

## **APPLICATION REPORT – 20/00516/FUL**

**Validation Date: 12 June 2020**

**Ward: Chisnall**

**Type of Application: Full Planning**

**Proposal: Erection of 7no. (Use Class C3) dwellinghouses with access, parking, landscaping and associated works following demolition of existing buildings**

**Location: Amelie's Restaurant 311 Preston Road Coppull Chorley PR7 5DU**

**Case Officer: Mr Iain Crossland**

**Applicant: F4 Developments Ltd**

**Agent: Mr Marc Izaguerri Serrano, SMITH YOUNG**

**Consultation expiry: 3 July 2020**

**Decision due by: 11 September 2020 (Extension of time requested)**

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### **UPDATE REPORT**

1. The recommendation remains to approve the application subject to conditions.
  2. Members will recall that this application was deferred at the Planning Committee meeting held on 8 September 2020 to allow time for Members to visit the site. The original committee report from 8 September 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 the application is approved subject to conditions.

### **SITE DESCRIPTION**

2. The application site is located in the Green Belt south of Coppull and comprises a part two storey and part single storey building fronting onto Preston Road (A49) in a site positioned between Preston and Rivington Place. The building was formerly occupied by Amelie's Restaurant and has in the past operated as a public house.
3. Aside from a small amount of soft landscaping around the periphery of the site and save for the buildings, the majority of the site comprises hard surfacing used for staff parking, vehicular parking and the unloading/loading of goods used in connection with the restaurant operations.
4. Vehicular access into the site is from the north west corner of the site, from and onto the A49. Although the eastern boundary touches the highway at Rivington Place (to the east), there is currently no vehicular access to the site from this highway.
5. The application site forms part of a linear development that spans off the A49, the main highway that connects Standish to the south and Coppull to the north. To the north of the

application site are residential properties at Belmont Place. This is a short cul-de-sac, accommodating 8no. semi detached and 2no. detached properties. To the east of the application site, is Rivington Place, which is another cul-de-sac of 12no. dwellings. To the south of the application site are 321 and 323 Preston Road, which are semi detached residential properties that also front onto the A49.

6. With regard to the wider area, there is some mix of uses with a school, public house and commercial units to the north, although it is predominantly a residential area with open agricultural land beyond.
7. In terms of the history of the site it is significant to note that there was previously a greater amount of development on site comprising a terrace of dwellings that was cleared in the late 1970s / early 1980s.

## **DESCRIPTION OF PROPOSED DEVELOPMENT**

8. This application seeks full planning permission for the erection of 7no. dwellinghouses with access, parking, landscaping and associated works following the demolition of the existing buildings on the site. The dwellings would be set in a linear pattern across three blocks fronting the A49 with rear gardens and parking areas accessed from Rivington Place. The dwellings themselves would be of a modern design and would be two storeys with accommodation in the roof space.

## **REPRESENTATIONS**

9. Representation have been received from the occupiers of 7no. addresses citing the following grounds of objection:
  - Access should not be taken via Rivington Place due to impact on amenity of existing residents.
  - Impact on highway safety due to use of Rivington Place for access.
  - Claims made in the highway technical note are misleading.
  - The appearance of the dwellings would not be in keeping with the character of the area.
  - Impact on amenity through loss of privacy due to overlooking.
  - There is a dispute over land ownership with opposing claims over land adjacent to 16 Rivington Place.
  - The land registry title restricts and prevent access being taken from Rivington Place.
  - Vegetation was removed prior to the application for planning permission and prior to resolving any ownership disputes.
  - Breach of wildlife regulations in removing vegetation during the nesting season.
  - There would be restrictions placed on construction times and vehicle routing.
  - Concerns about the conduct of the developer.

## **CONSULTATIONS**

10. Greater Manchester Ecology Unit: Have no objection subject to conditions.
11. Waste & Contaminated Land: Have no objection subject to a condition.
12. Lancashire County Council Highway Services: Have no objections in principle.
13. United Utilities: Have no objection subject to conditions.
14. Coppull Parish Council: Have no objections to this application.

## **PLANNING CONSIDERATIONS**

### Principle of development in the Green Belt

15. The application site is located in the Green Belt at Coppull and forms part of a tract of development extending south from the settlement area.

16. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework) which states:

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

*134. Green Belt serves five purposes:*

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

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

*144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

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

- a) *buildings for agriculture and forestry;*
- b) *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;*
- c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) *limited infilling in villages;*
- f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

17. This part of Coppull 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.”

18. Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:

*The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:*

*In the case of re-use*

- h) The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- i) The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

*In the case of infill:*

- c) The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

*In the case of redevelopment:*

- d) The appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.*

19. The proposal involves redevelopment of a site that is occupied by a restaurant and associated areas of parking and hardstanding. As such the site is previously development land and the development is, therefore, capable of complying with paragraph 145 g) of the Framework. This sets out that one exception to inappropriate development in the Green Belt is 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.
20. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site already contains some built form with the presence of the restaurant building and that the site is located within an established tract of development extending to the south of Coppull with residential development to the north, south and east of the site, and the A49 located to the west. The proposed development would replace the existing building on the site with three blocks of development comprising 7no. dwellings filling the site and the line of development between 321 Preston Road to the south and 2 Belmont Place to the north. The development would, therefore, be viewed in the context of the existing buildings that surround the site, and would replace an existing building in this position.
21. The site is prominent when viewed from the A49 as it forms part of the street scene along this section of the highway. It is also prominent when viewed from the cul-de-sac at Rivington Place. There is an existing building in situ and development would be expected in this position as part of the line of development along the A49 in this location. The proposed development would be positioned on the footprint of the existing building, although it would extend either side (north and south) of the present building footprint. This would result in a logical infilling of the site, which is appropriate when considered in the context of a comprehensive plan for the site as a whole as required by policy BNE5 of Chorley Local Plan 2012 – 2016. Furthermore, it is noted that a terrace of dwellings was present on the site between the main restaurant building and 321 Preston Road to the south until they were cleared in the late 1970s early 1980s. The proposed development would reflect the form and positioning of the buildings that were removed.
22. The proposed development has been designed to reflect the linear form of development along the A49, the form and position of the existing building and previous buildings. The scale, siting and form of development proposed is based on the traditional terraced dwellings that are located along the A49 in this area and on the buildings that occupied the site previously, similar to 321 and 323 Preston Road to the south. As such the proposed development would occupy the space between existing development in a position occupied by existing and previous development that results in a comprehensive redevelopment of the site. The visual impact on openness would be limited by the positioning of the buildings within the site between buildings and close to other buildings of similar scale. Furthermore, the site already contains a quantum of development that would be replaced.
23. In pulling these points together in considering the impact of the development, the Framework and Chorley Local Plan policy requires the decision maker to consider and make

an assessment of whether the openness of the Green Belt would be impacted or harmed by the proposal to a greater extent than openness has already been impacted as set out in policy BNE5 c) of the Chorley Local Plan 2012 - 2026. This is an open-textured assessment and there is no check list to be gone through but, where openness of the Green Belt is in issue, visual impact, as well as spatial impact, requires consideration, subject to a margin of appreciation.

24. The proposed development is contained within an already well developed site and street frontage and would not result in any encroachment, or sprawl and would not lead to the merging of built up area. As such there would be no harm to any of the purposes of including land in the Green Belt over and above the impact on openness that has already occurred from the presence of the existing development and would result in limited infilling that has no greater impact than the existing development. The proposed development would not, therefore, comprise development that would be considered inappropriate in the Green Belt.
25. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

#### Impact on character and appearance of locality

26. The application site is located with a frontage along the A49 and as such is highly prominent along this part of the highway. It is also visible to the rear from Rivington Place, although has little interaction with the street frontage on this highway. The site is currently occupied by a restaurant building of traditional design style faced in painted render, but was previously occupied by a row of terraced dwellings until the late 1970s early 1980s.
27. The proposed development includes three building blocks comprising 7no. dwellings. These would be of a form and scale that reflects existing terraced properties on the A49 in this location and would be sited on the footprint of the existing building and in the position of the previous buildings fronting Preston Road. This would result in an appropriate form of development for the site in this location providing an active street frontage and visual interest. The dwellings would have a contemporary appearance through the use of larger window openings and through the reinterpretation of traditional design features such as chimney stacks, eaves banding detail and window proportions of vertical emphasis. These features have been considered in the context of traditional design features common to the locality. Although it is noted that dormers would be included to the rear roof slopes, these would be positioned in a less prominent part of the development and are small scale, well designed, features.
28. There would be small garden spaces to the front of the proposed dwellings resulting in some defensible space and enclosed gardens to the rear. Parking would also be located to the rear away from the main highway, which enables a better interaction between the development and the streetscene along the A49, which is the main visual receptor. Although the parking area and rear of the properties would be visible from Rivington Place the site does not currently contribute positively to the streetscene along Rivington Place, which is a cul-de-sac.
29. Overall, it is considered that the proposed development would result in a harmonious addition to the streetscene along this part of the A49, would be an appropriate design response to the site and character of the locality and overall would contribute positively to the character of the area. This 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 dwelling at plot 1 would be positioned to the south of no.2 Belmont Place. Plot 1 would have a black gable end facing this property. The proposed dwelling would be positioned approximately 3m from the rear garden boundary to this dwelling and approximately 13m from the dwelling itself. The gable would be slightly offset in relation to the windows to the rear of 2 Belmont Place, which is a bungalow and although there would be some impact on direct light levels to the rear garden, and to a lesser extent to the dwelling, it is considered that the impact is within acceptable levels, as is the impact on outlook, given that the positioning complies with the Council's adopted interface guidelines.
32. The windows in the rear elevation of plot 1 and other plots, including the dormer windows, are positioned perpendicular to existing properties along Belmont Place, with the exception of no.10. As such there are no direct views into these dwellings, and any views over rear garden areas are either via an obscure angle or at a distance that meets with the Council's interface guideline of 10m for habitable room windows facing rear gardens. The distance between plot 1 and the rear garden at 10 Belmont Place, which it directly faces is approximately 15m, which complies with the standard and is considered to be acceptable.
33. The proposed dwellings would have rear elevations facing the front of existing dwellings at 12, 14 and 16 Rivington Place. The facing windows would be positioned approximately 29m away, which is well in excess of the Council's adopted interface guideline of 21m for parallel facing windows. As such the impacts on outlook, privacy and light are considered to be within acceptable levels.
34. The proposed dwelling at plot 7 would be positioned approximately 4m to the north of the existing dwelling at 321 Preston Road and would have parallel facing gable ends, which would result in an appropriate relationship. On this basis the proposed dwellings meet with the Council's adopted interface standards and would have no adverse impact on amenity in this regard.
35. Policy BNE1 of the Chorley Local Plan 2012-2026 states that new development must not cause an unacceptable degree of noise disturbance to surrounding land uses.
36. It is noted that Rivington Place is a residential cul-de-sac of 12 addresses, and as such vehicle movements are currently low. It is proposed that vehicular access to the parking areas located to the rear of the proposed development would take place via the existing highway at Rivington Place. Rivington Place would remain a cul-de-sac with no through route, and given that the development and associated parking would serve only 7 dwellings the amount of traffic passing along the road would be limited and their associated speeds would be low. As such it is considered that the level of noise and disturbance would be limited and not harmful to amenity.
37. It is, however, noted that heavier vehicles such as construction traffic would result in disturbance and access difficulties for existing residents of Rivington Place within any construction phase of development. It is, therefore, recommended that a condition be attached to any grant of planning permission requiring a construction method statement setting out the construction and delivery times, vehicle routing and site access through the construction phases and that access should as far as possible be taken from the A49.

#### Highway safety

38. The proposed development would result in 7no. dwellings comprising three bedrooms in each. Each property would have two allocated parking spaces located either directly to the rear in the case of plots 6 and 7 or in a courtyard parking area at the rear of the site. This complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026.
39. Vehicular access would be taken from Rivington Place at the head of the cul-de-sac. It is recognised that Rivington Place is a cul-de-sac with a small turning head and narrow carriageway width. There is a concern, from a highway perspective, that large vehicles cannot turn in the turning head and any on street parking on Rivington Place would hinder these movements. This provides further justification in relation to the need for a construction

method statement. LCC highways have requested that the applicant proves the turning for a twin axle 11.2m long refuse wagon by swept path analysis. This possibility has been explored by the applicant, however, there is not the available space to make such provision without compromising the scheme to such an extent that it becomes unacceptable in other ways, such as a lack of amenity space of car parking.

40. Refuse vehicles currently reverse up Rivington Place to access the end properties and would continue to do so with or without the proposed development in place, and at exactly the same frequency. The only difference being that the refuse vehicles would leave Rivington Place having emptied more bins than they otherwise would have done without the development in place. Furthermore, the proposed development need not necessarily rely on waste collections taking place from Rivington Place as bins from the proposed dwellings could equally be emptied from the A49. The suggestion to implement an increased size turning head as part of the development is not, therefore, required to make the development acceptable in planning terms.
41. LCC highways have also requested that a pedestrian link be provided through the development site aiding the ease of pedestrian access to the A49 and the amenities to the north. Although this would provide a benefit in terms of accessibility, it would conflict with secured by design principles creating an enclosed area with the potential to attract anti-social behaviour. Furthermore, there would be implications in relation to the maintenance of such a pedestrian route. In addition to this the number of properties for which such an access would provide utility would be low. Consequently, the benefits of a pedestrian access are not significant enough to require its inclusion to make the development acceptable.
42. It is noted that LCC Highways, as technical advisors to the Local Planning Authority (LPA) on highway matters, does not have any objections in principle. It is, therefore, considered that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

#### Ecology

43. The application is accompanied by an ecology assessment of the site, including a bat survey to examine the potential of the building to support roosting bats, and to look for bats or signs of bats roosting in the property, which was undertaken in May 2020. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit).
44. The building and the shed/store were assessed as having negligible potential to support roosting bats, and no evidence of roosting bats was found during the internal and external inspections. No trees on the site were found to support features which could be used by roosting bats.
45. The trees and buildings could however be used by breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).
46. No other protected species were recorded on the site or were thought likely to be present.
47. Some small stands of cotoneaster were found within the site, which are listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) making it an offence to plant or cause the spread of these species in the wild.
48. GMEU consider that issues relating to bats, nesting birds, invasive species and landscaping can be resolved via condition and or appropriate informative.
49. Building demolition and vegetation clearance works should be undertaken outside the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.
50. A method statement for the removal of cotoneaster and prevention of its spread, should be followed during the site clearance, and carried out prior to the main development commencing.

51. A precautionary informative is used to make the applicant aware of the laws, which are in place to protect biodiversity, such as bats. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.
52. Biodiversity enhancements for the site should be sought in line with national planning guidelines. Measures within the ecology report (para 5.3) should be incorporated into the scheme and include use of native or wildlife friendly species perennials and trees within the landscaping scheme and provision of bird boxes within the new buildings or attached to the retained trees.
53. It is noted that vegetation was removed from the site prior to the application being made. This is regrettable, however, the trees that were removed were not protected by preservation order and the removal of vegetation is not development and can, therefore, be carried out without the prior consent of the LPA. Although nesting birds may have been present it is not possible to pursue legal proceedings in breach of the respective law without evidence having been obtained.

#### Flood risk and drainage

54. 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.
55. 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.
56. It is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.

#### Sustainability

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

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

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

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

#### Public open space (POS)

59. 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.
60. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating 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. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
61. Specifically the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications
62. To this end whilst 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.
63. Consequently, 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.
64. There is currently a surplus of provision in Chisnall 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. A contribution towards improvements is therefore also not required from this development.

#### Community Infrastructure Levy

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

#### Other matters

66. Claims made in the highway technical note are misleading: The highway technical note has been reviewed and verified by LCC Highways as technical advisor to the LPA.
67. There is a dispute over land ownership with opposing claims over land adjacent to 16 Rivington Place: Both the applicant and residents have provided land registry title plans that

differ in relation to ownership boundaries. The title plan details provided by the applicant demonstrate that the proposed site area reflects their understanding and position with regards to ownership. The Council's legal officer has examined the land registry documents provided by both parties and considers that there is adequate evidence to indicate that the proposed plans reflect the boundaries to the site identified as being within the ownership of the applicant. Although it would appear that there is a difference of opinion and evidence with regards to ownership boundaries this is essentially a civil matter to be resolved outside the planning process and the application can proceed to determination.

68. The land registry title restricts and prevent access being taken from Rivington Place: The Council's legal officer has examined the land registry documents and confirms that the title register provided by residents does seem to suggest that access to the proposed dwellings would not be possible along Rivington Place in respect of a restrictive covenant. However, this would not be a reason in itself to prevent the grant of planning permission. It may prevent the implementation of a planning permission but not the grant. This is essentially a civil matter to be resolved outside the planning process and the application can proceed to determination.
69. Concerns about the conduct of the developer: This is not a material planning consideration. It is recommended that a condition requiring a construction method statement is attached the grant of planning permission, which would enable some control of the method of construction activities on the site. Aside from this all building regulations, environmental health regulations and other relevant statutory regulations would apply.

## **CONCLUSION**

70. The proposed development would not represent inappropriate development in the Green Belt. The proposal would not harm to the character of the area or the amenity of neighbouring occupiers and there would be no unacceptable impact on highway safety or ecology. The proposed development is, therefore, considered to be acceptable and as such is recommended for approval.

## **RELEVANT HISTORY OF THE SITE**

- Ref:** 96/00272/FUL      **Decision:** PERFPP      **Decision Date:** 16 July 1996  
**Description:** Entrance gate, retrospective application for boundary wall and amendments to previously approved application 9/94/486 to provide wheelchair access and store
- Ref:** 94/00486/FUL      **Decision:** PERFPP      **Decision Date:** 30 August 1994  
**Description:** Single storey side extension to existing restaurant
- Ref:** 91/01008/FUL      **Decision:** PERFPP      **Decision Date:** 19 November 1991  
**Description:** Two-storey rear extension
- Ref:** 91/00917/FUL      **Decision:** PERFPP      **Decision Date:** 19 November 1991  
**Description:** Two-storey rear extension
- Ref:** 84/00028/ADV      **Decision:** PERFPP      **Decision Date:** 11 June 1984  
**Description:** Display of 3 illuminated board signs on walls and illuminated lantern over front door
- Ref:** 82/00553/FUL      **Decision:** PERFPP      **Decision Date:** 26 October 1982  
**Description:** Extension to Car Park
- Ref:** 81/00191/OUT      **Decision:** PEROOPP      **Decision Date:** 27 April 1981  
**Description:** Outline application for house and garage

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

Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

#### Suggested conditions

No.	Condition																								
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>																								
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th><th>Drawing Reference</th><th>Received date</th></tr> </thead> <tbody> <tr> <td>Location Plan</td><td>SK(--001</td><td>03 June 2020</td></tr> <tr> <td>Site plan as proposed</td><td>SK(--101 Rev.B</td><td>27 August 2020</td></tr> <tr> <td>Street elevations as proposed</td><td>SK(--201 Rev.A</td><td>13 August 2020</td></tr> <tr> <td>Elevations – Fisher type mews</td><td>SK(11)401</td><td>03 June 2020</td></tr> <tr> <td>Floor plans – Fisher type mews</td><td>SK(11)301</td><td>03 June 2020</td></tr> <tr> <td>Elevations – Fisher type semi</td><td>SK(11)400</td><td>03 June 2020</td></tr> <tr> <td>Floor plans – Fisher type mews</td><td>SK(11)300</td><td>03 June 2020</td></tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Drawing Reference	Received date	Location Plan	SK(--001	03 June 2020	Site plan as proposed	SK(--101 Rev.B	27 August 2020	Street elevations as proposed	SK(--201 Rev.A	13 August 2020	Elevations – Fisher type mews	SK(11)401	03 June 2020	Floor plans – Fisher type mews	SK(11)301	03 June 2020	Elevations – Fisher type semi	SK(11)400	03 June 2020	Floor plans – Fisher type mews	SK(11)300	03 June 2020
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3.	<p>No development, other than demolition works, shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:</p> <ul style="list-style-type: none"> <li>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;</li> <li>(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and</li> <li>(iii) A timetable for its implementation.</li> </ul> <p>The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall thereafter be carried out only in accordance with the approved drainage scheme.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>																								
4.	<p>Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.</p>																								

	<i>Reason: To secure proper drainage and to manage the risk of flooding and pollution.</i>
5.	<p>Prior to the erection of the superstructure of the dwellings hereby approved samples of all external facing and roofing materials, and boundary treatment materials, (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
6.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>No building demolition nor works to trees and shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
8.	<p>Prior to any earthworks being carried out a method statement detailing eradication and/or control and/or avoidance measures for cotoneaster shall be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to thereafter and implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Due to the presence of invasive plant species.</i></p>
9.	<p>Prior to the erection of the superstructure of any dwelling hereby approved a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan should include elements to mitigate for loss of trees, shrubs and bird nesting and hedgehog habitat. Landscaping proposals shall comprise only native plant communities appropriate to the natural area. The approved scheme shall thereafter be implemented 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 mitigate for the loss of habitat and 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>
10.	<p>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Ascent it is no longer possible to set</i></p>

	<p><i>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>
11.	<p>Prior to the erection of the superstructures of the dwellings hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p> <p><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 Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so is can be assured that the design meets the required dwelling emission rate.</i></p>
12.	<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 Ascent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
13.	<p>No part of the development hereby approved, other than demolition, shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
14.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the construction of the site access and the off-site works of highway improvement has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.</i></p>
15.	<p>The existing access shall be physically and permanently closed and the existing footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access)</p>

	<p><i>Reason: To limit the number of access points and to maintain the proper construction of the highway.</i></p>
16.	<p>A private car park and manoeuvring scheme shall be submitted to and approved by the Local Planning Authority and the car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan prior to occupation of the associated dwellings and permanently maintained thereafter.</p> <p><i>Reason: To allow for the effective use of the parking areas.</i></p>
17.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the rear of the properties shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>
18.	<p>Due to the proposed sensitive end-use (residential housing with gardens), the development should not commence, other than demolition, until the applicant has submitted to and had approved in writing by the Local Planning Authority a report setting out the results of an intrusive ground investigation to assess the ground conditions through obtaining soil samples for contamination analysis and asbestos detection and, where possible, groundwater and surface water samples for contamination analysis. A detailed geological and mining risk assessment should also be carried out.</p> <p>The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.</p> <p><i>Reason: It is the applicant's responsibility to properly address any land contamination issues, to ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).</i></p>
19.	<p>No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>i. the parking of vehicles of site operatives and visitors</li> <li>ii. hours of operation (including deliveries) during construction and delivery times</li> <li>iii. loading and unloading of plant and materials</li> <li>iv. storage of plant and materials used in constructing the development</li> <li>v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>vi. wheel washing facilities</li> <li>vii. measures to control the emission of dust and dirt during construction</li> <li>viii. a scheme for recycling/disposing of waste resulting from demolition and construction works</li> <li>ix. vehicle routing and site access during construction</li> </ul> <p><i>Reason: in the interests of highway safety and to protect the amenities of the nearby residents.</i></p>