description: Proposed porch extension
- Ref:** 18/01005/CLEUD **Decision:** PEREUD **Decision Date:** 20 December 2018
Description: Application for a Certificate of Lawfulness for an existing use in respect of the land being used as part of the residential garden.

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



LOCATION PLAN
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