

## **PLANNING COMMITTEE**

THURSDAY, 28TH MAY 2020, 2.30 PM

VIRTUAL MEETING

### **AGENDA**

#### **APOLOGIES**

##### **1 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 meeting 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 meeting 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.

##### **2 PLANNING APPLICATIONS TO BE DETERMINED**

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

Plans 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 19/00564/OUT - 18 NEW STREET, MAWDESLEY, L40 2QP**

(Pages 3 - 16)

**B 18/00852/FUL - 7 SOUTHPORT ROAD, CHORLEY**

(Pages 17 - 26)

**C 20/00132/CB3 - WEST WAY PLAYING FIELDS, WEST WAY, ASTLEY VILLAGE**

(Pages 27 - 36)

##### **3 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, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Neville Whitham and Alan Whittaker.

Meeting contact Philippa Braithwaite on 01257 515034 or email [philippa.braithwaite@chorley.gov.uk](mailto:philippa.braithwaite@chorley.gov.uk)

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](http://chorley.gov.uk)

To view the procedure for public questions/ speaking click here

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

**APPLICATION REPORT – 19/00564/OUT**

**Validation Date: 14 June 2019**

**Ward: Eccleston And Mawdesley**

**Type of Application: Outline Planning**

**Proposal: Outline application for the erection of 4no. dwellings and associated garages and parking following demolition of the existing commercial building (with all matters reserved save for access)**

**Location: 18 New Street Mawdesley L40 2QP**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Steve Counce**

**Agent: Mr Robert Harrison, P Wilson & Company LLP**

**Consultation expiry: 6 February 2020**

**Decision due by: 30 June 2020 (Extension of time requested)**

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**UPDATE REPORT**

1. The recommendation remains to approve the application subject to conditions and a section 106 agreement. to secure improvements to public open space.
2. Members will recall that this application was deferred at the Planning Committee meeting held on 3 March 2020 to allow time for Members to visit the site. The original committee report from 3 March 2020 follows on below and has been updated to include the suggested conditions previously set out on the addendum.

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**RECOMMENDATION**

1. It is recommended that this application is approved subject to conditions and a Section 106 obligation to secure improvements to public open space.

**SITE DESCRIPTION**

2. The application site is located within the settlement area of Mawdesley that is inset from the Green Belt and is allocated for employment under policy EP1.17 the Chorley Local Plan 2012 – 2026. The site comprises a vehicle repairs garage and workshop and the associated outdoor storage and manoeuvring areas. The garage building itself is a large shed of functional design and appearance and there are large areas of hardstanding to the front of the building. The site has been unoccupied for some time.
3. The site is set behind dwellings fronting New Street located to the north west, with an existing access to the side of 20 New Street. There is an industrial site to the south west and a major residential development is under construction to the south east, where there are mature trees along the periphery. There are gardens and open land to the north east. The character of the area is that of a rural village surrounding by open agricultural land with more dispersed development.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks outline planning permission, with all matters reserved save for access, for the erection of 4no. dwellings and associated garages and parking following the demolition of the existing commercial building. Therefore, details of appearance, landscape, layout, and scale are reserved and are not for consideration at this time. Only the acceptability of the principle of providing four residential dwellings on the site and the access is for consideration.
5. An indicative layout has been submitted showing the four dwellings set in a courtyard arrangement that would be accessed from New Street. This demonstrates how four properties could be set out on the site, and that it is possible to accommodate four dwellings on the site, however, the indicative layout is not for consideration at this stage.

**REPRESENTATIONS**

6. Representations have been received from the occupiers of 3no. addresses citing the following grounds of objection:
  - Impact on light, privacy and outlook of neighbouring occupiers.
  - No need for more housing.
  - Impact on highway safety.
  - Lack of amenities in the village to support more houses.
  - The site has not been used for many years and should be returned to Green Belt.
  - Concern over drainage arrangements.
  - Ecological impact.
  - The site is more appropriate for bungalows.
  - Planning committee site visit requested.

**CONSULTATIONS**

7. Mawdesley Parish Council: The Parish Council strongly objects to closing a potential employment site to create housing and comment that this is a significant development in an area where the infrastructure is at its capacity, it is not in sympathy with existing village life. Their specific objections are detailed below:-
  - 1) Mawdesley is a dispersed settlement where development proposals should be considered very carefully: this development is not infilling and could ruin the character of the village. Mawdesley Parish Council believes that should this application be successful the result would cause irreversible significant harm to the character, charm, heritage, tourism and community of one of Lancashire's last iconic rural villages as in paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
  - 2) The outline planning application does not provide sufficient information to determine the suitability of the access and egress to the site. As no details have been provided then the Parish Council believe the application should be refused until such a time as the application could be brought forward with a detailed plan that can be commented on by the Local Highways Authority clearly demonstrating the suitability of the single entrance / exit from New Street. At present the attached sketch does not provide ample space for a vehicle to exit the site on to the highway as one is entering and as such the Parish Council strongly objects to the application on the following grounds; Local Plan, Policy G17(c) – this development would prejudice highway safety, pedestrian safety, the free flow of traffic.
  - 3) The NPPF and CLCS clearly states the proposed developments should not only be sustainable but also viable. Mawdesley Parish Council does not believe the current application fulfils either criteria. (The National Planning Policy Framework paragraph 118).

For a housing development to be sustainable there has to be an identified need for those built properties within the direct area.

In order to drive a need for these new homes employment must be taken in to account. The current proposal seeks to diminish an employment site within the village by removing a light industrial building, perfectly positioned and constructed to provide employment for many of Mawdsley's past, current and future residents, in effect reducing industrial and commercial buildings and damaging the current village economy.

Mawdesley Parish Council believe the current owners of the site, since acquisition, have actively sought to diminish employment on the site and underutilise the existing building in order to question the viability of the current site allocation. There have been several businesses enquiring about renting the site. The Parish Council can provide names and address details of the businesses and individuals who have requested a viewing and further details of the site from the appointed agent without success.

- 4) The allocated site has not apparently been subject to a robust marketing exercise (Chorley Borough Council's SPD on Controlling the Re-Use of Employment Premises)

Therefore, its contended non-deliverability is not supported by robust evidence, if it were, at least part of the site could potentially come forward as a windfall housing site subject to it satisfying all other relevant policies of the development plan. In the absence of such evidence I conclude that the allocation is sound.

- 5) The proposed development is inappropriate as it is in flood risk area. The village has a main surface water culvert that runs under New St to the West of the development. The culvert is already unable to cope with the amount of water which in the recent past has resulted in the flooding of homes on New St. The increase in surface water produced by this development will only exacerbate the problem
8. Greater Manchester Ecology Unit: Have no objection subject to conditions.
9. Waste & Contaminated Land: Have no objection subject to a condition.
10. Lancashire County Council Highway Services: Have no objection subject to condition.
11. United Utilities: Have no objection.
12. Lancashire Fire And Rescue Service: Standing advice provided.

## **PLANNING CONSIDERATIONS**

### Principle of development

13. The application site forms part of land designated by policy V2 of the Chorley Local Plan 2012 - 2026 as within the Settlement Area of Mawdesley. Within these areas there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and compliance with other Development Plan policies.
14. Mawdesley is not specified as an area for growth within Core Strategy policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy policy 1 reads as follows: "In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."
15. The proposed development is small scale and is therefore considered to be in line with policy 1 of the Core Strategy, which seeks to direct growth and investment. The proposed development is of a suitably small scale for the village of Mawdesley and would make use of a previously developed site, whilst being well contained by existing development with residential development on two sides of the site.

16. One of the core principles of National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a reasonably sustainable location with access to local amenities including two primary schools, two public houses, a village hall, a convenience store, sports facilities, churches and some other services. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Chorley Local Plan.
17. The proposed development is for four dwellings in the settlement area of the village, on a site that is contained within a developed part of the village. It is, therefore, considered that the 'principle' of the proposed development is acceptable in compliance with Chorley Local Plan policy V2 and Core Strategy policy 1 and the Framework.
18. The application site forms part of an employment allocation under policy EP1.17 of the Chorley Local Plan 2012 - 2026 and was most recently used as a vehicle repairs garage and workshop, which falls to be considered as an employment use. The site is, therefore, defined as an employment site and must be assessed against Policy 10 of the Core Strategy. This sets out that all existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that "Best Urban" and "Good Urban" sites will be retained for B use class employment use. This policy covers and protects B1, B2 and B8 employment uses. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under criteria (a) to (f).
19. Policy 10 also states that proposals for residential use on employment sites/premises will also be subject to criteria (g) and (h).
20. The Controlling Re-use of Employment Premises Supplementary Planning Document (SPD) is relevant to this application and develops upon Policy 10 of the Core Strategy. The SPD emphasises the Council's starting point that employment sites should be retained unless an applicant wishing to change the use can demonstrate that the criteria set out in Policy 10 have been satisfied. Additional information is provided on each of the criteria (a) – (h), as well as a flow chart of the approach to be taken. Of particular relevance to this application is the information on what an applicant should provide to satisfy criterion (g) and (h).
21. The principle of development is therefore dependent upon an assessment of Policy 10 criteria a) to h). An assessment against these criteria is set out below.
22. *(a) there would not be an unacceptable reduction on the type, quality or quantity of employment land supply;*  
The adjoining Goodyear site was put forward as an alternative site for the Chorley Local Plan but not taken forward. Paragraph 97 of the Inspector's Partial Report October 2013 explains that two alternative sites for housing in Mawdesley were looked at and this included Site AL22 – Land at Gorsey Lane which also included the southern employment site of EP1.17. The Inspector concluded that AL22 should not be allocated for housing because this would conflict with Core Strategy Policy 1 however, the employment element could be permitted in accordance with allocation EP1.17. The Inspector identified the entire employment site as suitable for B1 use as this is acceptable in a residential area. Furthermore, Local Plan Policy EP4 allows for new, small scale employment development in residential areas provided there would be no detriment to the amenity of the area. During 2013/14 an application for 56 dwellings on part of the Goodyear site was determined, which demonstrated overcoming Core Strategy Policy 10 criteria and was approved. As such the current application site and allocation would be positioned between residential properties and is no longer suitable for such uses.
23. *(b) the provision and need for the proposed use;*  
The proposed development would contribute towards meeting the identified housing need within the Borough on previously developed land that is in a sustainable location.

24. *(c) the relative suitability of the site for employment and for the alternative use;*  
Following on from the approval and subsequent development of residential development on the Goodyear site to the south east the application site has become less suitable for employment use as it is now flanked by residential properties on the north west and south east sides. As such the proposed use for residential is more suitable than the existing and allocated use, particularly when considering that the site can be used lawfully for any use falling within the General Industry classification.
25. *(d) the location of the site and its relationship to other uses;*  
The surrounding area of the application site has evolved since it was allocated to include a major residential development to the south east that is at an advanced stage of construction. As such the proposed use of the site complements the surrounding land uses more than the current lawful use and allocation. The Employment Site Proforma for the allocation (Appendix 7) that forms part of the Central Lancashire Employment Land Study (ELS) – Technical Report - November 2017 does not make it clear that the two sections of the wider site have two separate access points, and that the one for this site is shared by a residential property. It states that access can be taken from Gorsey Lane, which is not possible due to the site being in a separate ownership. It identifies the site as being attractive to advanced manufacturing, transport, storage and construction. This is wholly unrealistic due to the site access and surrounding residential uses.
26. *(e) whether the ability to accommodate smaller scale requirements would be compromised;*  
The application site could readily accommodate smaller business spaces if a developer were minded to configure the site in this way. Vehicular access is not ideal, however, for several businesses to occupy the site. Nevertheless the ability to accommodate smaller scale requirements in the area would be compromised by the proposal.
27. *(f) there would be a net improvement in amenity.*  
Given that the lawful use of the site falls within the General Industry use class and could be used in such a way at any time or the intensity of employment uses on the site could increase it is considered that the proposed use for a small housing development would result in a net improvement in amenity.
28. *(g) convincing evidence of lack of demand through a rigorous and active 12 month marketing period for employment re-use and employment redevelopment;*  
The applicant has provided marketing information that is appropriate in relation to the site and location.
29. *(h) an assessment of the viability of employment development including employment re-use and employment redevelopment.*  
Due to the constraints identified it is considered unlikely that the site will come forward for employment use. The Central Lancashire Employment Land Study (ELS) – Technical Report - November 2017 scores the site 36 out of 100, with a market led score of 13 (Appendix 6). The market led score is the worst of all the allocated site throughout the entire Central Lancashire district. The report in 10.23 states, 'Overall, EP1.17: Rear of New Street, Mawdesley scores by far the lowest though reflecting its small size, backland nature and position in Chorley Borough's rural west.'
30. Further to the above it is noted that the site in question, along with the adjacent land to the south, has been proposed for housing in the Issues and Options Consultation on the Central Lancashire Local Plan (Reference 19C275x, Rear of New Street).
31. As a consequence of the above assessment, and in consideration of the evolving nature of the surrounding land, the need to protect residential amenity and prevent the possibility of a statutory nuisance the proposed residential development is considered to be in general compliance with the development plan as a whole and is considered to be acceptable in principle.

Impact on character and appearance of locality

32. The application seeks outline planning permission with all matters reserved save for access. Therefore, no details of the design of the proposed dwellings has been provided. An indicative layout has been provided to demonstrate that four dwellings could be accommodated within the site, however, details of layout are not sought and this would not, therefore, be an approved drawing should planning permission be granted.
33. From the information submitted with the application this suggests that the applicant's intention is to develop four detached properties, which are likely to accommodate 3 or 4 bedrooms each, in a courtyard style layout. The prevailing dwelling types within the vicinity of the application site are detached two storey houses, bungalows and dormer bungalows. However, elsewhere in Mawdesley, a wide range of dwelling types and design styles exist from the traditional to the modern.
34. It is considered that four detached properties in this location can assimilate with the built form of Mawdesley, particularly given that a residential development is being implemented to the south east of the site, and the house adjacent to the site entrance is a two storey detached house. The position of the dwellings themselves would be largely concealed from public view in any event given the position of the site, and the addition of four dwellings would have a negligible impact in terms of the character of the village.
35. Should this application be approved it is considered that the siting of the proposed dwellings would require careful consideration as part of a subsequent reserved matters application, in consideration of the site levels and mature trees and vegetation to the periphery.
36. Whilst no details have been provided in respect of appearance, layout, scale and landscaping it is considered that four dwellings could be accommodated on the application site without causing harm to the character and appearance of the locality. The development therefore complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Impact on neighbour amenity

37. 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.
38. Consent is not sought for matters of layout at this stage and the final position of the dwellings may change from that which is demonstrated on the indicative plan. Any development of the site must consider the difference in levels around the site and potential impact on the amenity of neighbouring occupiers at numbers 20 to 28 New Street through the impact on privacy, outlook and light in relation to both the impact on facing habitable room windows at these properties and the impact on their rear garden areas.
39. Having regard to the indicative layout the positioning of the dwellings as shown may need to be revised in order to avoid any adverse impact on amenity and the relative levels would need to be demonstrated in order to make a fully informed assessment of this impact. Detailed levels and sections should, therefore, be provided with any application for reserved matters. Given the area of the application site it is considered that a development of four dwellings could be laid out and designed in a way that would not cause undue harm to neighbour amenity.
40. Given that the lawful use of the site is for vehicles repairs within the General Industry use classification the proposed development of a residential development would be far more compatible with the adjacent residential land uses and would not generate the levels of noise and disturbance that could currently take place under the existing use. It is, therefore, considered that the development could be delivered without adversely affecting the amenity of any existing or future occupiers and would result in an overall improvement in amenity levels in comparison with the existing lawful use.



Highway safety

41. LCC Highways have assessed the proposal and have confirmed that they do not have any objections regarding the proposed outline application for the erection of 4 dwellings and associated garages and parking following demolition of the existing commercial building and 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.
42. The site has had a commercial use as a vehicle repairs garage and workshop for a significant period of time with vehicle movements occurring on a regular basis. It is appropriate to take into account the impact of the extant use when considering this proposal. Given the extant use the width of the access is not considered unacceptable.
43. Based on the car parking standards set out in Policy ST4 and appendix A of the Chorley Local Plan 2012 - 2026, LCC Highways is of the opinion that the applicant has provided adequate evidence to demonstrate that the off-road parking provision necessary for each individual property can be achieved. This is demonstrated on drawing 18-165 SK01 Rev A, dated July 2019.

Ecology

44. The application is accompanied by an ecological appraisal of the site. No significant ecological issues were identified by the developer's ecological consultant. Greater Manchester Ecology Unit consider that issues relating to great crested newts, bats, nesting birds and landscaping can be resolved via condition and or appropriate informative.
45. There are records of newts in some of the nearby ponds but the report concludes that newts are unlikely to be on the application site. It is, however, recommended that the appropriate informative be placed on any permission, if granted, as a precautionary measure.
46. The site does not have any potential to support any bat roosts. However, the tree lines along the boundaries of the site may be used by foraging/commuting bats. Currently the plans show these trees as being largely retained. The ecology report does recommend that a lighting plan be produced to ensure light spillage does not affect this activity. It is, therefore, recommended that a condition be attached to any grant of permission to require a lighting design strategy.
47. The proposed development would result in the loss of potential bird nesting habitat particularly along the southern boundary. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is, therefore, recommended that a condition is attached to any grant of planning permission preventing works to buildings, trees and hedges during the bird nesting season.
48. In line with the requirements of the Framework, any reserved matters application should include full details of measures for biodiversity enhancement (biodiversity net gain) on the site as part of the landscaping arrangements.

Flood risk and drainage

49. The application site is not located in an area that is at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the Framework and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
50. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
  1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;

4. to a combined sewer.

51. It is recommended that the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

#### Public open space (POS)

52. Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided. 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.
53. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy.
54. 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 only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
55. There is currently a surplus of provision in Mawdesley in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the settlement is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (site ref 1610.2 Millennium Green Play Area). A contribution towards improvements to these sites is therefore required from this development.

#### Sustainability

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

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

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

57. As such, there is a requirement for the proposed dwellings to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the above provisions. This can be controlled by conditions.

#### Other matters

58. *No need for more housing:* Although the Council has a 5 year housing supply, there is an ongoing need to supply housing within the borough, and part of this supply is anticipated to be delivered through windfall sites, which this is. In addition, the provision of family sized housing within a village is considered to be a benefit.
59. *Insufficient information:* The planning application is in outline only with all matters reserved save for access. An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters', at which stage greater detail would be submitted for the Council's consideration. Only information about the proposed use or uses, and the amount of development proposed for each use is necessary to allow consideration of an application for outline planning permission. It is considered that in this instance adequate information has been submitted in support of the application to determine the general principles of the proposed development on the site in question, and the details of any potential development can be properly assessed at reserved matters stage.
60. *Lack of amenities in the village to support more houses:* There are a reasonable range of amenities in the village, it is not isolated and there are opportunities for a broader range of amenities within a short driving distance.
61. *The site has not been used for many years and should be returned to Green Belt:* The site is isolated from the Green Belt severed from it by the settlement area of the Village. The site is also previously developed land is, therefore, suitable for development.

#### 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**

62. It is considered that the proposed development would have no harmful impact on the supply of employment land within the borough and would ensure the protection of neighbouring residential amenity in accordance with the aims of policies within the Framework and the Chorley Local Plan 2012 – 2026 that seek to achieve sustainable development. It is also considered that the proposed development would have no detrimental impact on the character of the area and would not give rise to undue harm to ecology, drainage or highway safety.

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

**Ref:** 80/00143/FUL      **Decision:** PERFPF      **Decision Date:** 19 May 1980  
**Description:** M.O.T. Test Garage and Workshop

**Ref:** 74/00591/FUL      **Decision:** PERFPF      **Decision Date:** 6 November 1974  
**Description:** Extension to storage building

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

Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

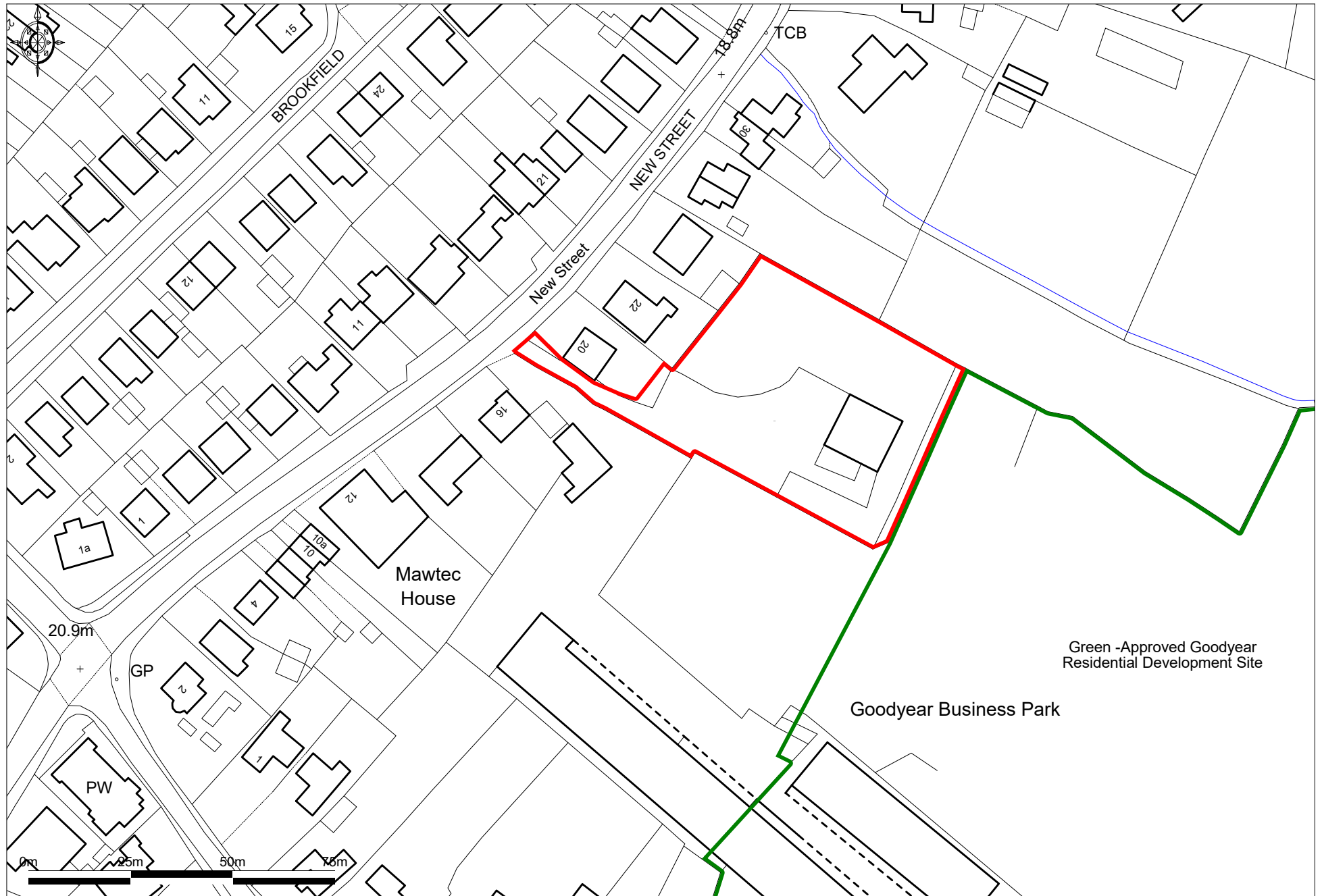
Suggested conditions

No.	Condition						
1.	<p>An application for approval of the reserved matters, namely the access, appearance, layout, scale and landscaping of the site, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>						
2.	<p>The development hereby permitted shall be carried out in accordance with the approved plans below:</p> <table><tr><th>Reference</th><th>Title</th><th>Received</th></tr><tr><td>N/A</td><td>Location Plan</td><td>14 June 2019</td></tr></table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Reference	Title	Received	N/A	Location Plan	14 June 2019
Reference	Title	Received					
N/A	Location Plan	14 June 2019					
3.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted or with any reserved matter application, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>						
4.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>						
5.	<p>Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.</p> <p><i>Reason: To secure proper drainage.</i></p>						

6.	<p>As part of the first application for reserved matters or prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Details of the colour, form and texture of all external facing materials to the proposed dwelling</li> <li>b) Details of the colour, form and texture of all hard ground- surfacing materials.</li> <li>c) Location, design and materials of all fences, walls and other boundary treatments.</li> <li>d) The finished floor level of the proposed dwelling and any detached garages</li> </ul> <p>The development thereafter shall be completed in accordance with the approved details. Prior to the first occupation of the dwelling hereby permitted all fences and walls shown in the approved details to bound its plot shall have been erected in conformity with the approved details.</p> <p><i>Reason: In the interests of the visual amenities and character of the area and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include full details of measures for biodiversity enhancement (biodiversity net gain) on the site.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
8.	<p>That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.</p> <p><i>Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.</i></p>
9.	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p>

	<i>Reason: To ensure a sustainable form of development.</i>
10.	<p>No removal of or works to any trees, shrubs, hedgerows or machinery that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check on site of vegetation for active birds' nests immediately before the vegetation is cleared. and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority within 7 days of the ecologist's site check.</p> <p><i>Reason: In the interests of nature conservation as all wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended).</i></p>
11.	<p>Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> <li>a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and</li> <li>b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.</li> </ul> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p><i>Reason: To protect habitat for foraging/commuting bats.</i></p>
12.	<p>Due to the proposed sensitive end-use (residential housing with gardens), no development other than demolition shall commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.</p> <p>The report should include an initial desk study, site walkover and risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study and site investigation must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: To properly address any land contamination issues, to ensure the site is suitable for the proposed end-use.</i></p>

# Site Location Plan - Land to the Rear of 20 New Street, Mawdesley



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**APPLICATION REPORT – 18/00852/FUL**

**Validation Date: 10 September 2018**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Demolition of existing bungalow and erection of three storey building to house dental surgery and five flats, with associated parking and access.**

**Location: 7 Southport Road Chorley PR7 1LB**

**Case Officer: Amy Aspinall**

**Applicant: Mr & Mrs Hickey**

**Agent: Mr Peter Entwistle, PCE Designs Ltd**

**Consultation expiry: 4 March 2020**

**Decision due by: 2 June 2020**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site is located within the settlement boundary of Chorley, and falls within a designated locally important area, as defined by the Chorley Local Plan Policies Map and policy BNE8.
3. It is occupied by a detached bungalow which is situated to the rear of the site (south), with vehicular access off Shaftesbury Place. The dwellinghouse benefits from a large garden which extends to its boundary with Southport Road, where a pedestrian access exists. Part of the site of the adjacent dental practice at 9 Southport Road also forms part of the application site.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the erection of a three storey building comprising a dental surgery with 5no. flats above, over two storeys. The proposal includes dedicated parking and access off Southport Road. The existing detached bungalow would be demolished to facilitate the development.

**REPRESENTATIONS**

5. 5no. objections and 1no. representation of support were received in relation to the originally submitted scheme. These are summarised below:

Objections:

- Inadequate parking provision – no on-street parking available

- Development will increase the parking and traffic problems / there is no parking enforcement in place – people park on double yellow lines outside the dental practice / already parking problems and traffic associated with the nursery
- Should prohibit traffic on north side of Shaftsbury Place to its junction with Ashfield Road / Ribblesdale Place
- Impact of construction traffic
- Scale of development is out-of-keeping and will dominate the Coach House and adjacent properties
- Scheme doesn't relate to Shaftsbury Place
- Proximity of the development to windows of the Coach House – overlooking, loss of privacy
- The development should be reduced two storeys or positioned on the building line of the other Southport Road properties, since these are all three stories, and all car parking located at the rear.
- The existing dental practice operates from 8 am to 8pm, more than any other commercial enterprise on Southport Road
- Misleading as the apartments are market housing, not affordable units.
- Deep foundations adjacent to Coach House which is over 100 years old
- Applicant's home is not 7 or 9 Southport Road
- Loss of trees which were planted and consecrated by the Late Bishop / the Council has blatantly ignored consecrated ground
- No details of pre-application advice have been provided
- Doubtful that there will be any response from any of the 15 flats at nos. 1&3 Southport - unoccupied

Support:

- Car parking is urgently needed for the dental practice
  - Proposal will facilitate drop off and pick up for elderly and infirm patients
  - Proposal will mean better access to dental care for people
  - More job opportunities
  - Helps with house building targets
6. Local residents were re-notified following the submission of amended plans. As part of this re-notification 2no. representations have been received which support the application as the revised scheme alleviates their concerns.
7. 1no. representation has been received as part of the re-notification citing the following grounds of objection:
- Proximity of bins to Coach House
  - Parking spaces next to Coach House
  - Traffic problems at Shaftsbury Place

**CONSULTATIONS**

8. Lancashire County Council Highway Services: Have no objection and recommend conditions.
9. United Utilities: Have no objection.
10. CIL Officers: Comment that the development is CIL liable.
11. Greater Manchester Ecology Unit: Have no objection.

**PLANNING CONSIDERATIONS**

Principle of development

12. The application site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map.

13. Policy V2 (Settlement Areas) of the Chorley Local Plan 2012 – 2026 states that within the areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within the Plan.
14. Policy 1 of the Central Lancashire Core Strategy provides that growth and investment will be concentrated in a number of places, including Chorley Town.
15. The site is also comprised, in part, of a private residential garden and, therefore, policy HS3 (Private Residential Garden Development) of the Chorley Local Plan 2012 – 2026 is applicable.
16. Policy HS3 states that in settlements applications for development within private residential gardens on sites not allocated in the Housing Allocations Policy will only be permitted for:
  - a) Appropriately designed and located replacement dwellings where there is no more than one for one replacement.
  - b) The conversion and extension of domestic buildings.
  - c) Infill development on gardens. Infill is the filling of a small gap in an otherwise built-up street frontage, e.g. typically a gap which could be filled by one or possibly two houses of a type in keeping with the character of the street frontage.
17. In assessing the proposed development against the criteria of policy HS3, the proposal fails to accord with criteria (a) and (b) as it does not involve a replacement dwelling or a conversion scheme. In terms of criteria (c) the proposal would involve the filling of a gap in a built up frontage, however it would not satisfactorily fall within the definition of 'infill development' as set out at Appendix E of the Chorley Local Plan.
18. The policy also provides that when assessing applications for garden sites, the Council will have regard to sustainability, such as access to public transport, schools, businesses and local services and facilities; and that proposals which significantly undermine amenity and harm the distinctive character of an area will be refused. In addition, the reasoned justification of the policy provides, among other things, the Council will have particular regard to the protection and enhancement of heritage assets; and also have regard to the relationship of development to the surrounding character in terms of density, siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
19. When considering heritage assets, policy BNE8 of the Chorley Local Plan 2012 - 2026 provides that applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding environment, and where they show consideration for a number of criteria. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.
20. In addition, criterion (e) of policy BNE1 of the Chorley Local Plan 2012 – 2026 provides that planning permission will be granted for new development where the proposal would not adversely affect the character or setting of a listed building and/or the character of a conservation area and/or any heritage asset including locally important areas.
21. Central Lancashire Core Strategy policy 16 (Heritage Assets) also aims to protect and seek opportunities to enhance the historic environment, heritage assets and their setting in a number of ways including safeguarding heritage assets from inappropriate development that would cause harm to their significance.
22. At paragraph 197 the Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a

balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

23. The Framework recognises that the more important the asset, the greater the weight should be given to their conservation. For non-designated heritage assets, the Framework does not require proposals to meet detailed criteria in the same way as designated assets, it simply requires a balanced judgement to be made.
24. The area is a non-designated heritage asset, being defined within policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 – 2026 as a locally important area. The area, therefore, has some historical significance at a local level. The existing bungalow is, however, of low architectural merit and does not display the architectural style of the traditional villas of Southport Road or period properties within the area, existing more as a back-land form of development. It is not considered that the bungalow makes a positive contribution to the character of the locally important area, indeed it could be argued that it detracts from the area. The loss of the bungalow would not in itself harm the significance of the heritage asset and it is not considered that it is worthy of protection from development pressures. The garden does, however, offer an attractive frontage to Southport Road, although this is not necessarily characteristic of the area i.e. large garden frontages and separation distances between side elevations of properties.
25. In terms of the impact of the proposed development, this would bring the built form to the front of the site, which is currently open. The proposal has been designed to be in-keeping with the adjacent properties of 3 and 9 Southport Road which are three storey villas, in design terms having regard to matters such as scale, layout, established building line, and architectural style to the key front elevation. The rear of the site would be laid to hardstanding to form a car park, meaning that it would be largely screened from Southport Road and provides the opportunity for soft landscaping to the frontage. Having regard to the above, it is not considered that the proposal would be harmful to the character and appearance of the local important area.
26. Although the proposed development does not strictly comply with policy HS3 of the Local Plan, the proposed development would not undermine the character of the area which this policy seeks to protect. In addition, the site is situated in a highly sustainable location, close to Chorley Town Centre, with access to services, shops, schools and transport options.
27. The Framework sets out that the Government's objective is to significantly boost the supply of homes and that it is important that a sufficient amount and variety of land can come forward where it is needed. Small sites such as this can make an important contribution to housing supply and would deliver 5no. units. The Framework is clear that great weight should be afforded to the benefits of using suitable sites within existing settlements for homes.
28. The Framework is also clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development; and that decisions should help create the conditions in which businesses can invest, expand and adapt.
29. It is considered that these factors weigh heavily in favour of the proposal and outweigh the non-compliance with policy HS3 of the Chorley Local Plan 2012 – 2026.

#### Highway safety

30. Neighbour objections to the original scheme were concerned with the increased parking and traffic, and the impact on Shaftsbury Place, where Lancashire County Council Highways recognise that highway safety concerns already exist. The current scheme seeks to close the access to Shaftsbury Place and provide a single dedicated access to Southport Road, which would allow two-way traffic movements. The removal of the access to serve the development along Shaftsbury Place should alleviate some of the concerns of residents.

31. The site would accommodate 17no. parking spaces in total to serve the development and also the dentist at 9 Southport Road, which currently has minimal dedicated parking provision. There would be a shortfall of 5no. parking spaces, however, it should be recognised that the site is situated within a sustainable location, close to the defined Town Centre, with good quality footways to serve pedestrians, is also on a bus route and close to cycle routes. The shortfall is considered to be acceptable, and it is noted that LCC raise no objection. Cycle parking could be conditioned accordingly, in the interests of promoting this mode of travel.
32. Detailed design and construction of the access and associated works would be covered by S278 works. However, LCC have sought improvements to two bus stops but are unable to provide costings as they state this would be done as part of the S278 works. Whilst improvements to the bus stops would provide a benefit, it is not clear how this aspect is fairly and reasonably related in scale and kind to the development and it is not considered that the improvements would be necessary to make the development acceptable in planning terms.
33. LCC Highways advise that the proposed development is acceptable and, therefore, the proposal is considered to accord with policy BNE1 (d) of the Chorley Local Plan 2012 – 2026.

#### Ecology

34. The application is accompanied by an ecological survey which has been assessed by the Council's appointed ecologists at Greater Manchester Ecology Unit.
35. In terms of the building to be demolished, this has low potential to support bats and no evidence of bats was observed during the inspection or surveys. The garden was considered to have the potential to support nesting birds and, therefore, any vegetation clearance should be carried out outside nesting season (i.e. March to August inclusive).
36. It has been reported that the trees on site have been removed and that these were planted and consecrated by a late Bishop. It should, however, be noted that the trees on site were not protected by way of a Tree Preservation Order, and that the planting and consecration of trees does not affect their status in planning terms. It is the applicant's right to remove trees on their land which are not subject to control. The report recommends the provision of 2no. bird or bats boxes, in the interest of biodiversity. This could be secured by way of condition.
37. The application is not considered to be detrimental to nature conservation interests and accords with policy BNE9 of the Chorley Local Plan 2012 – 2026.

#### Impact on amenity

38. The application proposes a three storey building, situated between 9 Southport Road and 3 Southport Road. Number 9 is a dental practice, with number 3 being vacant, but comprised of flats. A separation distance of approximately 14 metres would be achieved between the side elevation of number 3 which contains habitable windows, and this is an acceptable distance to avoid the proposed development from being overbearing or visually intrusive to future occupiers of the flats. As number 3 is a dental practice and associated with the application, there is no existing residential amenity to protect. Side facing windows of the proposed development do not serve habitable rooms, and the flats are considered to offer acceptable living standards for future occupiers.
39. The proposal would achieve a separation distance in excess of 21 metres from those properties on the opposite side of the road, namely 6 and 8 Southport Road, which is an acceptable distance to avoid adverse amenity impacts on the occupiers of these neighbouring properties.
40. To the rear of the site is a property known as the 'Coach House' which is situated on the boundary with the application site, with the rear and side elevation of the property forming the boundary. The planning history details that there are no windows to these boundary elevations and that the property was granted planning permission as a granny flat in

association with 11 Southport Road. It would appear that the property is now severed from 11 Southport Road, which is now a nursery. The proposal would entail the demolition of the existing bungalow which is adjacent to the Coach House, and the proposed building being erected some 10 metres to the north of this neighbouring property, albeit at three storeys in height. As the building would be located to the north, there would be no adverse impacts of loss of light or overshadowing to this dwellinghouse, or its associated garden. Equally there would be no overlooking or loss of privacy to any habitable rooms of the Coach House, as none face towards the application site. Views from the first and second floor windows of the living rooms of flats 1 and 5 would not directly face the Coach House, as the development would be offset, and its garden would be screened to a degree by the Coach House itself.

41. The proposed bin area is identified to the north of the Coach House, however, no details of the storage enclosure has been submitted. It is noted that the council's Environmental Health officer has raised no objections to the proposal, or this matter. Details of the bin enclosure could be secured by way of condition.
42. The proposal would lead to increased activity on the site which is currently occupied by a single domestic dwellinghouse. It would increase the number of residential units on site to five apartments and would increase the offering of the existing dental practice through its expansion. There would be increased traffic and comings and goings of patients and staff, with dedicated parking to the rear of the site. The access point to Shaftsbury Place would, however, be blocked off and, therefore, traffic or parking issues should not be exacerbated in this location.
43. The application site is located within 200 metres of the Town Centre in an area which has both residential and commercial offerings, in particular along Southport Road itself which is a key route into and out of the Town Centre. It is considered that the proposal would be a compatible form of development with neighbouring land uses and would not give rise to adverse impacts of noise or disturbance.

#### Public open space

44. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
45. 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
46. In the determination of planning applications, the effect of the national policy is that although it would normally be inappropriate to require certain types of contributions on sites below the thresholds stated, local circumstances may justify lower thresholds as an exception to the national policy. It is 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.
47. 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 only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
48. There is currently a deficit of such provision in Chorley North East, however a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision. As there are currently no schemes identified, a financial contribution cannot be secured.
49. There is currently a surplus of provision in Chorley North West in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young

people and there are no identified scheme for improvements. A contribution towards new or improved provision in the ward is not, therefore, required from this development.

#### Other matters

50. Notification to empty properties – the Council notifies properties in accordance with the Statement of Community Involvement, regardless of whether or not the property is occupied.

51. Occupation of number 7 and 9 Southport Road – whether or not the applicant lives at these properties is not relevant to the application.

52. Method of construction – this is covered under Building Regulations.

53. Pre-application information – such details do not need to be disclosed.

#### **CONCLUSION**

54. Although the proposed development does not strictly comply with policy HS3 of the Chorley Local Plan 2012 – 2026, it would not undermine the character of the area which this policy seeks to protect. The proposal would contribute to housing land supply through the delivery of 5 no. residential units, in a sustainable area, close to the Town Centre of Chorley. In addition, the proposal would support an existing business and support job opportunities and access to health care within the community. The proposed development would be acceptable in highways safety terms; would not adversely affect neighbouring residential amenity; and would not be detrimental to nature conservation interests. The application is recommended for approval accordingly, subject to conditions.

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

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

55. There is no recent relevant planning history.

#### Suggested conditions

56. To follow.

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**APPLICATION REPORT – 20/00132/CB3**

**Validation Date: 12 February 2020**

**Ward: Astley And Buckshaw**

**Type of Application: Chorley Regulation 3**

**Proposal: Construction of compact athletics facility and installation of associated storage containers**

**Location: West Way Playing Fields West Way Astley Village**

**Case Officer: Mr Iain Crossland**

**Applicant: Chorley Council**

**Agent: Mr Dean Woodward, Steve Wells Associates Ltd**

**Consultation expiry: 5 March 2020**

**Decision due by: 5 June 2020**

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**RECOMMENDATION**

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

**SITE DESCRIPTION**

2. The application site comprises grass pitch playing fields that are located in the settlement area of Chorley to the west of residential development at Astley Village and with open agricultural land beyond the site to the west. The character of the area is generally suburban residential at the fringe of the urban area, and the site is bound by West Way to the west from which vehicular access is gained. There are trees to the periphery of the site and a water course to the north.
3. It is noted that planning permission was granted in October 2019 for the erection of a sports pavilion and engineering operations including the laying out of a full size artificial grass pitch, grass football pitches, children's play area and 90 space car park with additional over-spill provision under application reference 19/00670/CB3MAJ, and playing pitch improvements including the installation of primary and secondary drainage and associated landscaping works under application reference 19/00763/CB3MAJ.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks full planning permission for the construction of a compact athletics facility and installation of associated storage containers, as part of the previously approved developments. This would comprise a 100m sprint track facility, and long jump pit with runway that would be located to the east of the artificial pitch. There would be three equipment stores comprising 6.1m by 2.4m containers adjacent to the artificial pitch located to the north, south and west of the pitch. The facility would be contained within a 4.5m high weld mesh fence to match that previously approved as part of the application for the artificial pitch.

## REPRESENTATIONS

5. No representations have been received.

## CONSULTATIONS

6. Astley Village Parish Council: No comments have been received.
7. Sport England: Have no objection subject to conditions.
8. Greater Manchester Ecology Unit: Recommend conditions.

## PLANNING CONSIDERATIONS

### Principle of the development

9. The National Planning Policy Framework (the Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
10. Of particular relevance to the proposed development is paragraph 96 of Framework that states *"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities[...]"*.
11. Paragraph 97 of the Framework goes on to state *"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: [...] b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*
12. The Central Lancashire Core Strategy, policy 24, covers sport and recreation and seeks to ensure that everyone has the opportunity to access good sport, physical activity and recreation facilities (including children's play) by d) identifying sites for major new facilities where providers have evidence of need.
13. The application site is located in the settlement area of Chorley. 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.
14. Policy HW2 of the Chorley Local Plan 2012 – 2026 seeks to protect existing open space and states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. This approach is reflected and supported in the Framework.
15. The application site is an existing sport and recreation facility, however, the proposed development seeks to upgrade the sports facilities on a comprehensive basis as part of previously approved developments across the entire site. It is, therefore, considered that the proposal is more akin to the provision of new facilities that seek to make more effective use of the available area and is most appropriately assessed under policy HW1 of the Chorley Local Plan 2012 – 2026, which covers the provision of new open space, sport and recreational facilities.
16. Policy HW1 states that proposals for the provision of new open space, sport and recreational facilities or extensions to existing facilities will be permitted if all criteria of the policy are met. These are set out and addressed as follows:
17. *The development will not have an adverse impact on the local environment or visual character of the landscape;*

The site is well defined and contained between West Way and housing at Astley Village. There is also mature landscaping to the north and west of the site, which filters external views and result in a good degree of enclosure. As such the proposed development would not result in any harmful incursion into the landscape. The most notable visual element of the proposal from outside the site would be the floodlights, however, these were approved as part of planning permission 19/00670/CB3MAJ. These would be mounted on 15m high monopoles. Given their slender nature these would be unobtrusive during daylight hours, but would have some impact when in use during darker times. Although the floodlights would have a visual impact when in use, they would be viewed against the backdrop of tall street lighting along West Way, and their hours of use would be controlled by condition preventing prolonged use throughout the night. It is, therefore, considered that there would be no adverse impact on the local environment or visual character of the landscape.

18. *The development will not result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3);*

The soil type in the area is Grade 3 agricultural land but more detailed information as to whether it is 'best and most versatile' (i.e. whether it is Grade 3a or 3b) is not available. However, the site is already in use for recreational purposes (playing field) and is not available for agriculture.

19. *The development will not cause harm to a site of nature conservation value;*

A number of surveys have been provided by the applicant, which have been assessed by Greater Manchester Ecology Unit, who confirm that no significant ecological issues were identified by the ecological consultants, and they have no reason to doubt these assessments. A more detailed assessment is carried out below.

20. *The development will not harm the amenities of local residents;*

The proposal would form part of a wider redevelopment of the existing playing fields to include a full size artificial grass pitch, 100m sprint straight, grass football pitches, four team changing pavilion and 90 space car park with additional overspill provision. This would improve the quality of and access to sports provision in the area adding to the amenities available to local people. The impact of the development on the residential amenity of neighbouring occupiers is assessed below.

21. *The site is accessible by a choice of means of transport other than the private car and the traffic generated would not have a severe impact on the highway network.*

The site is within walking/cycling distance of residents of Astley Village and the local community and the pedestrian and cycle links are good. Cycle storage is included in the proposal to encourage use. It is noted that public transport is limited, however, the site is already in use as playing fields.

22. Overall, it is considered that this proposal would improve access to high quality open space and opportunities for sport and physical activity as part of the comprehensive upgrade of an existing facility in line with the Framework, policy 24 of the Central Lancashire Core Strategy and policy HW1 of the Chorley Local Plan 2012 – 2026 and is, therefore, acceptable in principle.

#### Design and impact on the character of the area

23. The application site is well contained by a residential development to the east and landscaping to the north, west and south. The site currently comprises grassed playing fields and a rough surfaced car parking area. The character of the site would remain that of a playing field, however, the proposal would introduce a number of structures as described above. These would have the effect of reducing the open nature of the site, however, such an impact would not be harmful to the character of the area, given the site is well contained. The use of low-level buildings and green mesh fencing would further reduce the impact of these structures. The floodlights would be the more visible elements of the proposal but would be viewed in the context of similar structures that provide lighting to West Way. As such they would not be harmful to the character of the area.

24. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 - 2026.

#### Impact on residential amenity

25. The floodlights would be located approximately 90m from the nearest properties at Great Meadow to the east, whilst the fencing to the track would be located approximately 70m from these properties. This is a significant degree of separation such that there would be no impact from the structures themselves. The illuminance surveys that have been provided in support of the application demonstrate that there would be no light spill within the vicinity of any residential properties. There would, therefore, be no unacceptable impact on amenity through light nuisance.
26. The site itself is already in use for playing fields and, therefore, already has some impact through noise and disturbance on nearby properties. It is recognised that the duration of the use would increase as a result of the introduction of floodlighting, however, the facility itself would be located some distance from the nearest dwellings and is not, therefore, considered to present a harmful impact through noise and disturbance.

#### Highway safety

27. Cumulatively, alongside the previously approved developments, the proposed development would result in the erection of a sports pavilion and engineering operations including the layout out of a full size artificial grass pitch (AGP), 100m sprint straight, grass football pitches, and a children's play area. There would be on site parking provision for 90 cars, two coaches and four mini-buses, with an overspill facility for a further 64 cars. The site is currently used by football teams using the site at weekends and for event parking to support activities at Astley Hall. Parking is on the grass but off the playing pitches and are unmarked and informal. Vehicular access is from West Way, which would remain.
28. Typically, and for weekday winter evening training, the AGP would be divided into four with each quarter capable of accommodating a squad of up to 12 junior footballers. With a team, managers and coaches, the likely maximum occupancy of the AGP at any one hour during a weekday winter evening would be no more than 60.
29. Alongside the use of the AGP, the compact athletic facility is likely to attract an anticipated maximum of 24 users per hour.
30. The applicant contends that with a typical local planning authority assessment for participant to car ratio of 2:1, the parking requirements for these numbers would be 42 spaces. However, to accommodate numbers at changeover times between 'hourly slots' booked on the AGP, this number is doubled with a need to accommodate up to 84 vehicles.
31. The majority of the weekday winter evening use of the AGP and the compact athletics facility would be between 18:00 and 22:00 hours. The grass playing pitches would not be in use at these times.
32. It is considered that an adequate amount of off street car parking would be provided as part of the overall redevelopment of the site, and it is anticipated that such development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site over and above the existing situation.

#### Ecology

33. The previously approved application was accompanied by an ecology assessment of the site. This was reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advised that no significant ecological issues were identified by the ecological consultants. The new application extends the impact of the floodlighting to the east, which is not considered to be an issue subject to the application of the agreed lux levels.
34. The western and northern boundaries have been identified as potential foraging and commuting routes. No direct impacts are proposed to the western and northern boundary through this proposal. The main impact, however, is likely to be from floodlighting. Lux plans

have been produced for the floodlighting that indicates no impact on the western boundary but potentially significant impacts on parts of the northern boundary. However, the impacts are only over short distance and not across the entire belt of trees and would also be only temporary during usage primarily October to March when bats are less active. GMEU, therefore, raise no objection to proposed lighting scheme, subject to a condition over the hours of operation.

35. Surveys in 2016 found no evidence of great crested newts. eDNA analysis in 2019, however, provided one positive result for pond 1. This, however, has been interpreted as a false positive by the ecological consultants based on previous surveys, their assessment of the pond and the fact that all other eDNA results for this pond were negative. Given the nature of the pond which contains fish, these conclusions are accepted.
36. No potential impacts are anticipated on any other protected species. There was no evidence of badgers found on the site in 2015 and whilst this survey is now out of date, given the nature of the site, primarily playing field, their presence would be easily detected.
37. A small amount of trees and scrub would be removed to facilitate the development, which would have a potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is, therefore, recommended that a condition is attached to any grant of planning permission preventing works to buildings, trees and hedges during the bird nesting season.
38. Himalayan balsam was identified on the site in 2015 along the northern boundary. This species is highly mobile and may have extended its range over the last four years. It is, therefore, recommended that a condition be attached to any grant of planning permission ensuring that works are carried out in accordance with an approved method statement detailing eradication and/or control and/or avoidance measures.
39. The EU Water Framework Directive requires environmental objectives to be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration, which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology. No direct impacts would occur to Euxton Brook and the wooded buffer is significant and adequate to prevent any impacts during construction. It is noted, however, that the proposal is to drain surface water from the site into the brook post development. It is, therefore, recommended that a condition is attached to any grant of planning permission requiring that appropriate mitigation measures are followed in order to protect the ecological status of Euxton Brook.
40. Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. The proposed development would result in the loss of amenity grassland and a small amount of rough grassland and scrub to the north, though this was already to be lost as part of the previously approved development. The impacts are, however, cumulative with the adjacent losses of amenity grassland, which should be reflected in the ecological enhancement measures for the overall soft landscape proposals. It is recommended that a condition requiring an appropriate landscaping and environmental management plan is attached to any grant of planning permission.

#### Drainage

41. The proposed development would introduce areas of hard surfacing that do not currently exist on site, and the proposed surface water drainage covering the whole of the site would convey roof, car park, track and artificial grass pitch (AGP) drainage into a new surface water network. The preferred method of surface water discharge would be via a headwall into Euxton Brook. Attenuation would, however, be provided to reduce the rate and volume of surface water run off into the brook following storm events through construction layers in the artificial pitch, a swale, and a basin.
42. The artificial grass carpet, its backing, the macadam base, the stone sub-base and the geotextile are all porous. Rainwater falling onto the surface of the AGP would percolate

down through the sub-base to the formation level below, to the piped land drainage system, and then to the outfall. Ground investigation and infiltration tests indicate that the ground is heavy clay and that a soakaway would be ineffective. However, there is evidence of a previous land drainage scheme on this site and an outfall into the Euxton Brook to the north of the proposed AGP. While the whole of the AGP has a significant capacity in its stone base, it is proposed that this outfall is cleaned out and surface water drainage from the AGP directed north to this outlet.

43. Surface water from the macadam car park would be directed via road gullies through petrol interceptors and then attenuation before out-falling into Euxton Brook. Roof water as well as surface water from the surrounding paths and hard surfaces would be linked to the car park drainage system.
44. Details of the specific flow rates, attenuation volumes and specific storage features and structures have been confirmed as part of the previously approved development on the site. The drainage associated with the compact athletic facilities proposed here would form part of these arrangements.

## CONCLUSION

45. The proposed development would enhance the recreational potential of the existing open space and previously approved development. It would not impact unacceptably on the overall appearance and character of the area and there would be no harmful impact on neighbour amenity over and above the current situation. Nor would there be any harmful impact on highway safety, ecology or surface water drainage that cannot be addressed through appropriate conditions. On this basis, it is recommended that planning permission be granted subject to conditions.

## RELEVANT HISTORY OF THE SITE

**Ref:** 98/00479/COU      **Decision:** PERFPP      **Decision Date:** 14 October 1998

**Description:** Use of land for siting of two changing rooms and one storage container,

**Ref:** 19/00670/CB3MAJ      **Decision:** PERFPP      **Decision Date:** 10 October 2019

**Description:** Erection of sports pavilion and engineering operations including the laying out of a full size artificial grass pitch, grass football pitches, children's play area and 90 space car park with additional over-spill provision.

**Ref:** 19/00763/CB3MAJ      **Decision:** PERFPP      **Decision Date:** 10 October 2019

**Description:** Playing pitch improvements including the installation of primary and secondary drainage and associated landscaping works.

**Ref:** 20/00252/DIS      **Decision:** PCO      **Decision Date:** Pending

**Description:** Application to discharge conditions nos. 8 (method statement for amphibians), 10 (invasive species method statement) 11 (surface water disposal details), 12 (landscaping and environmental management scheme), 15 (surface water drainage scheme), 16 (site access scheme), 22 (sporting continuity) and 24 (compound reinstatement) attached to planning permission 19/00670/CB3MAJ (Erection of sports pavilion and engineering operations including the laying out of a full size artificial grass pitch, grass football pitches, children's play area and 90 space car park with additional over-spill provision.)

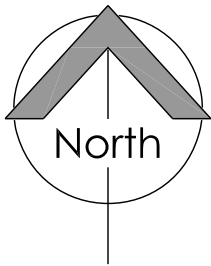
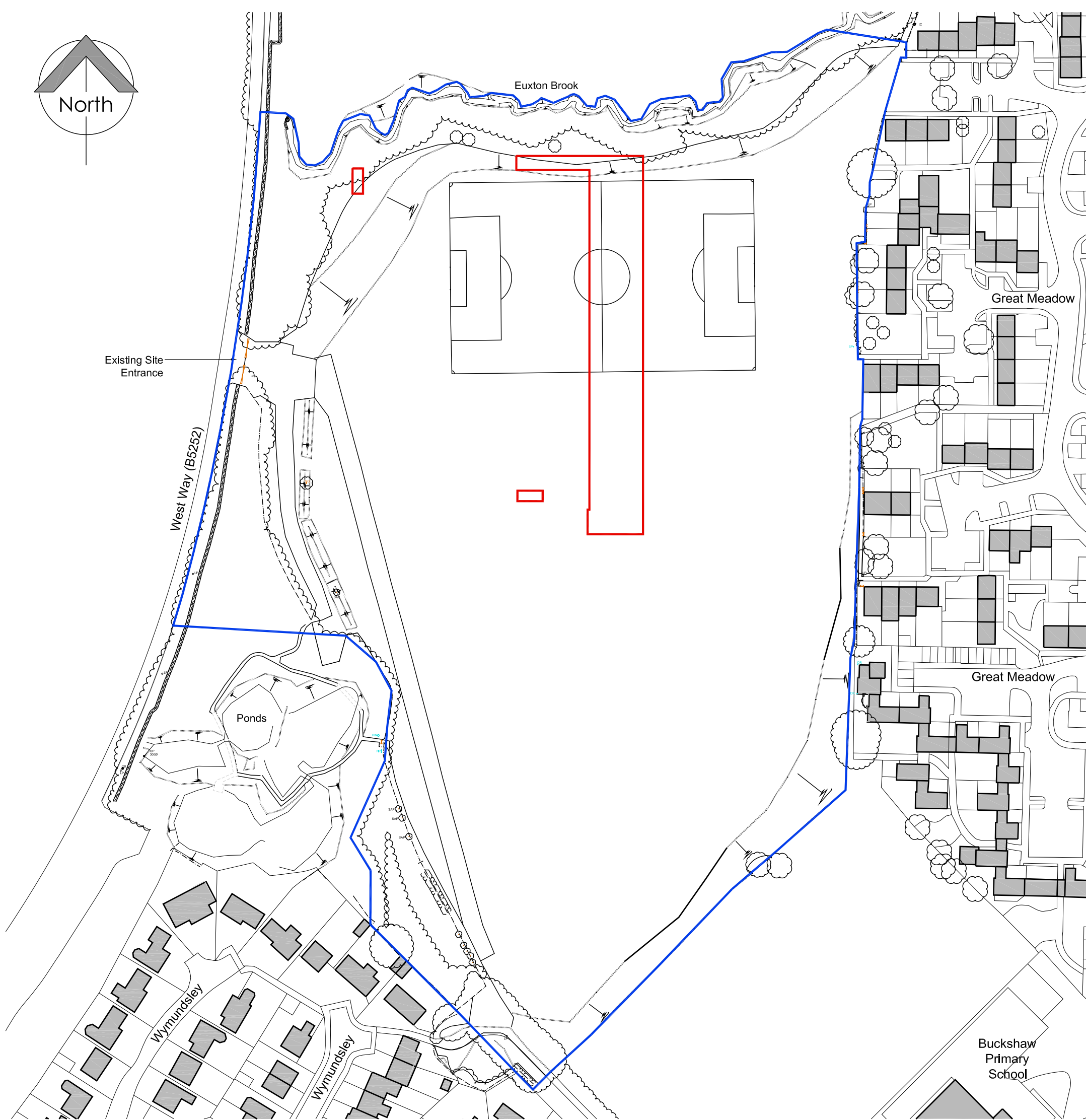
**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless 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

To follow

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General Notes

No.	Revision / Issue	Date
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Issue purpose

**Planning**

Client  
**Chorley Council**

Project  
**Proposed Sports Development at  
West Way Playing Fields, Chorley**

Dwg. Title  
**Site Location Plan**

Dwg. No.		Rev.
<b>205-057-1020</b>		
Scale <b>1:1250 @ A3</b>	Date <b>February 2020</b>	
Drawn by <b>NG</b>	Checked <b>DKW</b>	

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