

Planning Committee

Tuesday, 7th December 2021, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

I am now able to enclose, for consideration at the above meeting of the Planning Committee, the following reports that were unavailable when the agenda was published.

Agenda

3 **Planning applications to be determined**

The Director (Planning and Development) has submitted ten items for planning applications to be determined (enclosed).

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

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

- | | | |
|----------|--|-----------------|
| a | 19/00251/FUL - Land To The Rear of 13-16 Spinners Close, Coppull | (Pages 7 - 22) |
| b | 21/00361/FUL - The Village Hall, 47 Chapel Lane, Coppull, Chorley | (Pages 23 - 30) |
| c | 21/00419/FUL - Land adjacent to Harbour Barn, Harbour Lane, Wheelton | (Pages 31 - 38) |
| d | 21/00545/CLEUD - Land adjacent to Wigan Lodge, Wigan Lane, Chorley | (Pages 39 - 44) |
| e | 21/01171/FUL - Land South Of Red Bank Scout Hut, Little Carr Lane, Chorley | (Pages 45 - 50) |
| f | 21/00745/FULMAJ - Alison Arms, 279 Preston Road, Coppull, Chorley, PR7 5DU | (Pages 51 - 62) |
| g | 21/00954/OUT - Roecroft Farmhouse, Ulnes Walton Lane, Ulnes Walton, Leyland, PR26 8LT | (Pages 63 - 78) |
| h | 21/01017/FUL - Blainscough Works, Blainscough Lane, Coppull, Chorley, PR7 5HT | (Pages 79 - 94) |

i 21/01104/FUL - Mediterranean At Robin Hood, Blue Stone Lane, Mawdesley

This item has been withdrawn from the agenda.

j 21/00839/FUL - Cuerden Valley Park, Shady Lane, Cuerden

(Pages 95 -
106)

4 Appeals Report

(Pages 107 -
110)

To receive and consider the report of the Director of Planning and Development.

Gary Hall
Chief Executive

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Magda Cullens, Gordon France, Peter Gabbott, Danny Gee, Tom Gray, Harold Heaton, Keith Iddon, Alistair Morwood and Alan Whittaker.

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

[To view the procedure for public questions/ speaking click here and scroll to page 119](#)

APPLICATION REPORT – 19/00251/FUL

Validation Date: 25 March 2019

Ward: Coppull

Type of Application: Full Planning

Proposal: Erection of a building comprising 4no. apartments and a building comprising 2no. bungalows with associated parking and landscaping

Location: Land To The Rear Of 13-16 Spinners Close Coppull

Case Officer: Mr Iain Crossland

Applicant: Mr Christopher Pugh, Tatton Estates

Agent: Miss Katie Morgan, Baldwin Design Consultancy

Consultation expiry: 3 December 2020

Decision due by: 24 May 2019

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the settlement area of Coppull to the west side of an existing mill pond, once associated with Coppull Ring Mill located to the north, and on land between the pond and a recent housing development located to the west at Spinners Close. The majority of the land is designated as Existing Open Space within the Chorley Local Plan 2012 – 2026 and the pond is used for recreational fishing purposes and falls within the ownership of the applicant. Some of the site is with an area identified as a Biological Heritage Site.

3. The character of the locality is mixed and has undergone significant change since the mill building changed from its original purpose. The mill building, which is grade II listed, is located to the north of the site and has now become the Coppull Enterprise Centre, which is divided amongst a range of businesses and uses. To the east side of the pond is The Red Herring public house, which is also grade II listed. To the north, south and west are residential developments including the recent development at The Landings, a less recent development at Spinners Close and more well established housing stock to the south. As such there is a range of building types and uses in the vicinity. The pond and surrounding greenspace forms an important visual amenity role in this context, and is a prominent feature on entering the Coppull Enterprise Centre and new housing development at The Landings. It is noted that the trees to the southern portion of the site are protected by tree preservation orders.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks planning permission for the erection of a building comprising 4no. apartments and a building comprising 2no. bungalows with associated parking and landscaping. The proposed buildings are of a modern design style with the apartment building resembling a pair of semi detached dwellings. There would be an access road from the estate road serving The Landings, with dedicated resident and visitor parking spaces.

5. It is noted that the proposal has been amended since the application was originally submitted from a single two storey building of greater scale and mass comprising eight apartments that extended across the entirety of the rear gardens at nos.13 to 16 Spinners Close.

REPRESENTATIONS

6. Representations have been received from the occupiers of 9 no. addresses citing the following grounds of objection:

- Impact on the amenity of occupiers at Spinners Close due to overlooking, overshadowing and overbearing resulting in loss of privacy, light and outlook.
- Loss of public open space, which has been identified for protection.
- Loss of trees and ecological impact.
- Impact on the character of the area.
- Impact on highway capacity.
- Impact of construction works on the integrity of nearby houses.
- Impact of construction works on amenity of neighbouring occupiers.
- There is no evidence of anti-social behaviour and littering as put forward by the applicant.
- Impact on drainage.
- Concerns over the stability of the land.
- The development includes land in other ownership.

CONSULTATIONS

7. Coppull Parish Council: Have commented that there would be considerable loss of amenity and overshadowing of the rear of the properties on Spinners Close and loss of wildlife habitat as well as additional traffic on Mill Lane.

8. Greater Manchester Ecology Unit: Recommend a condition requiring a landscape and ecological management plan to secure the proposed net gain for biodiversity.

9. Waste & Contaminated Land: Have no objection.

10. Lancashire County Council Highway Services (LCC Highways): Have no objection subject to conditions.

11. Lead Local Flood Authority: Have no comments to make.

12. United Utilities: Have no objection subject to conditions.

13. Lancashire Fire And Rescue Service: Recommend standard advice.

PLANNING CONSIDERATIONS

Principle of development

14. One of the core principles of the National Planning Policy Framework (the Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a sustainable location with access to some local amenities such as shops, schools, community centres, churches, sports facilities and public houses, with some access to public transport. The Framework also states that development in sustainable locations should be approved without delay.

15. In relation to the status of the application site the Framework provides support for the protection of public open space, whilst paragraph 174 d) of the Framework explains that planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing [...] sites of biodiversity [...] (in a manner commensurate with their statutory status or identified quality in the development plan); d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

16. The Central Lancashire Core Strategy Policy 1 is concerned with locating growth and identifies Coppull as an Urban Local Service Centre where some growth and investment is encouraged. The proposed site is located within the defined settlement boundary of Coppull, under policy V2 of the Chorley Local Plan 2012 - 2026. Within the settlement boundary there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and other policies and proposals.

17. The proposal would involve the loss of part of an area of public open space that is designated under policy HW2 of the Chorley Local Plan 2012-2026 as Reservoir, Mill Lane. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:

18. Criterion a) has not been satisfied: "*alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available*", therefore the proposal is assessed against the criteria below:

b) It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility

19. Most of the site falls within the open space typology of natural/semi-natural greenspace. There is currently a deficit of provision of this typology in Coppull and the loss of part of the open space would make the deficit worse. It is noted, however, that Yarrow Valley County Park is within relatively close proximity but technically falls within Euxton north ward. The Country Park comprises over 322ha of designated semi-natural greenspace and extends up to the settlement boundary of Coppull, whilst the main entrance is only 1 mile from the application site and there are also public rights of way off Sunny Brow (FP-15) just 0.8 miles from the site. These lead into and through the Country Park. To put this into context, Yarrow Valley Country Park is over 4.5 times the amount of natural / semi-natural green space identified as being required for Euxton and Coppull combined. As a result the reality is that there is reasonable quantity and accessibility to this typology of open space in the locality.

c) The site is not identified as being of high quality and/or high value in the Open Space Study

20. The site is identified as low quality and high value in the new Open Space Study.

d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area

21. The wider area of open space, which includes the reservoir, does serve a recreational need in the local area as it is used for fishing, although its specified purpose is not for recreation. However, the western strip of the open space that is proposed to be developed is a more semi natural woodland that has regenerated and does not serve any particular recreational function.

e) The site does not make a significant contribution to the character of an area in terms of visual amenity

22. Part of the proposed site is covered by existing hard standing, which does not contribute positively to the character of the area in terms of visual amenity. The remainder is covered with scrub and trees, which provides a green backdrop and softens the periphery of the open space, along the southern boundary in particular. The proposed development would be located within the area of hard standing but would result in the loss of some trees and vegetation to the western side of the open space as it would extend to the south of the area of hard standing. Although the wider open space does make a significant contribution to the character of the area, the loss of this part of the site would have only a limited impact on the overall significant contribution that the open space provides. Furthermore it is proposed that the retained open space would be improved through a landscape and environmental management plan, which it is considered would mitigate the loss of the western strip of the open space through improving the

remaining area of open space. Overall, the area of the public open space that would be lost would only be a small proportion of the entire area and would be a portion of lower quality.

23. As the site has been assessed as scoring high value in the Open Space Study and would technically lead to a further deficit of provision of this typology in Coppull, alternative provision would be required under criterion a) in order to comply with policy HW2, however, there are no improvement schemes within the accessibility catchment area of 800m for this typology. Furthermore the proposal would result in the loss of only a small part of the open space, which is partially covered with hardstanding and is of lower quality. The remainder of the open space would be improved as part of the overall proposal. The primary purpose of natural / semi-natural open space typology is for wildlife conservation, biodiversity and environmental education and awareness. Given that the remainder of the site would be improved for biodiversity this would offset the loss of the poorer quality area that would be developed. In addition, Yarrow Valley is nearby, which provides additional opportunities for environmental education and awareness for local residents. As such it is considered that the proposed development complies with the objectives of policy HW2 of the Chorley Local Plan 2012-2026 in this instance, subject to an appropriately detailed landscape and ecological management plan being secured by condition and implemented in full.

Impact on character and appearance of locality

24. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

25. The application site forms part of an existing open space centred around a former mill pond, or lodge as it is referred to locally. Over time trees and vegetation have colonised the banks and area around the pond, whilst there is a gravel track to the north west side that connects with the access road, and is generally used by those accessing the pond for fishing. There are larger and better quality trees situated to the south of the site and the pond. The trees and vegetation to the west of the pond and adjacent to the hardstanding have a generally scrubby appearance, however, they do provide a softened semi natural backdrop to the pond in this area of the site.

26. The proposed development involves the construction of a single storey building comprising two bungalows and a two storey building comprising four apartments in the vicinity of the access track to the west side of the site. A surfaced road would be constructed into the site with parking spaces included for residents and visitors. The development would necessitate the removal of a mature poplar and a mature willow tree in addition to a number of smaller young trees at the west side of the pond in the southern section of the application site.

27. This would have the effect of opening up the west side of the space when viewed from the north and east. The proposed development would have the effect of continuing the built form of The Landings development into the site, which would have the benefit of better connecting the housing development into the green space. The two buildings that would be constructed would face onto the pond with an active frontage, which would allow for natural surveillance, whilst proving a connection with the space.

28. The single storey bungalow building would be of a simple modern form with a hipped roof and front gables. There would be gardens to the sides and front doors facing onto the access road. The apartment building would be a simple two storey building with a dual pitched roof resembling a pair of semi detached houses. Both buildings would be faced in red brick with feature sills and lintels. Their design and appearance would reflect some of the characteristics of the housing estate at The Landings and would form a natural spur from this development. The proposed development would allow for some replanting of trees, and the planting of a native hedgerow and wildflower meadow, whilst improvements to the area around the pond are also proposed.

29. Given that the part of the open space that would be developed is already partially open with a hard surfaced gravel track and the trees that would be removed are of a lesser quality,

appearance and variety, the overall appearance of the site and area would not be compromised to any harmful extent. The development would result in the western side of the site having a less scrubby appearance and would be of a more orderly managed form that would be more suburban in character. This would reflect the evolving nature of the surroundings since the development of Spinners Close to the west, which was also previously scrub land, and The Landings to the north, which formed a parking and manoeuvring area to Coppull Ring Mill.

30. Overall, it is considered that the proposed development would not have a harmful impact on the character of the area and would be an appropriate design response to the site. This complies with policy BNE1 of the Chorley Local Plan 2012 - 2026.

Neighbour amenity

31. 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.

32. The nearest dwellings to the application site are at Spinners Close to the west and Mavis Drive to the south. In both instances these are situated at a lower level to the application site. There are four dwellings at nos.13 to 16 Spinners Close, which back onto the application site and have rear gardens adjacent to the site. The proposed single storey building comprising the bungalow dwellings would be situated directly to the rear of no.13 Spinners Close. It would be positioned at a floor level approximately 2m higher than the rear garden at this dwelling and would have an eaves and ridge height of approximately 2.8m and 5.7m respectively. The building would be located approximately 20.5m away from the dwelling at its nearest point, whilst it would be around 6m from the garden boundary fence. There would be no windows to habitable rooms in the rear of the proposed building and, therefore, no impact on privacy, whilst the degree of separation and height of the building is such that it would not have an unacceptably harmful impact on outlook or light, with only some impact on direct early morning light levels occurring. When accounting for the difference in levels the bungalows would have an impact similar to that of a gable end to a dwelling, the interface for which the Council considers acceptable at 12m. In this instance the separation is approximately 20.5m.

33. The proposed two storey building would be positioned to the rear of no.16 Spinners Close at an angle. It would be situated at a floor level approximately 2m higher than the rear garden at this dwelling and would have an eaves and ridge height of approximately 5.4m and 9m respectively. The building would be located approximately 20m away from the dwelling at its nearest corner point, whilst it would be around 14m from the garden boundary fence. There would be windows to habitable rooms in the rear elevation of the proposed building at ground floor and first floor, although some of these would be high level windows. These windows would not be parallel facing those at no.16 Spinners Close, given the angle of the building, and would not result in views over the garden area at this dwelling. Given the relative positioning and degree of separation there would be no unacceptable impact on privacy levels. The degree of separation and relative positioning of the buildings are such that it would not have a harmful impact on outlook or light, with only some impact on direct early morning light levels, which are already compromised to some extent by the existing trees and vegetation.

34. The dwellings at nos.14 and 15 Spinners Close would remain largely open to the rear and would face areas of garden, parking and vehicle manoeuvring, which would be largely screened by hedges and fences.

35. Dwellings to the south at Mavis Drive would be located approximately 35m from the two storey apartments building, whilst it would be at least 18m from the gardens to these properties. The degree of separation is such that there would be no unacceptable impact on the amenity of the occupiers of these dwellings.

36. There is a more recently completed dwelling at no.110 Mill Lane that is located to the north of the application site. It would be positioned approximately 13m from the proposed single storey bungalow building. There would be parallel facing windows at ground floor, however, any intervisibility between these windows would be screened by boundary fencing. The degree of

separation and height of the building are such that there would be no unacceptably harmful impact on outlook or light in relation to this dwelling.

37. Overall the proposed development would have no unacceptably detrimental impact on the amenity of any neighbouring residential occupiers.

Impact on heritage assets

38. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.

39. In relation to listed buildings and their setting Section 66(1) sets out that the Council should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

40. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:

41. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

42. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

43. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

44. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

45. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

46. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

47. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:

- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
- b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
- c) Identifying and adopting a local list of heritage assets for each Authority.

48. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:

- a) Applications affecting a Heritage Asset or its setting will be granted where it:
 - i. Is in accordance with the Framework and relevant Historic England guidance;
 - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
 - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;

- b) 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 historic environment and where they show consideration for the following:

- i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
- ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
- iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;
- iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, non-original style windows, doors, satellite dishes or other equipment;
- iv. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
- vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.

49. 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.

50. The proposed development site is located approximately 53 metres to the south west of the former Coppull Ring Mill, now Coppull Enterprise Centre, a grade II listed former cotton mill. The site to the immediate west of the extant mill building was previously occupied by the companion Mavis Mill, which was near identical in size and design and with which it shared the boiler and

engine house. Mavis Mill was demolished in the 1960s. The whole site was one of the last developed mill sites in the area, dating from 1906. The site of Mavis Mill is now occupied, in part, by a quite recent housing development.

51. The extant mill building is an imposing red brick and faience structure with a distinctive stair tower, now incorporating telecommunications equipment, to the south east corner. Between it and the proposed development site is a quite substantial pond, a former reservoir that supplied the mill with water for, amongst other things, the boilers that supplied steam to the mill engine.

52. To the south of the site are to be found the traditional mill workers terraced housing, with more recent housing developments, for example, at Spinney Close to the west. The east of the mill site is bounded by the West Coast Main (railway) Line between Preston and Wigan.

53. The significance of the listed building is derived from its sheer scale and design, which remains substantially unchanged from when it was last active as a cotton mill. The most notable change occurred prior to listing with the loss of its immediate neighbour, Mavis Mill. Given the substantial mass and presence of the Coppull Ring Mill building, the separation distance to the proposed development site, the relatively small scale of the proposed development and the presence of other dwellinghouses in relatively close proximity, it is considered that the proposed development would have little material impact upon the setting thereof. The existence of the 'lake' in the intervening distance also helps to maintain a degree of visual separation between the site and the listed building.

54. It is, therefore, considered that the proposed development would preserve the appearance and setting of the adjacent grade II listed building, Coppull Ring Mill (now Coppull Enterprise Centre) and thus also sustain the significance of this designated heritage asset. Accordingly the proposed development would meet the duty to 'preserve' as laid down by s.66 of the P(LBCA) Act 1990 and meet the objectives of Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012-2026.

Highway safety

55. Policy BNE1 of The Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that, the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

56. The proposed development would result in the construction of two buildings comprising six dwellings, made up of two one bedrooomed bungalows and four two bedrooomed apartments. On-site parking provision for a total of 11 no. cars would be included, which complies with the parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026. In addition to this secured bicycle parking stands would be provided to aid those seeking to access to the pond for recreational purposes.

57. The site is accessed off Mill Lane, which provides access to a recently developed residential housing scheme. As part of this housing development there have been improvements to the pedestrian movements with 2m wide footways and bridleway improvements.

58. LCC Highway Services have confirmed that they do not have any objections regarding the proposed development and are of the opinion that it would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology and biodiversity

59. Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.

60. Part of the site falls within BNE9 (Darlington Sidings and Clancutt Brook) biological heritage site. The Biodiversity and Nature Conservation SPD, in line with the Framework, seeks the

enhancement of sites and a net gain in biodiversity, where possible. Paragraph 85 explains that proposals are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity or geological features, or which will enhance or restore ecological networks.

61. The application is accompanied by an ecology assessment of the site. This acknowledges that the site falls within Darlington Sidings & Clancutt Brook Biological Heritage Site (BHS), and that the proposal would result in the loss of woodland, which cannot be replaced on the site. However, the report states that it is not anticipated that the functionality of the BHS or the woodland would be significantly impacted by the proposal, as long as best practice pollution prevention and tree protection measures are implemented.

62. Habitat fragmentation would be minimised through the planting of a 93m native hedgerow. It is stated that the landscaping proposals would result in a 50.3% biodiversity net gain. A management plan should be implemented over a 15 year period. This would include enhancement of retained woodland in and adjacent to the site as well as the management of newly created wildflower grassland. It is anticipated that additional biodiversity enhancements could be provided through the installation of bat and bird boxes and brash piles for hedgehog.

63. A sensitive lighting strategy would be implemented to minimise impacts to foraging bats. A pre-commencement check of introduced shrub would be undertaken for hedgehogs prior to any clearance and brash piles retained as refugia for this species. Gaps would also be retained under boundary fences to allow for the passage of hedgehogs through the site.

64. Paragraph 174(d) of the Framework states that "Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity..." The Government 25-year Environment Plan states that government will "embed environmental net gain principle for development".

65. In July 2019, the Government issued revised planning practice guidance (NPPG) with details on how planners can implement "net environmental gain" requirements when assessing development proposals, including new advice on protecting wildlife.

66. Revised guidance recently published by the Government states that net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand. Net gain is an umbrella term for both biodiversity net gain and wider environmental net gain. It states: "Planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity".

67. In terms of measuring net gain, the guidance states that using a metric is a pragmatic way to calculate the impact of a development and the net gain that can be achieved. It goes on to state that "tools such as the Defra biodiversity metric can be used to assess whether a biodiversity net gain outcome is expected to be achieved".

68. The ecology assessment has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) (GMEU) who advise that the ecological consultants appear to have undertaken a detailed survey of the site and carried out an appropriate level of survey. GMEU confirm that provided long term enhancements are made on the rest of the BHS in the applicant's ownership as set out in the ecological assessment, the proposal could deliver a net gain for biodiversity. A detailed and costed management plan for a minimum of 15 years would need to be provided and then implemented in full. Monitoring reports would also be required. It is recommended that this be secured through a condition requiring a landscape and ecological management plan (LEMP), which would be subject to detailed review and examination in consultation with GMEU in order to ensure that the proposed biodiversity benefits are delivered in a sustainable manner. On this basis the proposal is considered to comply with policy BNE9 of the Chorley Local Plan 2012-2026 in consideration of the significant benefit derived from the provision of new homes.

Impact on trees

69. The application site comprises a number of trees the majority of which are located to the south of the site. The best quality specimens are located along the southern boundary and would be retained. Approximately 15no. trees (recorded as 2no. individual trees and parts of 2no. tree groups) would be removed to facilitate the development proposal. The tree groups include younger trees that are low value multi-stemmed specimens. The two individual trees comprise a mature willow of good condition and a poplar of impaired condition. The removal of all these trees would permanently reduce canopy cover on site by approximately 20%. The functions of the retained portion of the tree groups as screening, shade and wildlife area would remain largely unaffected and the canopies of retained trees within the group would have the opportunity to regrow over time to replace those that would be removed to some degree.

70. Policy BNE10 of the Chorley Local Plan 2012-2026 provides specific requirements in relation to trees and in particular requires replanting where development would take place that would result in the loss of, or inappropriate works to, trees in area where trees make a valuable contribution to landscape character.

71. The trees that have been identified for removal have been assessed by the Council's tree officer, who considers that they have minimal arboricultural value but do provide some amenity benefits in terms of the screening that they provide. The loss of the trees would reduce the amount of available screening in relation to the nearby dwellings, in particular at Spinners Close. However, their removal would not compromise the landscape character of the area to a harmful extent, given their limited quality and level of tree retention. The best quality trees would be retained and some replanting would be secured through a landscape and ecological management plan.

72. On the basis that a landscaping scheme is provided to mitigate some of the resultant harm through the loss of trees and a tree protection plan is secured in relation to the remaining trees, it is considered that the proposal complies with policy BNE10 of the Chorley Local Plan 2012-2026.

Flood risk and drainage

73. 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.

74. 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.

75. In the absence of a detailed drainage scheme at this stage it is recommended that a condition is attached to any grant of planning permission requiring the applicant to submit details of a sustainable surface water drainage scheme that is designed in accordance with the surface water drainage hierarchy outlined above. It is recommended that the condition requires such details to be submitted prior to the commencement of development, and that any subsequently approved scheme be implemented in full.

Sustainability

76. 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 1st 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.”

77. “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.”

78. Given this change, instead of meeting the code level, the bungalow 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)

79. 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.

80. 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.

81. Specifically the guidance 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.

82. 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.

83. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

84. There is currently a surplus of provision in Coppull in relation to this standard and, therefore, a contribution towards new provision is not required. The approach would, therefore, be to improve existing facilities in the catchment. However, the site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is, therefore, not required from this development.

Land stability

85. It is noted that some concerns have been raised by nearby residents in relation to the stability of the land and the impact that any works on the site might have upon their dwellings. Policy BNE7 of the Chorley Local Plan 2012-2026 relates to development on unstable or potentially unstable land. The preamble to this policy states in paragraph 7.23 that the Framework refers to preventing both new and existing development being put at unacceptable risk from, or being adversely affected by land instability. It states that unstable land is most likely to arise in connection with former coal workings such as in and around Adlington (including Anderton and Heath Charnock), Coppull and Chorley Town. It is clear, therefore, that this policy relates to sites which may have a potential stability risk specifically associated with coal workings or quarries.

86. It is known that a Phase I & Phase II site investigation report was submitted with the adjacent development site at The Landings, which included a coal mining report. It is noted that paragraph 4.3 of the Phase II report states that the site is in an area that is affected by coal mining and, therefore, a Coal Authority Coal Mining Report was obtained for the purposes of the report. The salient points of the coal mining report being: "According to the records in our possession, the property is not within the zone of likely physical influence on the surface from past underground workings". "The property is not in the likely zone of influence of any present underground coal Geo-Environmental Investigation January 2012 Land off Mill Lane, Coppull 44209p1r0 14 of 44 workings". "There are no known coal mine entries within, or within 20 metres of, the boundary of the property". "The property is not within the boundary of an opencast site from which coal has been removed by opencast methods". "The Coal Authority has not received a damage notice or claim for the property since 31 October 1994. There is no current Stop Notice delaying the start of remedial works or repairs to the property". Based on this and the recorded geology of the adjacent site, the risk of past recorded coal mining affecting surface stability of the application site is considered to be negligible. Consequently it is not considered that a stability report is necessary in this instance.

87. The application site is located at the top of a bank relative to Spinners Close and Mavis Drive and it is a matter for any developer of the site to satisfy themselves that development would not compromise the stability of the adjacent land and buildings. The Local Planning Authority can only determine the application on the basis of the information submitted, however, this does not mean that the land is free from instability. This is a matter for the landowner to ensure from a public safety perspective and in relation to other surrounding land and assets that may be affected. Ultimately the responsibility for the safe development rests with the developer.

Community Infrastructure Levy

88. 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

89. Impact of construction works on amenity of neighbouring occupiers: The method of construction is a matter for the developer to consider in line with building regulations. The impact of the building works on the amenity of neighbouring occupiers can be managed through the submission of a construction method statement, which is recommended by required by condition.

90. There is no evidence of anti-social behaviour and littering as put forward by the applicant: There is some evidence of anti-social behaviour at the site that has been advanced in the form of an email from the local PCSO.

91. The development includes land in other ownership: This is a civil matter to be resolved between the developer and any affected land owners.

CONCLUSION

92. The proposed development would not result in any significant 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 loss of the public open space would not be harmful in consideration of the nature of the land to be developed and improvements that would be carried out to the remaining public open space. The proposed development is, therefore, considered to be acceptable and as such is recommended for approval subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 16/00656/FULMAJ

Decision: PERFPP

Decision Date: 11 May 2018

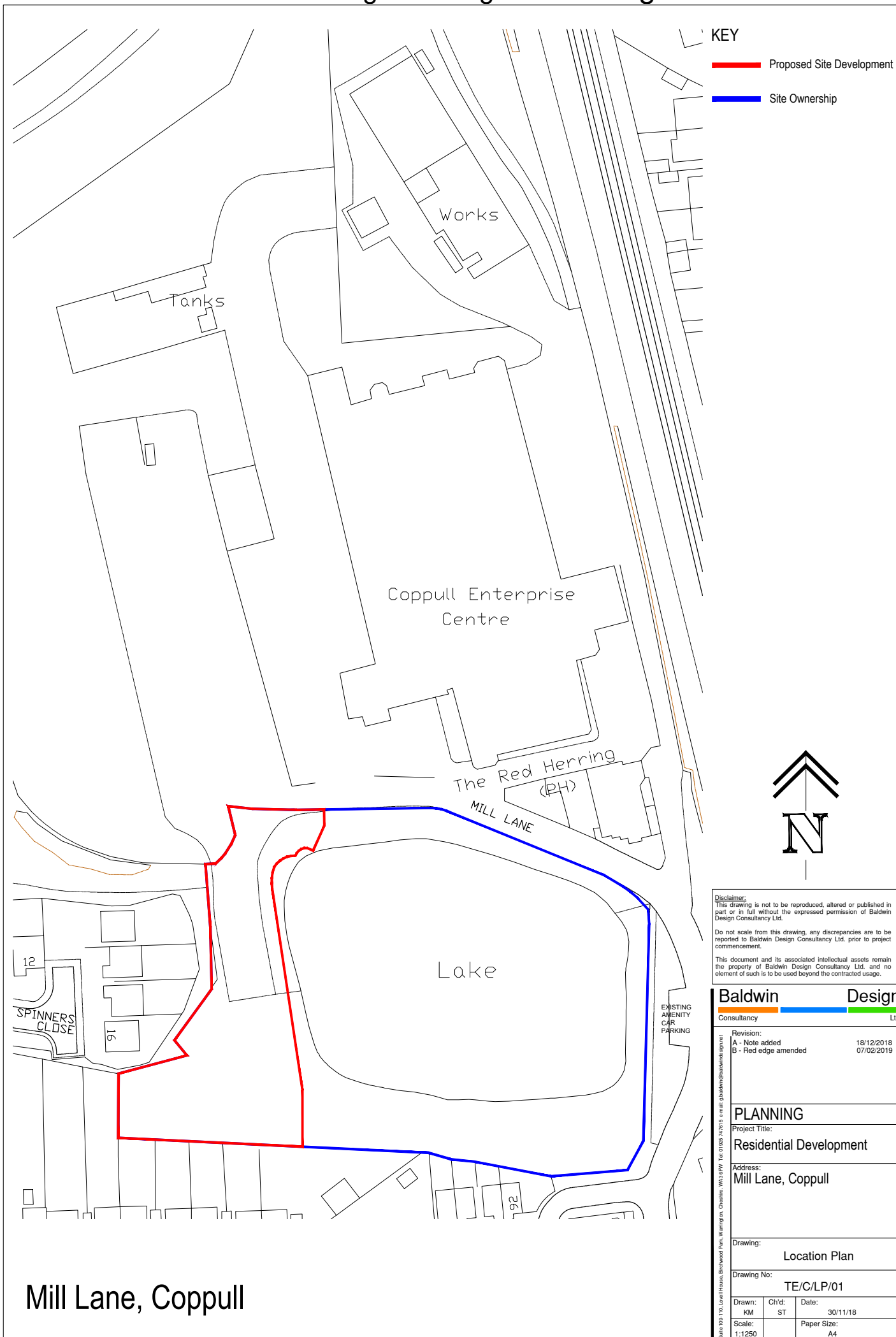
Description: Detailed planning consent for the erection of 75 dwellings with associated access arrangements at land adjacent to Coppull Enterprise Centre, Chorley

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

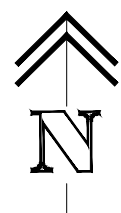
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Mill Lane, Coppull

KEY

- Proposed Site Development
- Site Ownership



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Consultancy Ltd

Revision:	
A - Note added	18/12/2018
B - Red edge amended	07/02/2019

PLANNING
Project Title:
Residential Development

Address:
Mill Lane, Coppull

Drawing:
Location Plan

Drawing No:
TE/C/LP/01

Drawn:	Ch'd:	Date:
KM	ST	30/11/18
Scale:	Paper Size:	
1:1250	A4	

Scale 1024 110, Lovell House, Birchwood Park, Warrington, Cheshire, WA3 9JW. Tel: 01928 747816, e-mail: pbaldwin@baldwindesign.com

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APPLICATION REPORT – 21/00361/FUL

Validation Date: 4 May 2021

Ward: Coppull

Type of Application: Full Planning

Proposal: Erection of building to provide nursery and community meeting facilities following demolition of existing Village Hall

Location: The Village Hall 47 Chapel Lane Coppull Chorley PR7 4PG

Case Officer: Mr Iain Crossland

Applicant: Mrs Sue Edwards, Coppull Parish Council

Agent: Mr Peter Entwistle, PCE Designs Ltd

Consultation expiry: 19 November 2021

Decision due by: 29 June 2021

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the settlement area of Coppull and is occupied by a village hall that is used by Coppull Parish Council for meetings and community purposes and is also used as a childrens day care nursery. The site is within an established residential location and sits between semi-detached dwellings on either side, with dwellings to the rear and on the opposite side of Chapel Lane. The building on the site is a single storey structure of simple form with a steep dual pitched roof and gable end facing the highway, resembling a basic form of chapel, and is faced in painted timber with a sheet metal roof. There is a small yard area to the front of the building with railings adjacent to the highway and a larger outdoor area to the rear that provides an outdoor play space for the nursery. There is no dedicated off street parking.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the erection of a building to provide a childrens day care nursery and community meeting facilities following the demolition of the existing Village Hall. The proposed building would be a two storey structure of simple modern design with the character of a large dwellinghouse. It would be faced in brick with a tiled roof and would have a front gable projecting forward towards the highway and positioned to the north side of the building. There would be some limited parking created to the front of the site that would be accessed from Chapel Lane, whilst outdoor play space would be provided to the rear.
4. It is noted that since the application was originally submitted the height of the building has been reduced and the position of the building altered in relation to residential neighbour amenity concerns and in relation to the impact on the character of the area.

REPRESENTATIONS

5. Representations have been received from the occupiers of 3no. addresses citing the following grounds of objection:
 - Adverse impact on privacy of occupiers to the rear.
 - Adverse impact on privacy of occupiers to the front.
 - Impact on highway amenity through lack of parking provision.
 - Adverse impact on light and outlook due to the height of the building.
 - Noise generation.
 - Use of obscure glazing should be included.
 - Impact on views of the night sky.
 - Impact on property value.

CONSULTATIONS

6. Coppull Parish Council: Has a conflict of interest on this application and has not commented.
7. Lancashire County Council Highway Services (LCC Highway Services): Have no objection.
8. United Utilities: Have no objection subject to a condition.

PLANNING CONSIDERATIONS

Principle of the development

9. The National Planning Policy Framework (The Framework) sets out the three dimensions of sustainable development having an economic, social and environmental role, and identifies the presumption in favour of sustainable development. For plan making, that means that the needs of the population are taken into account and for decision taking, where the Local Plan is absent or out of date that any adverse impacts should significantly outweigh the benefits for permission to be refused.
10. Paragraph 93 of the Framework sets out that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

“plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”

And

“ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.”
11. The application site is located in the settlement area of Coppull where some growth and investment is encouraged under policy 1(d) of the Central Lancashire Core Strategy. 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.
12. Policy 25 of the Central Lancashire Core Strategy seeks to ensure that communities have sufficient provision of community facilities, such as community centres and that such facilities adapt and cater for changing needs including the provision of childcare and other services for pre-school children and their carers.
13. Policy HW6 of the Chorley Local Plan 2012 – 2026 builds on this and seeks to protect community uses (including community centres, village and church halls, places of worship, public houses, children’s centres, libraries, cultural facilities and health facilities), and states that planning permission will only be permitted where the particular criteria of the policy are met. In this instance, the proposed development is seeking to replace and upgrade an existing village hall and childcare facility for the same use, which satisfies and complements the policy framework.

Impact on character and appearance of the locality

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
15. The proposed building would be a two storey structure of simple modern design with the character of a large dwellinghouse. It would be faced in brick with a tiled roof and would have a front gable projecting forward towards the highway, and positioned to north side of the building. The character of the area is predominantly that of a suburban residential nature and the application site would sit between two semi-detached houses. The site is relatively prominent in the streetscene along Chapel Lane, although it is screened on approach from the north and south by the buildings either side that extend along the length of Chapel Lane on this side of the road.
16. The proposed building would have a similar eaves height to no.49 Chapel Lane to the south and would have a slightly lower ridge, whilst it would be similar to that property in terms of its design characteristics. The building would be slightly taller than no.45 Chapel Lane to the north, although this would not be particularly discernible. The main front elevation of the building would be in line with that of no.45 Chapel Lane to the north, and would be set back from the frontage of no.49 Chapel Lane. The proposed building would be set further into the site than the existing building, allowing for some parking to the front.
17. The existing building is a single storey structure with a steeply sloping dual pitched roof, faced in painted timber. Its appearance, form and character is at odds with the surrounding development and is not of any particular architectural merit. The proposed development is of a design style, scale and siting more in keeping with the character of Chapel Lane in this location. Although the proposed development would differ significantly from the development that currently exists on the site it would reflect the character of the area.
18. Overall, the appearance, scale and massing would be appropriate in the context of the site and its surroundings. The development is, therefore, considered to be in accordance with policy BNE1 of the Chorley Local Plan 2012 – 2026.

Impact on neighbour amenity

19. 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.
20. The proposed building would be two storey in height and located between dwellings at no.45 and no.49 Chapel Lane. The building would be generally parallel to no.45 Chapel Lane and situated to the south. As such direct light levels would be compromised in relation to the windows in the side elevation of this dwelling, some of which serve habitable rooms. However, it is the case that the current building also blocks light in this position and extends further to the front. As such the impact of the proposed development on outlook and light at this dwelling would not be dissimilar and not unduly greater than the current impacts. There would be windows in the rear elevation of the building, however, any views and resultant impact on privacy would reflect a standard relationship that occurs between adjacent residential dwellings.
21. The building would extend beyond the rear elevation of no.49 Chapel Lane and would be highly visible from the rear garden to this dwelling and the windows in the rear elevation of this property. As such it would have some impact on outlook, however, it would be set in from the shared boundary by between 3m and 5m, which would reduce the impact. There would be no windows in the side elevation and, therefore, no impact on privacy and the building would be positioned to the north and, therefore, no loss of direct light would occur.
22. It is noted that there are dwellings to the rear of the site, with rear gardens separated by an access track. The rear of the proposed building would face the rear elevation of the dwelling at no.56 Longworth Avenue and would have parallel facing windows. The distance between

the windows would be approximately 23m, which exceeds the 21m interface distance applied to new dwellings, whilst the distance of the rear windows to the garden at no.56 Longworth Avenue would be approximately 13m, which exceeds the 10m guideline applied to new dwellings. Although the guideline standard applies to new dwellings it is reasonable to utilise this standard to assess amenity impacts in this instance. On this basis the degree of separation is considered to preserve an adequate degree of outlook, privacy and light such that there would be no unacceptable impact on the amenity of the occupiers at no.56 Longworth Avenue.

23. The proposed building would not directly face the rear elevation of no.58 Longworth Avenue and the separation distances are such that there would be no unacceptable impact on the amenity of the occupiers of this property.
24. There is a dwelling directly opposite the site at no.32 Chapel Lane. This is a bungalow and would be situated approximately 27m from the proposed building. This is a significant degree of separation that exceeds the Council's interface guidelines for new dwellings and is a reasonable standard to apply in this instance. As such there would be no unacceptable impact on the amenity of the occupiers of this property or any others on the west side of Chapel Lane in relation to the proposed building.
25. 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.
26. The application site has accommodated a children's nursery and the functions of a parish council without restriction for some considerable time as the lawful uses of the site and building. The proposed development would not alter this mix of uses and would, therefore, reflect the current arrangements, which already include outdoor play space for children. As such it is considered that the proposed development would have no greater impact on the amenity of local residents through the use of the site than the existing situation. Overall it is, therefore, considered that there would not be an unacceptable impact on residential amenity in relation to noise and disturbance.

Impact on highway safety

27. To accord with the Council's parking standards specified in policy ST4 of the Chorley Local Plan 2012 – 2026, the nursery should have a parking space in respect of each of the 6no. full time members of staff, whilst the proposed community meeting halls should be provided with 25no. off-street parking spaces, thus bringing the total to 31no. spaces, which is far in excess of the two or three parking spaces proposed.
28. Chapel Lane is a bus route, but only school services are operated at the two nearby bus stops to the south at its junction with Coppull Hall Lane. The nearest bus stops with public services are New Road to the north of Spendmore Lane / Clancutt Lane, approximately 0.5km walking distance from the site.
29. There are no cycle routes within close proximity of the site and although the section of Chapel Lane to the north of the site has no on-street waiting restrictions, there are several driveways that could be potentially obstructed by inconsiderate parking practices from those utilising the proposed building.
30. The lack of any adequate off-street parking would lead to an increase in on-street parking in the area with adverse impacts on residential amenity, particularly on days when community activities/meetings are held while the nursery is opened. However, LCC Highway Services have confirmed that on-street parking on this section of Chapel Lane is unlikely to raise significant highway safety concerns and they do not seek an objection to the proposal on this ground.
31. The site is long established as a parish hall and nursery without any associated off street parking provision. As a result the impacts from those seeking on street parking already exist, and, therefore, it is considered that the proposed development would not affect this to any unacceptable extent. Furthermore, it is noted that the application site is located in an

accessible location, where visitors can feasibly arrive on foot. As a result it is not considered that there would be any unacceptable impacts on residential highway amenity as a result of the proposed development in consideration of the current use and absence of off street parking.

Flood risk and drainage

32. 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.
33. 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:
into the ground (infiltration);
to a surface water body;
to a surface water sewer, highway drain, or another drainage system;
to a combined sewer.
34. It is recommended that a condition be attached to any grant of planning permission requiring the submission of full details of 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.

Other matters

35. *Use of obscure glazing should be included:* The degree of separation from parallel facing windows and gardens is such that the imposition of the use of obscure glazing by condition is not considered necessary.
36. *Impact on views of the night sky:* This is not a material planning consideration.
37. *Impact on property value:* This is not a material planning consideration.

CONCLUSION

38. The proposed development would result in the benefit of providing a modern community facility in an area of the borough that has received substantial housing development. The proposal would have no unacceptable detrimental impact on the amenity of neighbouring occupiers and would result in no harm to the appearance of the site or character of the area. In addition, there would be no unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted

RELEVANT HISTORY OF THE SITE

Ref: 82/00415/FUL **Decision:** PERFPP **Decision Date:** 17 August 1982
Description: Change of use to Community Centre

Ref: 96/00811/FUL **Decision:** PERFPP **Decision Date:** 20 January 1997
Description: Erection of storage shed to rear

Ref: 10/00731/FUL **Decision:** PERFPP **Decision Date:** 8 December 2010
Description: Redevelopment of play area comprising of covered timber decked area, timber planters with trees and plants, fixed timber climbing structure, timber play house and pathway with bark chippings

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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APPLICATION REPORT – 21/00419/FUL

Validation Date: 29 April 2021

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Erection of stable block, sand paddock and new access to Harbour Lane

Location: Land Adjacent Harbour Barn Harbour Lane Wheelton

Case Officer: Amy Aspinall

Applicant: Mr. Michael Moore

Agent: Mr David Marshall

Consultation expiry: 22 June 2021

Decision due by: 24 June 2021

RECOMMENDATION

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

The proposed development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.

REASON FOR REFERRAL

2. Cllr Margaret France has requested that the application is referred to planning committee. Cllr France is in support of the application and has stated the following:

"I would like to support this application, as the site is currently derelict and unsightly. I believe the stable block and sand paddock would not have an adverse effect on the openness of the Green Belt and would enhance the appearance of this site. I particularly like the addition of native trees to increase the biodiversity of the area".

SITE DESCRIPTION

3. The application site is located in the Green Belt and is comprised of a field, with an agricultural field gate access from Harbour Lane which is situated to the north west of the site. There are some remains of a former building which consists mainly of a pile of rubble and dilapidated timber sections. The remainder of the site exists as an open field.
4. The application form states that the site has been vacant since 2019 and that the previous use was for rearing and a store for horse jumping equipment. In respect of 'rearing' the Design and Access Statement confirms this to be the rearing of calves and rabbits. The

previous application (ref: 20/01396/FUL), however, stated that the use of the site was equestrian for the keeping of horses and that this use had not ceased.

5. The application contains no evidence to demonstrate that the site has a lawful equestrian use. This was also a shortfall of the previous application ref: 20/01396/FUL.
6. The definition of previously development land is set out in the National Planning Policy Framework at Annex 2: Glossary:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

7. Given the absence of any information to demonstrate that the site has a lawful equestrian use, it is not considered that the land can be satisfactorily regarded as previously developed land. The classification of the land is considered to be greenfield.

DESCRIPTION OF PROPOSED DEVELOPMENT

8. The application seeks planning permission for the erection of a stable block, sand paddock and the provision of vehicular access to Harbour Lane.
9. The proposed stables would accommodate 3no stables and a tack room. The proposed sand paddock would be 20 metres by 40 metres.
10. A similar application was submitted in December 2020 (ref: 20/01396/FUL), although this did not include a new vehicular access as it sought to utilise an existing field gate. The application was refused for the following reasons:

The development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.

The proposed development does not fully accord with the criteria of the Central Lancashire Rural Development Supplementary Planning Document at Chapter F, paragraph 39 as the number of stables exceeds the threshold of small private development which has not been justified; and the location of parking for cars, horse boxes and hardstanding areas for vehicles has not been demonstrated, nor has suitable screening.

Insufficient information has been provided to demonstrate that adequate access arrangements and visibility can be achieved to ensure that highway safety is not prejudiced by the proposed development. The proposal is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 - 2026 and the Central Lancashire Rural Development Supplementary Planning Document at Chapter F, paragraph 39 in respect of highway safety.

REPRESENTATIONS

11. A representation has been received from the occupier of the neighbouring property Harbour Barn citing the following grounds of objection:
 - The proposal would mean more noise, invasion of our privacy as this is directly opposite our private area, more smells and more traffic.

- There are stables directly opposite our house and every day cars are parked on our land at the front of our house, blocking our view on a 50mph road which is already difficult to navigate causing a serious safety risk to our family and passing motorists. To allow this application to go ahead would only increase the risks.
- As this is greenbelt land and to allow a basic industrial looking building right in line of sight would destroy the view and look of the countryside.

CONSULTATIONS

12. Lancashire County Council Highway Services (LCC Highways) – Have no objection.
13. Withnell Parish Council: No comments have been received.
14. CIL Officers - Advise that the development is currently exempt from CIL under Reg.42 - Exemption for Minor Development as the new floor space is less than 100sqm, and does not constitute a new dwelling.

PLANNING CONSIDERATIONS

Principle of the development in the Green Belt

15. Section 13 of the National Planning Policy Framework (the Framework) confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
16. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.
17. The application proposes a stable block, a sand paddock and the provision of vehicular access. Paragraph 149 and 150 of the Framework set out the types of development which are not inappropriate development in the Green Belt, provided that they satisfy certain exceptions.
18. Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
- a) buildings for agriculture and forestry**
19. The proposal is not for agriculture or 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**
20. Stables are considered to be an appropriate facility for outdoor sport and recreation. However, the test of paragraph 145 (b) is that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
21. It should be noted that the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has some impact on the openness of the Green Belt, given that the dilapidated remains of a building are present, mainly in the form of rubble and sections of a small timber structure. It is not highly visible from surrounding vantage points or Harbour Lane, given its low profile and inner position within the site. The impact of this on the openness of the Green

Belt is considered to be low. It is also important to note that merely the presence of these remains on a small part of the site does not justify any new buildings. The proposed stable block must also 'preserve' the openness of the Green Belt.

22. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. The majority of the site is an open field with a small area of the site where the dilapidated remains of a former building have been left on the site. Much of the remains have the appearance of being vegetated over and from some aspects around the site, these the remains are not particularly prominent.

23. The proposed stable block would be positioned adjacent to Harbour Lane, extending approximately 7.6 metres along the frontage and approximately 12.8 metres into the site, with a height of approximately 3.3 metres. The hedgerow to the boundary of Harbour Lane would be reduced to a height of 1 metre (for highway visibility) and combined with the opening up of the frontage with a new access, this would mean that the building would be highly prominent. Although tree planting is proposed to the boundary with the public right of way (FP4 Withnell) this would only provide screening in the long term and the proposed building would be visually prominent from this public vantage point.

24. Whilst it is recognised that there is a dilapidated building on site, the proposed stable building has a much greater spatial and visual presence and would be more harmful to the openness of the Green Belt than the current situation. Openness would not be preserved.

25. In respect of the purposes of the Green Belt, the site is considered to be greenfield and the development would result in incursion of built form into the countryside. This conflicts with the third purposes of the Green Belt as set out at paragraph 138 of the Framework.

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

26. Not applicable.

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

27. Although a building previously occupied the site, it is now dilapidated and a pile of rubble. In addition, an equestrian use of the building has not been evidenced in this submission.

e) limited infilling in villages

28. Not applicable.

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

29. Not applicable.

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.***

30. There is insufficient evidence to determine that the land is previously developed land. This exception does not, therefore, apply.

31. In respect of other forms of development proposed in this application, namely the access, sand paddock and hardstanding areas, these are engineering operations. Paragraph 150 of the Framework at exception (b) allows for such operations provided that they preserve its openness and do not conflict with the purposes of including land within it.
32. Whilst their impact on openness is low, they do result in incursion development onto a predominantly undeveloped site, which results in encroachment into the countryside. Notwithstanding this, the associated development of perimeter fencing to the sand paddock and winter turnout also impacts on openness, in addition to the parking of vehicles, horses boxes and other equestrian paraphernalia.
33. Taking the application as a whole, the proposed development is harmful to the openness of the Green Belt when considering the spatial and visual aspects of openness. It is not, therefore, concluded that openness is preserved. The proposed development also results in encroachment into the countryside. The proposal is inappropriate development in the Green Belt.
34. The Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt; and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
35. It should be noted that the planning application does not advance any very special circumstances (VSCs) as part of the submission.

Central Lancashire Rural Development Supplementary Planning Document

36. The Central Lancashire Rural Development Supplementary Planning Document (SPD) provides guidance on equestrian development within the countryside. It should be noted, however, that the SPD does not override Green Belt considerations and is a guide for rural development in Central Lancashire. The criteria of the SPD are considered below:

Scale:

37. The SPD provides that a small private development will involve no more than three horses. The application is in accordance with the requirements of the SPD in terms of scale.

Siting:

38. The proposed stable block would be positioned adjacent to Harbour Lane, extending approximately 7.6 metres along the frontage and approximately 12.8 metres into the site, with a height of approximately 3.3 metres. The midden would also be sited to the frontage. The hedgerow to the boundary of Harbour Lane would be reduced to a height of 1 metre (for highway visibility) and combined with the opening up of the frontage with a new access, this would mean that the building and associated development would be highly prominent. Although tree planting is proposed to the boundary with the public right of way (FP4 Withnell) this would only provide screening in the long term and the proposed building would also be visually prominent from this public vantage point.

39. Nonetheless, equestrian development is not uncharacteristic of this area, in particular Harbour Lane itself, and it is not considered that the proposed development would be harmful to the area on character and appearance grounds.

Design/materials:

40. The proposed design and materials of the proposed stables accord with the SPD.

Site treatment:

41. Notwithstanding the Green Belt assessment, the layout of the stables, close proximity of the sand paddock and associated development provides an acceptable layout, providing containment to one area of the site.

Highway safety:

42. A neighbour objection raises concerns in relation to existing parking issues that occur with an equestrian development situated in close proximity along Harbour Lane, which they advise blocks their views and presents a safety issue. They consider that the current application would increase this risk.

It should, however, be noted that the proposed development demonstrates adequate parking and turning for vehicles and a horse box and also provides a new vehicular access which improves visibility compared to the current access arrangements. LCC Highway Services have assessed the application and raise no objection. It is, therefore, concluded that the proposed development would not be harmful to highway safety having regard to Chorley Local Plan policy BNE1 (d).

Reinstatement:

43. The SPD provides that in order to protect the appearance of the countryside, stables and associated development which are unused for a period of at least six months within 10 years of their completion will be required to be removed from the site and the land restored to its former condition. This could be conditioned accordingly.

Impact on amenity

44. The site is well separated from residential properties to avoid any adverse amenity impacts and it is proposed as a private development, as opposed to commercial stables or riding school. The proposed equestrian use is also compatible with surrounding land uses and is a typical rural use. The proposal would accord with Chorley Local Plan policy BNE1 in respect of amenity considerations.

CONCLUSION

45. The proposed development is inappropriate development in the Green Belt, which is harmful by definition. It fails to preserve the openness of the Green Belt and conflicts with the third purpose of the Green Belt due to encroachment into the countryside. Substantial weight is attached to this harm. No 'very special circumstances' have been put forward by the applicant, nor have any been identified by the Local Planning Authority to outweigh this harm. The proposal is, therefore, considered contrary to the National Planning Policy Framework at Chapter 13.

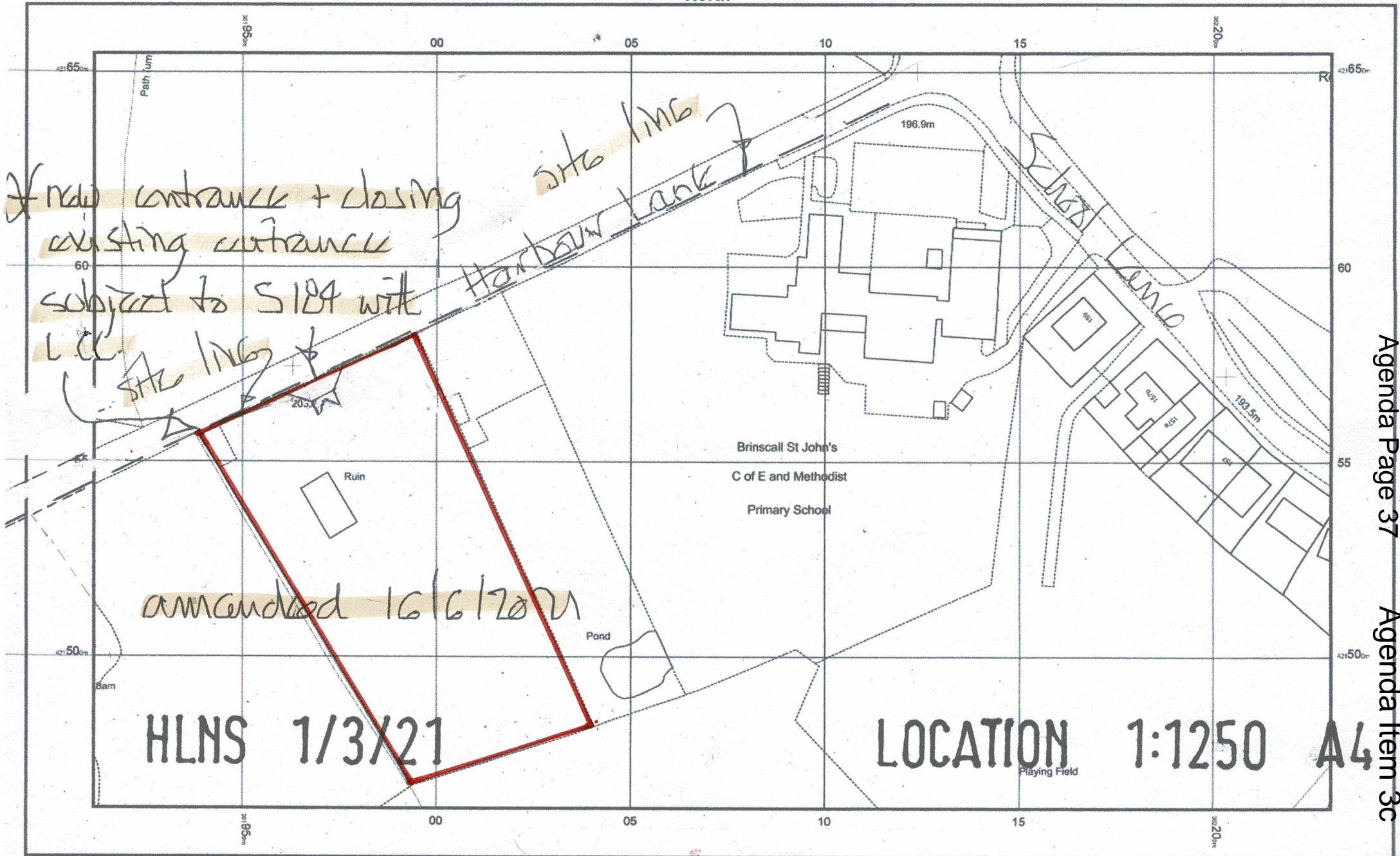
46. The application is recommended for refusal.

RELEVANT HISTORY OF THE SITE

Ref: 20/01396/FUL **Decision:** REFFPP **Decision Date:** 4 March 2021

Description: Erection of stable block and sand paddock

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.



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Agenda Item 3c

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APPLICATION REPORT – 21/00545/CLEUD

Validation Date: 3 May 2021

Ward: Chorley South East And Heath Charnock

Type of Application: Certificate of Lawfulness (Existing Use)

Proposal: Application for a certificate of lawful development seeking confirmation that unit(s) which comply with the requirements of the Caravan Sites and Control of Development Act 1960, 1968 and 2006 amendments in terms of their design, mobility, size and construction are permitted on the land for recreational purposes

Location: Land Adjacent To Wigan Lodge Wigan Lane Chorley

Case Officer: Amy Aspinall

Applicant: Mr Dave Balbi, Interlec Systems Ltd

Agent: N/A

Consultation expiry: N/A

Decision due by: 28 June 2021

RECOMMENDATION

1. It is recommended that the application for a certificate of lawfulness for an existing use is refused for the following reason:
2. The information contained within the application is not sufficiently precise and unambiguous. Chorley Council as the Local Planning Authority is not satisfied that, on the balance of probabilities, a material change of use of the land (as shown on the submitted Location Plan) has not occurred. The use as described is not, therefore, proven to be lawful within the meaning of Section 191 of the Town and County Planning Act 1990.

SITE DESCRIPTION

3. The application site is located within the Green Belt as defined by the Chorley Local Plan Policies Map. It comprises an area of land that was historically associated with the adjacent Wigan Lodge, a grade II listed building, but has been segregated to form an independent parcel of land. The trees within the site are protected under Chorley Borough Council Tree Preservation Order 5 which is a woodland grouping.
4. A certificate of lawful use has been granted previously to confirm, on the balance of probabilities, that the land been used for recreational purposes.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application has been submitted under section 191 of the of the Town and Country Planning Act 1990 which seeks "confirmation that unit(s) which comply with the requirements of the Caravan Sites and Control of Development Act 1960, 1968 and 2006 amendments in terms of their design, mobility, size and construction are permitted on the land for recreational purposes".

6. The wording is taken from the application form at the request of the applicant.
7. The application for the certificate relates to the area as defined by the red edge and shown on the submitted Location Plan.

PLANNING CONSIDERATIONS

8. The application is made pursuant to section 191 of the Town and Country Planning Act 1990 in respect of an existing use and the application is determined on this basis.
9. Section 191 (1) states:
If any person wishes to ascertain whether—
 - (a) any existing use of buildings or other land is lawful;
 - (b) any operations which have been carried out in, on, over or under land are lawful; or
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter
10. Section 191 (2)
Provides that for the purposes of this Act uses and operations are lawful at any time if—
 - (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force
11. For the purposes of a certificate, lawfulness is to be decided at the time of the application.
12. Article 39 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that:
 - (1) An application for a certificate under section 191(1) or 192(1) of the 1990 Act (certificates of lawfulness of existing or proposed use or development)(1) must be made on a form published by the Secretary of State (or on a form substantially to the same effect) and must, in addition to specifying the land and describing the use, operations or other matter in question in accordance with those sections, include the particulars specified or referred to in the form.
 - (2) An application to which paragraph (1) applies must be accompanied by—
 - (a) a plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North;
 - (b) such evidence verifying the information included in the application as the applicant can provide; and
 - (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.
13. In respect of any evidence, the onus of proof of the use rests with the applicant and the evidence must be relevant, clear and unambiguous. The decision is made on the 'balance of probabilities' (i.e. that it is more likely than not).
14. A Local Planning Authority has the right to canvass for evidence if it so wishes before determining an application. If the Local Planning Authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.
15. In the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's

evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

16. The application form at section 4 asks the applicant to confirm why they are applying for a lawful development certificate. The applicant has specified 'for an existing use' and further states that the relevant use class is 'Free standing recreational use – Sui Generis'

17. The application form at section 6 specifies the grounds for the certificate being sought: "Existing use. The units do not require planning permission and there is no material change of use".

18. Within the same section, the reason why a Lawful Development Certificate should be granted is stated as:

- (i) In terms of design, mobility, size and construction, any unit(s) which comply with the requirements of the Caravan Sites and Control of Development Act 1960, 1968 and 2006 amendments do not require planning permission.
- (ii) There is a lawful development certificate for the use of the land for recreational purposes, therefore there would not be a material change of use.

19. The application is accompanied by a supporting letter from the applicant which states the following:

*20. I am proposing to station a mobile home on my land known as 'land adjacent to wigan lodge',
21. located on Wigan Lane, Duxbury, Chorley, PR7 4DB*

I understand that I do not need planning permission to station a mobile home and would be grateful to receive your confirmation.

The mobile home would be a twin-unit type complying with the legal definition of a caravan. In terms of its design, mobility, size and construction, the unit complies with the requirements of the Caravan Sites and Control of Development Act 1960, 1968 and 2006 amendments and, therefore, does not require planning permission.

The unit would not be fixed to the ground and is neither a 'building' or 'erection'.

The mobile home would be used by myself, family members and guests for recreational use. There is a lawful development certificate for the use of the land for recreational purposes, therefore, there would not be a material change of use.

As you are no doubt aware, I already have two caravans on the land and would be replacing one or possibly both of these with the aforementioned item.

22. Where an application has been made under section 191, what is lawful relates only to the state of affairs on the land at the date of the certificate application.

23. The supporting letter states that there are two caravans on the land and that he (the applicant) would be replacing one or possible both of these with a twin unit mobile home. Whilst no evidence has been submitted to confirm that there were 2no. caravans on the site at the date of the application, the Council is satisfied that this is correct based on their own evidence. The Council is also satisfied that these 2no. touring caravans fall within the definition of a caravan, as set out in the Caravan Sites and Control of Development Act 1960 and subsequent amendments. These caravans were still on site at the time of report preparation.

24. When determining a certificate, the onus of proof of the use rests with the applicant and the evidence must be relevant, clear and unambiguous. However, the application is confusing, as the certificate relates to an existing use, but the supporting information refers to potential future state of affairs (i.e. the continuing recreational use of the site, albeit, including the siting of a mobile home twin-unit).

25. No information has been submitted to demonstrate that the caravans are used for purposes consistent with the lawful use of the land. In the absence of sufficiently precise and unambiguous evidence, the Council is unable to confirm, on the balance of probabilities, that a material change of use has not occurred.

CONCLUSION

26. The information contained within the application is not sufficiently precise and unambiguous. Chorley Council as The Local Planning Authority is not satisfied that, on the balance of probabilities, a material change of use of the land (as shown on the submitted Location Plan) has not occurred. The use as described is not, therefore, proven to be lawful within the meaning of Section 191 of the Town and County Planning Act 1990.

27. It is, therefore, recommended that the application is refused.

RELEVANT HISTORY OF THE SITE

Ref: 19/00375/FUL **Decision:** REFFPP **Decision Date:** 12 December 2019
Description: Construction of a new entrance onto Wigan Lane including gate and blocking up of existing access point

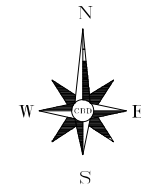
Ref: 19/00645/CLEUD **Decision:** PEREUD **Decision Date:** 13 December 2019
Description: Application for Lawful Development Certificate seeking confirmation that the use of the land for recreational purposes has never been abandoned and that the time for enforcement action in respect of the breach of planning control has expired.

Ref: 19/00868/TPO **Decision:** PERTRE **Decision Date:** 17 December 2019
Description: Application for works to protected trees - Chorley BC TPO 5 (Chorley) 2008: Crown lift trees to 5.5m over highway and fell two sycamore trees in centre of site

Ref: 20/00050/FUL **Decision:** REFFPP **Decision Date:** 6 May 2020
Description: Construction of a new entrance onto Wigan Lane including gate and blocking up of existing access point



location plan (1:1250)



REV	DATE	AMENDMENTS / NOTES
A	20/10/19	location plan red edge amended / elevation amended to remove fencing
CLIENT		
Mr. D. Balbi		
PROJECT DESCRIPTION		
Proposed relocation of entrance to site and provision of boundary fence.		
PROJECT ADDRESS		
Land adjacent to Wigan Lodge Wigan Lane Duxbury Chorley PR7 4DB		
DRAWING TITLE		
Planning Permission submission drawing		
DATE DRAWN		DRAWN
20th Oct 2019		CHECKED
DRAWING NUMBER	REVISION	SCALE(S)
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APPLICATION REPORT – 21/01171/FUL

Validation Date: 30 September 2021

Ward: Chorley South East And Heath Charnock

Type of Application: Full Planning

Proposal: Change of use of former pumping station for use as Class B2 and B8 facilities depot and storage facility (retrospective)

Location: Land South Of Red Bank Scout Hut Little Carr Lane Chorley

Case Officer: Mrs Hannah Roper

Applicant: KKC Facilities Management Ltd

Agent: Mr Andrew Cunningham, Andrew Cunningham Building Design Ltd

Consultation expiry: 2 November 2021

Decision due by: 9 December 2021 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application relates to an area of land located to the south of Red Bank Scout Hut that was formerly occupied by a pumping station. There is new residential development, and its associated carpark, at Duxbury Gardens located to the south and west and on the opposite side of Melrose Way there is a large commercial use.
3. The site is accessed from Melrose Way, via existing gates, and the existing building has is a modest red brick building with roller shutter doors.
4. The land slopes down from the road to the west adjacent to the side elevation of numbers 1-11 Duxbury Gardens.
5. There are several mature trees located on the site and directly adjacent to it, including a tree belt to the north which is protected by a Tree Protection Order.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application seeks planning permission retrospectively for the use of the land for Class B2 and Class B8 purposes.
7. The application form states that the hours of use would be 08:30 until 4:45pm.

REPRESENTATIONS

8. Five representations received citing the following grounds of objection:
- Reduction of privacy to neighbouring residents as the fencing is open
 - Parking of vehicles down the rear of properties
 - Storage materials leaning against fencing
 - Noise from unloading, loading, manoeuvring and repairing of vehicles of vehicles at potentially antisocial hours
 - This site is directly adjacent to residential properties
 - Not suitable for B8
 - Being used as a dumping ground for rubbish
 - The site has already been breaching planning for years

CONSULTATIONS

9. Lancashire County Council Highway Services – Have no objections.
10. Regulatory Services - Environmental Health – Have no objections.
11. Council's Tree Officer – Have raised concerns regarding the surfacing and the impact on tree roots but cannot conclude that there has been harm to the trees.
12. CIL Officers – Comment that the proposal is not CIL liable.

PLANNING CONSIDERATIONS

Principle of the development

13. *The National Planning Policy Framework (The Framework) states that plans and decisions should apply a presumption in favour of sustainable development and for decision making this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*
14. The application site is located in the core settlement area of Chorley. Policy V2 of the Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
15. The principle of the proposed development is, therefore, considered to be an acceptable one, subject to material planning considerations.

Design and impact on the character of the area

16. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.*
17. The site slopes down from the road resulting in a natural element of screening for the site, assisted by the surrounding tree belt.
18. Whilst there are residential properties located to the rear, a large commercial building is located on the opposite side of Melrose Way and as such the commercial nature of the site is not out of keeping with the surrounding streetscape. The proposal is, therefore, considered to be acceptable with regard to its impact on the streetscene.

Impact on the amenity of neighbouring occupiers

19. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that (amongst other things):*
- b) The development does not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing*
- g) The proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses*
20. The site is located directly adjacent to the north east corner of the gable end of the residential properties along Duxbury Gardens and the front amenity space associated with these properties. The open fence allows views into this space from the site and the bin store which is located to the gable end of these properties.
21. On visiting the site, it was found to be in operation for the storage of vehicles in association with a local commercial use, albeit the application seeks permission for general Class B2 and Class B8 use. The use of the site for this purpose is likely to generate additional comings and goings over and above the previous lawful use and in this case the storage of vehicles is likely to require a number of manoeuvres to move them in and out of the site.
22. Since the previous application the applicant has amended the proposed times of operation of the site to 08:30am - 4:45pm Monday to Friday only. This is the time when surrounding residents would be out at work and where general background noise would be at its highest.
23. In addition, acoustic fencing along the residential boundaries and planting have both been suggested as a means to both improve the visual appearance of the site, reduce visibility between the site and its direct residential neighbours and reduce the transmission of any daytime noise.
24. The fencing would be closest to the gable end of the adjacent residential apartments and the carpark. There are no windows in this gable end and the building is angled away from the application site. As a result, the erection of the 2.5m high fencing would not itself, detrimentally impact of the occupants of the residential apartments.

Highway safety

25. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
26. Concerns have been raised from neighbouring residents regarding the parking of vehicles in close proximity to the site, however LCC Highway Services have assessed the application and have raised no objection to the use of the site for Class B2 and Class B8 purposes. From a highway safety perspective the requirement to move vehicles to access others is not considered detrimental, The proposal is therefore considered to accord with policy.

Impact on trees

27. Policy BNE10 of the Chorley Local Plan 2012-2026 states that proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character of the landscape, a building, a settlement or the setting thereof will not be permitted. Replacement planting will be required where it is considered that the benefit of development outweighs the loss of some of the trees or hedgerows.
28. There are a number of mature trees both on the site and directly to the north of the site including some that are protected by a TPO. The applicant has submitted an Arboricultural Assessment that assesses the trees to the northern boundary.

29. The Council's Tree Officer has viewed the site whilst in use and has commented that the existing trees make a positive visual contribution to the site. Based on the submitted survey the trees do not to date appear to have been impacted despite the retrospective nature of the proposal. Therefore, there is nothing to suggest that the use and the laying of hard standing has impacted detrimentally on the trees. As such the application is in accordance with policy BNE10 of the Chorley Local Plan 2012-2026.

CONCLUSION

30. The proposed development would not have an unacceptable adverse impact on the character of the surrounding area or highway safety. Reduced operational hours, acoustic fencing and planting would reduce any noise impact of the proposed use without impacting on residential amenity and appropriate conditions are recommended. The application is therefore recommended for approval.

RELEVANT HISTORY OF THE SITE

Ref: 21/00674/FUL **Decision:** WDN **Decision Date:** 6 September 2021

Description: Change of use of former pumping station for use as Class B2 and B8 facilities depot and storage facility (retrospective)

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

Suggested conditions

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

Title	Plan Ref	Received On
Proposed Site Plan	1050_02	5 November 2021
Existing Site Plans	1050_01	30 September 2021

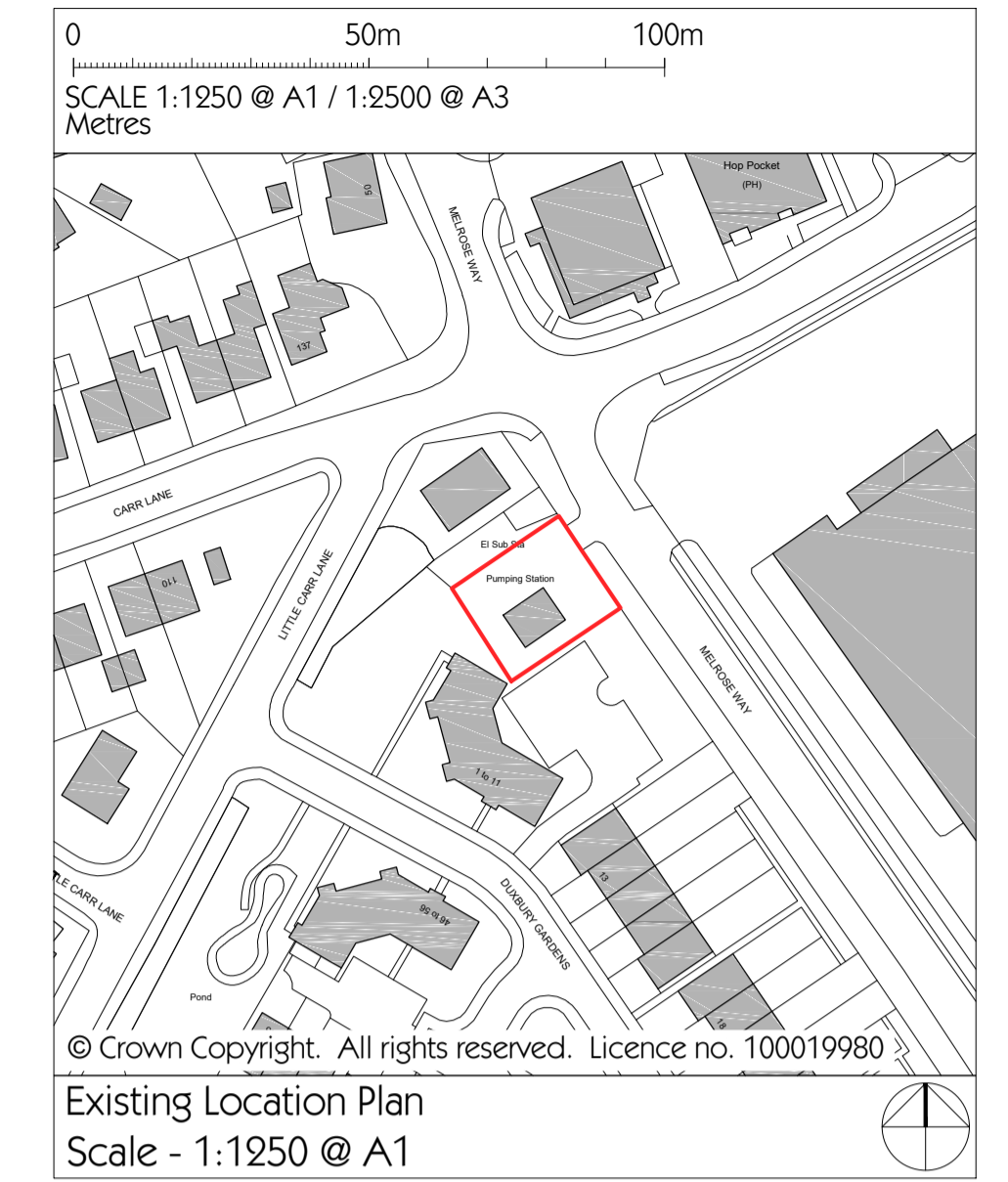
Reason: For the avoidance of doubt and in the interests of proper planning


2. The uses hereby approved shall only operate between the hours of 08:30am and 4:45pm Monday to Friday with no operation on weekends or public holidays.

Reason: In the interests of protecting the amenity of neighbouring properties.

3. Within 6 weeks of the date of this permission the 2.5m high acoustic fencing shown on details 'Jakoustic Reflective' received by the Local Planning Authority on the 5th November 2021, shall be installed in accordance with plan 1050_02, dated 14.04.2021 and received by the Local Planning Authority on the 5th November 2021. The fence shall be retained in perpetuity for the lifetime of the use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the amenity of neighbouring properties.



CLIENT Nicholas Quinn			
JOB Carr Lane Pumping Station			
DRAWING Existing Site Plans			
REV	DATE	DESCRIPTION	CD
		Job no. 1050_01	Drawing no.
Scale @ A1 1:50	Status -	Date 14.04.21	Revision -
Scale @ A3 1:100			
<small>COPYRIGHT REMAINS WITH DESIGNER Do not scale from this drawing. Use figured dimensions only. All dimensions to be verified on site before proceeding with works. All levels are nominal; detailed site survey to be carried out to verify positions and level relationships with site features and ordnance survey. This drawing is for design intent only. This drawing is to be read in conjunction with other documentation from the design team, main contractor, employer's agent, size and suitability of foundations and ground bearing pressure to be verified on site by the Building Inspector. Further details may be required on site. The Designer must be notified of any discrepancies.</small>			
Andrew Cunningham Building Design		28 Union Street Southport, PR9 0QE t.f. 01704 533595 m. 07961 815190 studio@acbuildingdesign.com www.acbuildingdesign.com	

Andrew Cunningham
Building Design

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APPLICATION REPORT – 21/00745/FULMAJ

Validation Date: 14 June 2021

Ward: Coppull

Type of Application: Major Full Planning

Proposal: Erection of building comprising 7no. apartments (affordable homes) with associated communal open space, car parking spaces, vehicular manoeuvring space, bin and cycle stores, and hard and soft landscaping (including means of enclosure), and the creation of 10no. replacement car parking spaces to serve the public house

Location: Alison Arms 279 Preston Road Coppull Chorley PR7 5DU

Case Officer: Mr Iain Crossland

Applicant: Shape Land And Property

Agent: Richard Gee, Roman Summer Associates Ltd

Consultation expiry: 26 November 2021

Decision due by: 13 September 2021

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions and a Section 106 agreement.

SITE DESCRIPTION

2. The application site is located in the Green Belt south of Coppull and is occupied by the Alison Arms public house and associated car park, which front onto Preston Road (A49) south of Glover Road. The public house building is long established and has been extended over time. It is of traditional design faced in painted render with extensions faced in red brick. The car park is situated to the south side and has direct access to Preston Road with a grassed area to the rear, whilst there is a grassed area to the north side of the building.
3. The application site forms part of a linear development that spans the A49 extending southwards from Coppull. To the north of the application site there is a terrace of dwellings in a simple traditional design style, with detached and semi detached bungalows beyond and two storey dwellings beyond this. These dwellings are garden fronted and set back from the highway. To the south is a small commercial warehouse building with a primary school and dwellings beyond this. Opposite the site to the west are dwellings and commercial properties of traditional design, whilst there is open agricultural land to the rear.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks planning permission for the erection of a building comprising 7no. apartments, which would be provided as affordable homes with associated communal open space, car parking spaces, vehicular manoeuvring space, bin and cycle stores, and hard and soft landscaping (including means of enclosure). The creation of 10no. replacement car parking spaces to serve the public house would take place to the north side of the public house and would be accessed from Glover Road.

5. The proposed apartment building and associated car parking and landscaping would be positioned to the south of the public house within the location of the existing car park. This would comprise a two storey building of traditional design resembling a terrace of dwellings. It would face the highway in line with the public house and would have some landscaping between it and the highway. There would be a flyover to the north end, which would allow for vehicular access from Preston Road to the car park, which would be situated to the rear along with a communal garden area. No development is proposed to the public house itself.
6. It is noted that the proposal has been amended since the application was originally submitted and has been reduced from an initial development proposal comprising 10no. apartments over two buildings.

REPRESENTATIONS

7. Representations have been received from the occupiers of 2no. addresses citing the following grounds of objection:
 - Lack of parking for the public house and apartments and resultant highway safety issues.
 - Lack of capacity at local primary school.
8. A joint signed letter has also been received from residents of Glover Road citing the following grounds of objection:
 - Increased level of parking from customers to the public house.
 - A reduced level of on street parking availability on Glover Road for residents.
 - Highway safety impact on children and residents from intoxicated customers to the public house.
 - The development would be out of character with the surrounding area.

CONSULTATIONS

9. Coppull Parish Council: Have remained neutral as the development conforms with building regulations.
10. The Coal Authority: Have no objection subject to conditions.
11. Greater Manchester Ecology Unit: Recommend conditions.
12. Waste & Contaminated Land: Have no objection subject to a condition.
13. Lancashire County Council Highway Services (LCC Highway Services): Have no objection subject to conditions.
14. Lead Local Flood Authority: Have no objection subject to conditions, including for the provision of final details of a surface water sustainable drainage strategy.
15. United Utilities: Recommend conditions including the submission of a surface water drainage scheme.
16. Lancashire County Council Education: Have advised that an education contribution is not required at this stage in regards to this development.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

17. The application site is located in the Green Belt at Coppull and forms a gap occupied by a car park within a tract of development extending south from the settlement area.
18. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework) which states:

137. *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.*

138. *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.*

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

148. *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.*

149. *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.

19. 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." The proposed development would be small in scale and would infill within an area of ribbon development.

20. Policy BNE5 of Chorley Local Plan 2012 – 2016 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:
In the case of re-use

- a. *The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*

- b. *The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

In the case of infill:

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

In the case of redevelopment:

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

21. The proposal involves the redevelopment of a site that is occupied by an area of hardstanding comprising a car park. As such the site is previously developed land and the development is, therefore, capable of complying with paragraph 149.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 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.
22. 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' and any such development should seek to avoid substantial harm to openness where the development would meet an identified affordable housing need within the area of the local planning authority. There is an identified affordable housing need within the borough of Chorley, which is the area of the local planning authority and the proposed development would contribute towards meeting this need through the provision of 7no. affordable housing units.
23. In consideration of whether the proposal would result in substantial harm to the openness of the Green Belt 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. It is acknowledged that the site is located within an established tract of development extending to the south of Coppull with the public house and residential development to the north and a commercial building and school to the south. These are buildings of two storey scale and the gap in the built form is relatively modest at approximately 35m. The development would, therefore, be viewed in the context of the existing building on the site and those that are either side of the site.
25. The site is prominent when viewed from the A49 as it forms part of the streetscene along this section of the highway. However, given that unbroken development extends all the way south from the settlement area of Coppull to beyond the application site this results in an urbanised character that compromises openness and prevents open views along the east side of this highway. As a result it is considered that development would be anticipated in this position of the site as part of the line of development along the A49 in this location. This would result in a logical infilling of the site that would be screened on approach from the north or south by the buildings and development either side 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.
26. The proposed development has been designed to reflect the linear form of development along the A49. The scale, siting and form of the development is based on a traditional terraced housing approach and in particular reflects the form and scale of the terrace to the north at 263 to 273 Preston Road.
27. The proposed development would be well contained within an established line of development and street frontage and would not result in any encroachment beyond the

boundaries of the established previously developed site. As such it is considered that there would be less than substantial harm to the openness of the Green Belt as a result of the proposed development. The proposed development would not, therefore, comprise development that would be considered inappropriate in the Green Belt and meets with the exception set out at paragraph 149.g) of the Framework and policy BNE5 of the Chorley Local Plan 2012 - 2026.

Impact on character and appearance of locality

28. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.
29. The application site is located within a frontage along the A49 and as such is highly prominent along this part of the highway. The site is currently occupied by a surfaced car park but is within a line of development containing a public house of traditional appearance faced in painted render and brick, with red brick terraces and other dwellings beyond this to the north. There is a steel shed commercial unit to the south and a red brick primary school of traditional design beyond this further to the south. Opposite are red brick buildings of traditional design style.
30. The proposed development includes a single two storey building comprising 7no. apartments that would have the form and scale of a simple terraced row. The building would have front doors facing onto the highway separated from it by small areas of landscaping. There would be front gable features at each end of the building, which would be faced largely in red brick and there would be feature cills and brick courses providing some details of interest. The building would be positioned parallel to the highway reflecting the predominant form of development along Preston Road, and would provide an active street frontage with the highway.
31. Parking would be located to the rear away from the main highway, which would enable a better interaction between the development and the streetscene along the A49, which is the main visual receptor. Having the parking located to the rear also eliminates the visual clutter of vehicles caused by frontage parking and the current use of the land as a car park. This would result in a positive contribution to the streetscene over and above the existing situation.
32. 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

33. 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.
34. The proposed building would be located approximately 20m from the nearest dwelling, which is at no.270 Preston Road on the opposite side of the highway. The building would be directly opposite this property being positioned slightly further to the south and would not have any adverse impact on light, outlook or privacy by virtue of the relative positioning scale and degree of separation.
35. The dwelling at Willow Cottage would be located approximately 34m away on the opposite side of Preston Road, and is positioned at an angle relative to the site. As such there would be no adverse impact on the amenity of the occupiers of this dwelling.
36. The dwellings at Glover Road would be largely screened from the proposed building by the Alison Arms public house and are some distance from the proposed siting in an any event.

As such the building itself would have no impact on the amenity of the occupiers of these properties. 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.

37. Policy BNE1 of the Chorley Local Plan 2012-2026 also states that new development must not cause an unacceptable degree of noise disturbance to surrounding land uses.
38. It is noted that Glover Road is a residential no through road of 6no. addresses, whilst there is an end terrace at no.273 Preston Road on the opposite side of Glover Road to the Alison Arms. As such vehicle movements are currently low. It is proposed that 10no. vehicular parking spaces would be added to the north side of the Alison Arms public house, to partially offset the redevelopment of the car park. These would be accessed via the existing highway at Glover Road. The parking spaces would not face the properties at Glover Road and would only face the side of no.273 Preston Road. Furthermore, vehicles would not need to pass any of the houses along Glover Road when entering from Preston Road, as these properties lie further to the east.
39. Given that there would only be 10no. parking spaces the amount of traffic passing along the road would be limited and any 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, particularly so as vehicles would not need to pass properties on Glover Road, whilst the amenity of occupiers at no.273 Preston Road is already impacted up by the proximity of this property to the A49.

Highway safety

40. Policy BNE1 of The Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development provided that, the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
41. The proposed development would result in 7no. dwellings comprising 6no. one bedroomed apartments and 1no. two bedroomed apartment. This would result in a requirement for 8no. parking spaces. In this case 11no. spaces would be provided within 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.
42. Although the car park serving the public house would be redeveloped 17no. spaces would remain for customers and staff of the Alison Arms. It is noted that the provision of the 10no. parking spaces to be accessed from Glover Road would prevent parking on the south side of Glover Road for a distance of approximately 24m. This is equivalent to approximately 4no. on street parking spaces. On street parking would, however, remain along the remainder of Glover Road, including both sides of the highway opposite the houses on the north side of Glover Road and the north side of Glover Road opposite the public house. LCC Highway Services have considered the parking levels to be provided serving the public house and consider these to be reasonable and raise no objection. Nor is any objection raised in relation to the loss of 4no. on street parking spaces. Furthermore, the availability of on street car parking is a benefit, which cannot be guaranteed and as such cannot be protected in relation to an application for planning permission.
43. LCC Highway Services do not have any objections to the proposed development, replacement car parking and modified access and are of the opinion the proposed development will not have a detrimental impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Ecology

44. Policy BNE9 of the Chorley Local Plan 2012-2026 sets out how development should safeguard biodiversity. Any adverse impacts on biodiversity should be avoided, and if unavoidable should be reduced or appropriately mitigated and/or compensated.

45. The application is accompanied by an ecology assessment of the site, including a bat survey. This has been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit), who consider that the Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).
46. The survey was conducted in March 2020 which the Report recognises as suboptimal for the majority of surveys and is now over 18 months ago. However, given the nature and size of the proposal this is not considered to be a constraint on the assessment and does not invalidate its findings. There is currently no need to submit updated information.
47. The Report concluded that adjacent to the site is a building of high value to bat roosting and the building is within the edge red, however, no redevelopment of this building is proposed. It is concluded that the Site's habitats are of only limited value to biodiversity, and there is currently no known reason to contradict the findings of the Report. The application can, therefore, be forwarded to determination in respect of biodiversity without the need for any further work.
48. It is recommended that in order to comply with planning policy a number of conditions and informatives should be attached to any grant of planning permission. These relate to tree protection of any retained hedgerows, protection of breeding birds and appropriate landscaping.
49. No landscape specifications have been provided at this stage, however, the Proposed Site Plan (Studio RBA, RBA_215_(2)_A004 rev P02) indicates gapping and increased density of planting to the boundaries. This does not give planting details, which should be locally native species and it is recommended that full landscaping detail is secured via condition. The Report makes sparse recommendations in respect of biodiversity enhancement as guided by the NPPF (February 2019, paragraph 175 d) with neither proposals for enhancement (eg bird and bat boxes) or net gain. It is recommended that such enhancements are also secured by conditioned on any permission if granted.

Flood risk and drainage

50. 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.
51. 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:
 - into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
52. It is recommended that a condition be attached to any grant of planning permission requiring the submission of full details of 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.

Public open space (POS)

53. 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.
54. 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.

55. Specifically the guidance 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.
56. 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.
57. 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.
58. There is currently a surplus of provision in Chisnall in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is, therefore, not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (site 1472 Play area opposite 14 Manor Way, Coppull). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling.

Community Infrastructure Levy

59. 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

60. *Lack of capacity at local primary school:* The application is largely for one bedroomed apartments and LCC Education Services have confirmed that no contribution to schools places is required from this development.
61. *Highway safety impact on children and residents from intoxicated customers to the public house:* Driving a vehicle under the influence of alcohol is contrary to laws outside of the jurisdiction of the Local Planning Authority and is not a factor that can be considered in the determination of the application.

CONCLUSION

62. The proposed development would not represent inappropriate development in the Green Belt. Nor would it harm 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 subject to conditions and a S106 agreement.

RELEVANT HISTORY OF THE SITE

Ref: 02/00393/FUL **Decision:** PERFPP **Decision Date:** 18 June 2002
Description: Single storey extension to rear of public house to form new pool room

Ref: 06/00944/FUL **Decision:** PERFPP **Decision Date:** 24 October 2006
Description: Single storey side extension

Ref: 07/01025/FUL **Decision:** REFFPP **Decision Date:** 29 October 2007
Description: Proposed conservatory to the side elevation

Ref: 08/00005/FUL **Decision:** REFFPP **Decision Date:** 25 February 2008
Description: Conservatory extension to the side elevation

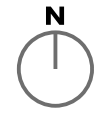
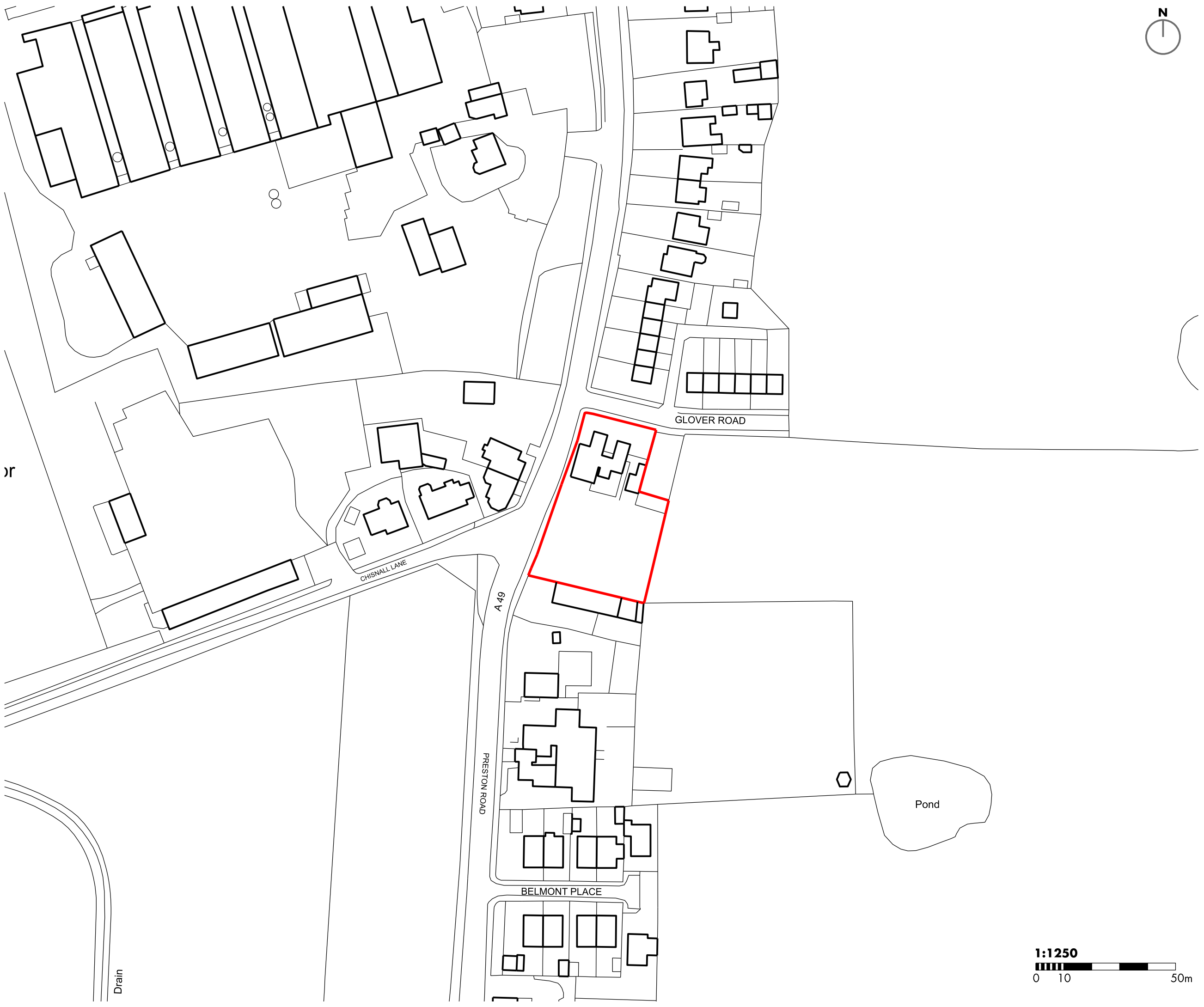
Ref: 90/00827/FUL **Decision:** PERFPP **Decision Date:** 6 November 1990
Description: Use of car park for car boot sales on Sundays during the summer months

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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 Proposal Demise

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Project	Alison Arms, PR7 5G
Title	Location Plan
Number	RBA_215_(2)_A00
Scale	1:1250 on A3
Revision	PD
Description	Initial Issue
Status	Planning
Drawn	AM
Date	02.04.2021



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APPLICATION REPORT – 20/00954/OUT**Validation Date: 10 September 2020****Ward: Croston, Mawdesley And Euxton South****Type of Application: Outline Planning****Proposal: Outline planning application for the erection of an agricultural worker's dwelling. All matters reserved, except access****Location: Roecroft Farmhouse Ulnes Walton Lane Ulnes Walton Leyland PR26 8LT****Case Officer: Johndaniel Jaques****Applicant: Mr John Barlow****Agent: Melanie Lawrenson, ML Planning Consultancy Ltd****Consultation expiry: 8 October 2020****Decision due by: 15 December 2021 (Extension of time agreed)**

RECOMMENDATION

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

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The proposal does not meet the criteria for agricultural workers' dwellings in the countryside set out within policy HS10 of the Chorley Local Plan 2012-2026. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt. The proposal is, therefore, contrary to the National Planning Policy Framework and policy HS10 of the Chorley Local Plan 2012-2026.

SITE DESCRIPTION

2. The application site is located within the south eastern corner of an open field, adjacent to Ulnes Walton Lane, 380m north of its junction with Southport Road. There is an existing field access from Ulnes Walton Lane that is proposed to be used as the vehicular access point for the dwelling.
3. The surrounding land is predominantly open agricultural land with hedgerows and interspersed trees to field boundaries. The nearest buildings in the vicinity of the application site are the residential dwelling, Walton Lodge, located 50m to the north east on the opposite side of Ulnes Walton Lane, beyond which is an equestrian centre. Marsh House nursing home is located 150m to the north east, beyond the equestrian centre. Buildings associated with Roecroft Farm, albeit no longer in agricultural use, are located 180m to the south and those associated with Denizes Farm are located 190m to the south east of the application site. These farms are discussed later in this report.
4. Since the refusal of the previous planning application for an agricultural workers dwelling on this site (application reference 20/00146/OUT), an application (reference 20/00226/FUL), has been approved an agricultural building to be located close to the proposed dwelling, to allow the relocation of the suckler herd (beef cows) from Littlewood Hall Farm and store cattle (cattle awaiting slaughter) from Denizes Farm.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. This application seeks outline planning permission for the erection of an agricultural worker's dwelling, with all matters reserved save for access which would be from Ulmes Walton Lane. A small amount of hedgerow would need to be removed to enable the required visibility splays to be installed.
6. This is a resubmission of a previously refused planning application for the same proposal (application reference 20/00146/OUT – refused 17.07.2020).
7. The applicant has been provided with the opportunity to provide further information/rebuttal in reply to the consultation response received in June from the Council's agricultural advisors, ADAS Ltd. They have provided two sets of further information in August and September. They have also been invited to apply for temporary accommodation in accordance with the requirements of policy HS10 of the Chorley Local Plan 2012-2026, on two occasions in August and October, but have chosen not to do so.
8. The information below sets out a summary of the applicant's case from their initial submission with the planning application. Further information has been provided on 14th May, 6th August and 3rd September which is summarised afterwards but is available to view in full on the planning file.

APPLICANT'S CASE

9. The farm business, Barlow Brothers, has been operating under the family's ownership since 1941. Barlow Brothers is operated over three farms; Denizes Farm, Littlewood Farm and Roccroft Farm (the application site). The applicant asserts that there is a genuine business need to restructure how they operate and where they keep different types of cattle, and this application, along with approved application ref. 20/00226/FUL for two agricultural buildings to accommodate 200 suckler her cows along with calves and a 100 young stock, is proposed to facilitate this business restructuring.
10. The applicant (John Barlow) is taking over the Barlow Brothers farming business from his father (Michael) who is reducing his work towards retirement as a result of a shoulder injury which limits his capacity to undertake physical labour.
11. Barlow Brothers specialise in breeding prestigious and show winning Limousin and Simmental breeds, and have a worldwide reputation for being the highest quality in their breed. The applicant has also recently diversified the farm business to sell embryos around the world and has a contract to sell 250 embryos to the USA which provides an excellent source of additional revenue for the farm.
12. The value of the livestock makes them a target for crime, and on-site supervision would vastly reduce this risk to the farm. The British Simmental Cattle Society support the application.
13. The cattle breeds are particularly large varieties with a notorious reputation for being short tempered, which makes their calvings particularly hazardous. Calving usually occurs at night when it is quiet and mothers feel less at risk from predators. Therefore, the applicant is regularly called out to calving animals who need assistance, because his father cannot help these animals calve on his own. Furthermore, it is recommended that two people attend every calving for the health and wellbeing of both the workers and the animals in their care, and in cases where a cow needs physical assistance to calve two people are needed.
14. As a result the applicant has to make a 20 minute journey to the site multiple times a night when a cow is calving, which is sometimes three times a night. On average, two calves are born to the suckler herd each week (100 calves per year).

15. Although the applicant's father Michael lives near the site at Four Oaks, he will not be providing any supervision for the site following his retirement. The property Four Oaks will not be available to the applicant as his father will continue to live there. Case law provides that the applicant's father cannot be forced or expected to vacate his home to make way for the next generation to farm the site. The applicant's father will help the applicant until he retires, but after that point the applicant's wife will work for the farm full time. The dwelling proposed, therefore, will secure two workers on the unit full time.
16. Other houses in the area cannot meet the essential needs of the enterprise as they are not within sight and sound of the animals. It is essential for the farm for a dwelling to be positioned on site. Furthermore, it is likely that the farm will need to expand in the future due to plans to increase livestock numbers, and due to an uncertain future for a tenancy at Littlewood Hall Farm, which ends with the applicant's father. ADAS require three years of accounts, and at least one of those years has to be profitable, with a profit of £25,000. The most recent set of accounts confirm this threshold is met. A letter of support from the accountant is supplied as supporting documentation, confirming that the business is profitable and has a clear prospect of remaining so, and that the farm can support a full time worker. The applicant will sell his home in order to fund the build, and farm profits will not be used for this.
17. Accounting information has also previously been provided to support worker dwelling applications at this site. The last 4 years of accounts (which are the most up to date accounts available) have been provided. Profits appear low due to heavy investment in new buildings, and repair of buildings and drainage systems following a fire at Littlewood Hall Farm which damaged buildings and resulted in loss of livestock. Insurance from the fire only paid to build buildings at a low standard. The applicant's father decided that it would be a good opportunity to erect brand new buildings in their place to a higher standard than was existing, as this would improve the efficiency of the buildings and animal welfare standards. To facilitate this, he put a cash injection into the business, which shows his dedication to the farm and the business.
18. The applicant also submits that the reason for applying for a permanent dwelling rather than a temporary caravan for three years, is due to the length of time that the business has been operating with a profit. The business is well established, and ownership of the business has been with the applicants for four generations. Roecroft Farm is the only land owned by the applicant, and this is why the application for the agricultural building and this application is made for a dwelling in this location, as it secures the developments for the farm business.

Roecroft Farm

19. Historically, Roecroft Farm was a vibrant working farm that consisted of two agricultural buildings and a farmhouse. An agricultural worker dwelling, Four Oaks, was applied for by the applicant's father and subsequently approved in 1988. This dwelling was approved in relation to buildings at Roecroft Farm, which at the time was owned by John's Aunt and Uncle. The two buildings there at the time had cattle in them, which was the justification for the key worker dwelling that Michael currently lives in.
20. Family deaths and changes in circumstances meant that the buildings at Roecroft could no longer be used for the business. This led to the buildings at Denizes being used for livestock due to the approved dwelling being in close proximity. Barlow Brothers rented the land of Roecroft Farm from 1967, until they purchased it in April 2018. Roecroft Farm does still have a dwelling on site, which can be seen on the first OS map dating back to 1840, but it is in separate ownership and has absolutely no relation to the 73 acres that are now referred to as Roecroft Farm in this submission. It is on this site that they have permission for a 900sqm custom built livestock building, which was due to be completed in the summer of 2021, but on which work has not yet commenced.

Denizes Farm

21. Denizes Farm has been used for agriculture by the business, but this use is no longer available due to the intensification of the site for Barlow's Trailers (industrial/storage & distribution use). Denizes Farm is owned by the applicant's grandfather (also called John Barlow), and Barlow's Trailers is owned by other family members. The applicant has no stake or control whatsoever over the land or buildings at Denizes Farm, but he does farm around 20 acres of land there at present. Access is not possible during the night as the site is securely locked by the trailer business for security purposes. It is also not appropriate to bring livestock through an industrial site used by members of the public, so these buildings will be used by Roecroft Farm for agricultural storage that can be accessed during the day.

Littlewood Hall Farm

22. Littlewood Hall Farm is tenanted farm, with 150 acres rented to Barlow Brothers on a three generation tenancy which ends with the applicant's father, Michael Barlow. Although it is only tenanted, Barlow Brothers has invested heavily in the farm and owns the buildings that it has constructed. Littlewood Hall Farm will likely permit the continued use of the site by the applicant when he takes over. However, the low business rates that are currently enjoyed by the business will increase when the applicant becomes the business owner, as his father retires.
23. Once the new suckler/yearling building is erected at Roecroft, Littlewood Hall Farm will operate just the dairy herd, as it is equipped with all the necessary buildings and equipment for this. The separation of the suckler herd (to Roecroft) and dairy herd (at Littlewood Hall Farm) is good practice because it is beneficial for all animals.
24. As Barlow Brothers has invested heavily in new buildings and concreting over the years, the Trustees of the Worden Estate (which manages the tenancy of Littlewood Hall Farm) have now requested that every development or alteration be sought permission for, as they want full control over permitting any further development going into the site.
25. The lack of space and difficulty in applying for new buildings at Littlewood Hall Farm was stifling Barlow Brothers' ability to look after the animals to the highest standard and prevented them from being able to grow the business further. The farm was overstocked by 148 cattle in the summer of 2020 due to the Covid-19 pandemic, and the approval of the livestock building at Roecroft has been essential for the business to grow and operate efficiently.
26. When the suckler herd moves to Roecroft Farm, there will be between 90-100 suckler herd births at Roecroft Farm each year, averaging at two calvings per week. An additional worker 24 hours a day is required to safely facilitate these births at Roecroft Farm. The suckler herd will remain in the buildings applied for at Roecroft from October to April and will be turned out into the field for the remaining months. Cows will be brought into the building when they are due to give birth. The calving will be throughout the year.

Embryo sales and artificial insemination

27. As well as breeding cattle the applicant has another arm to the agricultural business which is harvesting the eggs from the animals and artificially inseminating them in laboratory conditions. The embryos are then sold on and implanted into the purchaser's cattle. The applicant is selling around 250 embryos a year and has purchasers worldwide.
28. The process is complex with timed injections and artificial insemination being undertaken at specific times and a specialist team is brought in to complete the removal of the embryos on average once a month. The precise timings of these is incredibly important for success, and this can only be achieved through the provision of a 24 hour worker on site.

14th May information

29. This provided accounts from 2018 and 2019 as well as a list of sales from September 2019 to March 2021.

6th August Information

30. The applicant provided calf records and a timeframe document which summarised information across the 3 farms in relation to benefits, issues, actions and a summary for each as well as list of additional information. This includes:
- Two people are recommended for every calving.
 - Michael has suffered injuries while calving alone which is forcing him to retire from manual duties.
 - Case law supports farm workers being allowed to stay in their homes when they retire.
 - The proposed dwelling will replace the supervision from Four Oaks.
 - The proposed dwelling at Roecroft will accommodate two full time employees – John Barlow and his wife Claire Barlow.
 - Childcare commitments mean that they need on-site accommodation because they cannot leave their expected baby on its own when travelling to site.
 - The proposed dwelling would meet the needs of both Roecroft Farm and Littlewood Hall Farm.
 - The livestock elements of the enterprise will be spread across two farms rather than three making it much more manageable.
 - Littlewood Hall Farm will care for the dairy herd, which is as at 29th July 2021 was overstocked by 167 cattle and the enterprise as a whole 140.
 - Roecroft Farm will care for the suckler herd as they don't need to be supported by the dairy equipment.
 - John will be able to help with calving at Littlewood Hall Farm and vice versa due to the proximity, while both sites will be continuously met by an on-site presence.
 - Should the application for the dwelling be refused, the animals will have to be euthanised to achieve safe stocking levels.
 - The livestock building at Roecroft is approved and needs to be supported by an on-site worker so he can raise the alarm to the worker at Littlewood Hall Farm in the event of a calving or other emergency.
 - They have previously invested in alarm systems which worked relatively well, but failures in the machines and reporting were quite common – showing technology can be useful, but it cannot be relied upon.
 - Paragraphs 84 and 85 of the NPPF support a prosperous rural economy and are supportive of this application, and a refusal would go against these aims and objectives. Paragraph 79 agrees that building and housing essential for agriculture are permissible in the Green Belt.
 - John is currently undertaking 3 return trips per day totalling 1 hour 20 minutes travelling time. Permission for the dwelling would reduce his travel hours by over 10 hours a week which benefits both the business and his family.
 - The animals owned by the enterprise are prize winning and John and Michael are highly regarded in farming circles. Their stock are renowned for their size and reproduction, and both John and Michael are judges at prestige cattle shows.
 - Limousin and Simmentals are large breeds and are known to have particularly bad tempers. This makes calvings more dangerous.
 - They are large animals are difficult to calve due to their size making it more dangerous.
 - Larger cows produce larger calves which can cause issues during birth.
 - It sometimes takes up to 3 people to assist with a calving due to the size of the animals and complexities
 - The animals are incredibly high value which makes them a target for criminal activity.

- Overstocking sees higher risk of injury and disease and so the suckler herd needs to be moved ASAP, but they will need supervision once they arrive at Roecroft.
- The animals and the enterprise have achieved High Health Status which is critical for such a reputable farming business. Separating the dairy and suckler herd not only improves the business efficiency of the unit but make this High Health Status easier to manage and maintain.
- The business has been owned and run in the area for over 80 years.
- The business is proven to be economically valuable, with profits over the last three years having been £26,257 (2019); £48,987 (2018), and £9252 (2017). This averages out at £28165 profit per year which is well above the threshold for proving economic viability. We have provided accounts, sales records and letters of support from the accountant to confirm financial viability. ADAS require three sets of accounts, with at least one of those years being in profit and a profit of circa £25,000, which has been more than demonstrated by the applicants. The farm is financially viable and economically sound.
- This is a sustainable business. It has operated for over 80 years and has survived various national farming issues and requires an additional dwelling on site to provide adequate supervision for the enterprise over the two sites.
- Essential need at Roecroft Farm has been agreed by ADAS in their most recent response.
- ADAS were concerned that there is currently not a need because the building is not yet in situ. However, cows currently have to calve out in the field when they are at Roecroft meaning the need is current. A condition could be applied to ensure that building the dwelling cannot commence until the building to which it relates is substantially complete, which gives both ADAS the reassurance that the building will be implemented to allow for the house, and gives confidence to the applicants to invest in the building knowing that the house is secured.
- The building is being paid for by the business and no loans will be required to build it.
- The house would be funded by John privately through the sale of his own property and so this will not affect business profits.
- The new house and building are an expansion of the existing enterprise and is not to be a new enterprise in its own right. This is because:
 - All stock across Littlewood Hall, Denizes Farm and Roecroft Farm have the same ear tag number, because all three sites are the same holding.
 - All stock to be placed on Roecroft are to be relocated from Littlewood, as it is the entire suckler herd that is being moved.
 - The financial accounts submitted will incorporate all stock and crops grown across Littlewood Hall, Roecroft and Denizes as has always been the case.
 - The employees of Littlewood Hall Farm and Roecroft Farm will all be paid through Barlow Brothers, as has always been.
 - The new building at Roecroft is to be funded by Barlow Brothers.
 - The land at Roecroft Farm is owned by Barlow Brothers.

3rd September information

31. This provided case law to support the applicant's submission that case law supports farm workers being allowed to stay in their homes when they retire. It also reiterated that ADAS consider that there would be a functional need, but the applicant is reluctant to invest in the agricultural building without having the reassurance of having a worker dwelling. It also said that the applicant is certain the test of financial viability has been proved.

Summary

32. The applicant submits that there is an essential need for on-site supervision at Roecroft Farm, that cannot be met by other houses on site nor by houses for sale in the local area. It is a requirement for workers to be within sight and sound of the animals – a need which cannot be met by houses off site. There is sufficient work at Roecroft Farm to permit a dwelling, and calvings three nights per week necessitate on site presence. New mothers and their calves are particularly susceptible to injury and disease, and they need to be

closely monitored after birth. Furthermore, the embryo harvesting is very complex and time sensitive, with different medications administered at specific times. The absence of a dwelling on site will have a devastating impact on the animals in the applicant's care, and on the opportunities for profit for the business.

REPRESENTATIONS

33. One representation has been received which says that it completely opposes the application, because no further planning should be accepted on this site due to green belt and green fields being eroded by development within this site alone.

CONSULTATIONS

34. Ulnes Walton Parish Council – Have objected as the proposed development is inappropriate development within the Green Belt on the following grounds:
 - i) this application appears to be a resubmission of a refused application 20/00146/OUT, to which the ADAS report considered there is no 'Roecroft Farm'.
 - ii) the applicant has failed to provide details of the existence of very special circumstances which may outweigh the harm to the Green Belt.
35. CIL Officers – Comment that CIL is not calculated at outline stage, however, the development will be CIL liable on approval of the final reserved matters application (if approved).
36. Lancashire County Council Archaeology Service – Have no objections.
37. ADAS Ltd - The Council's agricultural advisors ADAS are of the opinion that the essential need for a dwelling at this new site has not been demonstrated. There is some doubt about if there is a clearly established functional need, and the financial viability and sustainability of the business cannot be assessed on the basis of the information provided. Further information in terms of their analysis of the scheme is included within the 'Planning Considerations' section below.
38. Lancashire County Council Highway Services (LCC Highway Services) – Have no objections in principle and have recommended conditions to be attached to any outline consent and information that would be required at reserved matters stage.
39. Health and Safety Executive (HSE) – Do not advise against the granting of planning permission on safety grounds.
40. Cadent Gas – Have no objections but comment that the developer must submit a separate enquiry as the development is within the Area of Interest and, therefore, the Council should apply an informative to make the developer aware of this.
41. Greater Manchester Ecology Unit – Any comments will be reported.
42. United Utilities (UU) – Have no objections, provide comments regarding sustainable drainage, water supply and their assets.

PLANNING CONSIDERATIONS

Principle of development

43. The National Planning Policy Framework (the Framework) is supportive of sustainable development in rural areas and most specifically in the context of this rural site states at paragraph 84 that Local Authorities should enable '*the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-*

designed new buildings; and the development and diversification of agricultural and other land-based rural businesses.'

44. The application site is located within the Green Belt. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances.

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

'137. 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.

138. 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.*

147. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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

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

- buildings for agriculture and forestry;*
- 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;*
- 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;*
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- limited infilling in villages;*
- limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- 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.*

46. The site is currently open pasture with no buildings or development in situ. The proposed development is for a farmworker's dwelling. Such a development does not fall within any of the exceptions to inappropriate development in the Green Belt set out at paragraph 149. The proposed development must, therefore, be considered inappropriate, which is harmful by definition, and to which substantial weight must be attached.

47. As it has been established, the development would result in definitional harm to the Green Belt, and any 'other harm' caused by the development must also be considered and added to the definitional harm.
48. The application site is separated from other buildings by 50m in an area predominantly characterised by open fields. As such, the proposed dwelling would appear as an isolated building, although planning permission has been granted for an agricultural building to be located adjacent to the dwelling. Whilst it is appreciated that this is an outline application and so the scale, design, landscaping and layout of the scheme is not known, it is considered that any dwelling in this location would appear as an incongruous feature and would likely have negative visual and landscape impacts. However, given that the site is not located in a particularly visually prominent location, with the land being relatively flat, it is considered that such impacts could be mitigated to an acceptable level with a suitable landscaping scheme and low profile dwelling design.
49. As the proposed development would result in definitional harm to the Green Belt, there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm.

Green Belt balancing exercise

50. It has been established that there would be definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt.
51. Policy HS10 of the Chorley Local Plan 2012-2026 relates to agricultural worker's dwellings in the countryside and covers circumstances where accommodation is required to enable agriculture, horticulture, forestry or other rural based enterprises.
52. This policy states that outside the defined settlements and existing urban areas shown on the Policies Map, the erection of a new dwelling will only be permitted when accommodation is required to enable agriculture, horticulture, forestry (or other rural based enterprise) workers to live at, or in the immediate vicinity of, their place of work.
53. The policy does not refer directly to the Green Belt and does not override the national policy situation in relation to Green Belts, as set out in the Framework. It does, however, provide a useful framework by which the circumstances advanced in support of a rural worker's dwelling may be assessed. In the case of the current application the criteria set out under policy HS10 a) should be followed as set out below, along with a summary of the applicant's case and the case officer's assessment, following advice from the Council's agricultural advisors, beneath each criterion:
 - a) *New permanent dwellings will be allowed to support existing agricultural or forestry activities in well-established agricultural or forestry units provided that:*
 - i. *There is a clearly established functional need;*
54. The applicant's case is that the current enterprise requires a high level of supervision, due to high livestock numbers of high value livestock. Any shortfall in supervision could lead to the loss of calves and have a knock-on effect on the business. The dwelling is needed to allow a worker to live on the farm to; supervise and monitor the stock leading up to and during birth; prevent the spread of disease and illness; and to accord with the Animal Welfare Act 2006 and Farm Welfare Council, providing 24-hour supervision to protect against livestock theft, escape, predators and intruders. The embryo transfer business requires close and careful supervision due to the complexities involved especially with timings of the work to be undertaken. The applicant submits that this can only be achieved through the provision of a 24 hour worker on site.
55. The case officer's assessment is that there *may* be a functional need for a dwelling, however, this is not established on this site currently because although there is a permission in place for an agricultural building this is not built or under construction. In

addition ADAS advise that whilst the embryo transfer process is also dependant on close supervision, it is very much in its infancy and could not be considered as essential to the business at this stage – having made few sales to date – with what appear to be only one sale of 21 embryos.

ii. The functional need relates to a full time worker or one primarily employed in agriculture, forestry or rural based enterprise activities;

56. The applicant's assessment (set out in their initial submission) is that there is a need for a yearly average of 6.4 workers to tend to the enterprise as a whole on a daily basis, and that the Standard Man Days (SMD) for Roecroft Farm will be 1.91 SMD of labour to ensure that the quality of farming is maintained, and the safety of workers and animals. However, it appears from the latest information submitted (6th August) that these figures are slightly lower.
57. Whilst ADAS feel that the functional requirement would equate to one full-time labour unit to be close to the building to ensure the welfare and viability of the calf and cow during the birth process, they raise issues with the time taken to run the embryo business at the current time. They also raise issues with the accuracy of the numbers of livestock described in the Agricultural Assessment because the evidence presented by the applicant suggests a much lower number of sales activities, for the milk sales, cattle sales and embryo sales - both physically and financially. In addition, they query whether the breeding ewes should be linked with Roecroft Farm as they should be linked with Littlewood Farm.
58. The case officer's assessment is that taking into account the above points, although there are questions about how much work would be produced by Roecroft Farm, on balance it may be the case that the work produced here could produce sufficient work for a full time worker. However, despite that, as already stated in relation to criterion "I" the need is not established on this site at this time.

iii. The unit and the agricultural or forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;

59. The applicant's case is that the recent profit and loss accounts show the farm has been consistently generating good trading profits and shows a profit in at least one of the last 3 years. The applicant says that profits appear low, but the repairs to buildings and revision of the on-site drainage system, along with heavy investment in cattle and machinery has resulted in low profits. The business continues to support five people to live comfortably, and there is no indication that this will not continue to be the case. A letter has been supplied by the applicant's accountant to state that they can see no reason why the business would not be commercially viable.
60. ADAS consider that there are inconsistencies in the information supplied that made the financial assessment of the application inconclusive. The information provided suggests that the profits were low due to heavy investment in new buildings and machinery. Capital items are funded out of profits and reserves - they are not "costs" and do not affect trading profits, which was discussed in relation to the previous application for the dwelling.
61. During the financial period 2018 there was a large change in the asset base of the business - the net assets appeared to jump considerably, possibly as a result of Mr M.A. Barlow introducing capital to the business. Such injections of outside funding does not necessarily mean that a business is considered to be viable or sustainable. The accounts from year ending July 2020 were not made available, although they have been requested.
62. The profits of the business appeared small when it is considered that they were to be split between the partners of the business. There were also inconsistencies regarding the average sale price of cattle between the submitted Agricultural Assessment and a later submission (14th May), which are substantial.

63. Despite the Agricultural Assessment stating that there was a contract to sell 250 embryos to the USA, there were no sales in 2019 and 2020, and just 21 in the first quarter of 2021. ADAS were unable to satisfactorily assess where the funds had come from and the sustainability of the business.
64. Whilst ADAS conclude that the business appears profitable, the inconsistencies between the physical performance and financial information supplied made it difficult to fully appraise the business viability.
65. The case officer's assessment is that there is doubt over the sustainability of the business due to a lack of clarity in the accounts that have been provided, and despite requests the latest accounts (for year ending July 2020) have not been provided. The text supporting Policy SH10 (para 5.44) states:

“New permanent accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable. A financial test is necessary for this purpose and to provide evidence of the size of the dwelling which the unit can sustain. The unit and the agricultural activity concerned should have been established for at least three years, have been profitable for a least one of them, are currently financially sound and have a clear prospect of remaining so.”

66. As the financial viability of the enterprise cannot be fully assessed (even though it appears profitable), policy does not allow the proposal to be supported. The inconsistencies in the information provided means that evidence of the size of the dwelling that the unit can sustain has not been established.
67. It is also important to note that in the case of new farming enterprises which are not yet viable the Council sets out (in paragraph 5.48 of the supporting text to policy HS10) that permission will not be granted. Instead the applicant has the opportunity to apply for temporary accommodation, such as a residential caravan. In other words, the Council sets out a temporary accommodation first approach in such cases. As ADAS set out, it is considered that this potentially provides the applicant an appropriate avenue to progress matters in order to meet the functional need for a permanent presence on the site. It is also the case that this would also allow for the enterprise to show that it can meet the required financial tests set out within policy HS10.
68. The applicant has been made aware of this option and an application has been invited on that basis. However, the applicant has chosen not to go down that route, instead seeking permission for a permanent dwelling.

iv. The functional need could not be fulfilled by another dwelling on the unit or any other existing accommodation in the area which is suitable and available;

69. The applicant's assessment (set out in their initial submission) is that there is a need for a yearly average of 6.4 workers to tend to the enterprise as a whole on a daily basis, and that the Standard Man Days (SMD) for Roecroft Farm will be 1.91 SMD of labour to ensure that the quality of farming is maintained, and for the safety of workers and animals. However, it appears from the latest information submitted (6th August) that these figures are slightly lower.
70. The applicant's case is that there is currently one dwelling near the site housing 1 full time equivalent worker, but the calculation of 1.91 workers being required at Roecroft Farm every day proves that on-site supervision is essential. Furthermore, that worker is set to retire and the house will not be available to the applicant. It is important to note that the volume of vulnerable livestock and year round calving makes the enterprise particularly vulnerable. This justifies the essential need for an additional agricultural worker dwelling on the site. Calving is an unsafe practice to complete alone, and yet most of the time Michael has been forced to complete this alone until someone else can arrive in an emergency. Calves have been lost due to a lack of sufficient people being on site when required. A suitable property needs to be within sight and sound of the animals. The use of existing

accommodation in the wider area is not practical due to the long labour hours required on the farm, the nightly checks on the animals, prevention of crime, the embryo work, calving and the 24 hour cover required to the farm and livestock.

71. The case officer's assessment is that any dwelling should be located close to any required need. Although the dwelling at Four Oaks could be available if management of the overall enterprise across all the farms were to be managed differently, it is not considered that once the applicant's father retires that he should be forced to leave his home which ultimately would be the case here. This is despite the fact that the Four Oaks dwelling is no longer used by someone who works at the Roecroft Farmhouse site because it is no longer used for farming.
72. However, a redevelopment of the Roecroft Farmhouse site which is within 200m of the site has been approved and once works are undertaken it may be able to provide an alternative dwelling without needing to build a further one. However, as works are understood not to have commenced this could not be described as being available currently.

and;

v. The siting of the proposed dwelling is well related to the existing farm buildings or its impact on the landscape could be minimised.

73. The applicant's supporting information identifies that the dwelling is applied for as outline, so at this time it can only be said that the dwelling would be designed to be sensitive to the surroundings in size, scale, appearance and siting within the plot. It would form a cluster of buildings, with agricultural buildings in the immediate vicinity, and the equestrian centre and other houses also being close to the proposed development(s).
74. As outlined previously within this report, the case officer's assessment is that as the site is not located in a particularly visually prominent location, with the land being relatively flat, it is considered that landscape and visual impacts could be mitigated to an acceptable level with a suitable landscaping scheme and low profile dwelling design.
75. In light of the above assessment of the proposal against policy HS10, it is considered that the proposal fails to meet the requirements of criteria i, ii, and iii of the policy. The submission has not shown that there is a clearly established functional need for a dwelling at this site. Whilst there may be sufficient work for a full time worker, that work is not established on this site at this time, and due to a lack of clarity in the accounts provided means that the financial viability of the enterprise cannot be assessed properly, leading to doubt over the sustainability of the business. In addition, in cases where new farming enterprises are not yet viable, applicants are encouraged to apply for temporary accommodation, but the applicant has ruled that out. The development therefore conflicts with policy HS10 of the Chorley Council Local Plan 2012-2026.
76. As such it is not considered that the matters set out in support of a new dwelling at the site amount to the very special circumstances required to overcome the definitional harm to the Green Belt, which must be accorded substantial weight in line with the Framework.

CONCLUSION

77. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development does not meet the criteria for agricultural workers' dwellings in the countryside set out within policy HS10 of the Chorley Local Plan 2012-2026. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt. The proposal is, therefore, contrary to the National Planning Policy Framework and policy HS10 of the Chorley Local Plan 2012-2026 and it is recommended that the application be refused.

RELEVANT HISTORY OF THE SITE

Ref: 19/00573/OUT **Decision:** WDN **Decision Date:** 13 January 2020

Description: Outline planning application for the erection of an agricultural worker's dwellinghouse. All matters reserved, except access

Ref: 19/00625/FUL **Decision:** WDN **Decision Date:** 14 January 2020

Description: Erection of calf rearing building, with internal access road and hardstanding

Ref: 20/00146/OUT **Decision:** REFOPP **Decision Date:** 17 July 2020

Description: Outline planning application for the erection of an agricultural worker's dwelling. All matters reserved, except access

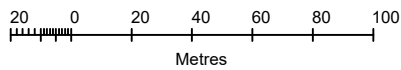
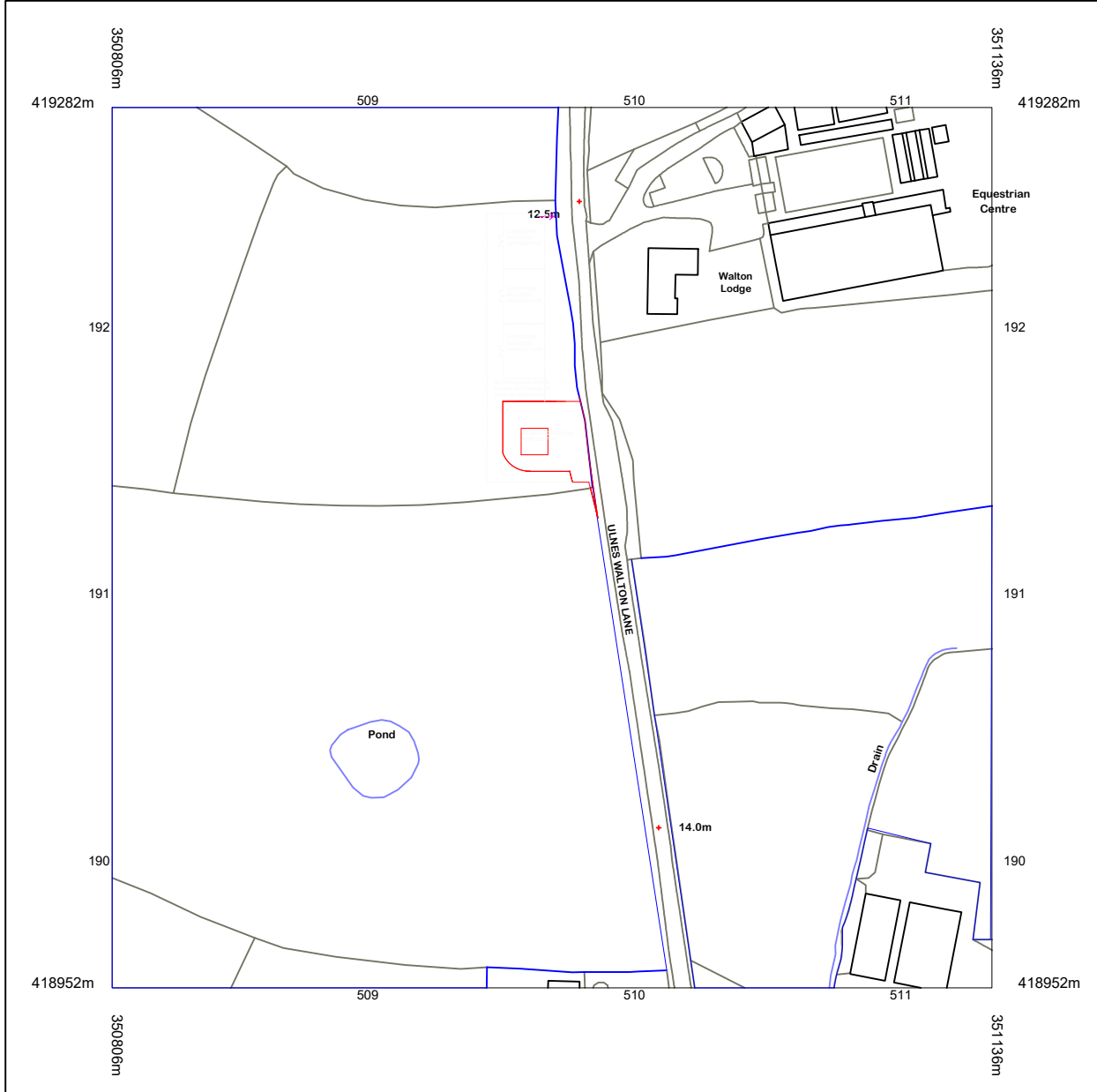
Ref: 20/00226/FUL **Decision:** PERFPP **Decision Date:** 17 July 2020

Description: Erection of agricultural livestock building and construction of vehicular access and manoeuvring areas

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.

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Stanfords VectorMap



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APPLICATION REPORT – 21/01017/FUL

Validation Date: 20 August 2021

Ward: Coppull

Type of Application: Full Planning

Proposal: Industrial development comprising 17no. 'start up' units (Use Classes B2 and B8)

Location: Blainscough Works Blainscough Lane Coppull Chorley PR7 5HT

Case Officer: Mike Halsall

Applicant: Mr Jason Millar, Douglas Valley Breakers Ltd

Agent: Mr Bob Margerison, LMP Ltd

Consultation expiry: 23 September 2021

Decision due by: 10 December 2021 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located within the Green Belt, off Blainscough Lane in Coppull. The site covers approximately 0.5 hectares of a larger, roughly triangular shaped, area of developed land known as Blainscough Works. The site has been in use in association with the applicant's vehicle repair shop, located on land to the south of the application site, which was granted planning permission in 2008 ref. 08/00540/COU for a change of use from haulage yard/vehicle maintenance facility to vehicle storage yard/dismantling facility.
3. Further south east is an industrial site, which has most recently been used as an aggregate screening yard and involves the storing and crushing of waste materials. This site was granted planning permission in April 2021 for the erection of four industrial buildings, ref. 21/00178/FUL.
4. The site to the south west has planning permission for the extension of an existing industrial building on the site to form 5no. new units in B2 use ref. 20/00573/FUL.
5. Land to the north, east and west is mostly open countryside, with the latter being the subject of a recent planning appeal / Inquiry into the refusal of outline planning permission ref. 20/01399/OUTMAJ for the erection of up to 123 dwellings and other associated development. The playing pitch, car park and clubhouse for Coppull United Football Club are located to the north east.

DESCRIPTION OF PROPOSED DEVELOPMENT

6. The planning application seeks planning permission for the erection of 17no. single storey 'start-up' industrial units (Use Classes B2 and B8) which would allow them to be used for general industrial uses, storage and distribution. Each unit would cover an area of

approximately 47 square metres which would provide a total built area of approximately 910 square metres, arranged into three blocks, one smaller than the other two.

7. The units would have a personnel door and either a roller shutter entrance door or window depending on the use of the unit. Each unit would have a WC for employees and the building group would be of a lean-to design and constructed in metal cladding.
8. The information submitted in support of the proposal explains that the units are designed for people that have start-up companies and have outgrown their garages. Further information is provided later within this report.

REPRESENTATIONS

9. Representations have been received from three individuals citing the following (summarised) grounds of objection:
 - Section 2.9 of the supporting statement submitted with the application is incorrect as the access proposed for the 123no. dwellings ref. 20/01399/OUTMAJ is from the Grange estate, not Blainscough Lane
 - Inadequacy of Blainscough Lane
 - Traffic congestion
 - Insufficient number of proposed parking spaces
 - Noise and disturbance from vehicles entering / leaving the site
 - Littering from vehicles
 - Pedestrian safety
 - Blocked drains from dirt and dust from the road
 - Poor visibility exiting Blainscough Lane onto Preston Road
 - Blainscough Lane should be widened with road markings and a stop sign at its joining with Preston Road
10. A representation has been received from one individual, making comments neither in support nor objecting to the proposal, as follows (summarised):
 - Concerned about people parking outside his house on Preston Road making it difficult for him to safely exit his driveway. Requests that the road have double yellow lines painted.

CONSULTATIONS

11. Coppull Parish Council: Have responded in support of the proposal.
12. Lancashire Constabulary: Have responded to suggest a number of security measures that should be incorporated into the development with a view to prevent crime. Such measures include avoiding recessed areas in the units, preventing easy roof access and the installation of specific gates, fencing and CCTV. The response has been issued to the applicant and can be included within an informative note on any grant of planning permission for the proposed development. Where appropriate, the requirements will be incorporated into planning conditions attached to any grant of planning permission for the proposed development.
13. Lancashire County Council Highway Services (LCC Highway Services): Have responded with no objection to the proposal 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.
14. Greater Manchester Ecology Unit: Have advised that as the site is primarily hardstanding, there are unlikely to be any ecological issues. They are satisfied that no further information is required with regards to protected species as a pond to the north has recently been surveyed as part of a proposed development on adjacent land. No great crested newts were found. Conditions have been recommended to be attached to any grant of planning

permission for the proposed development relating to protecting nesting birds, an invasive plant species survey, protection of an adjacent brook and the implementation of biodiversity enhancement measures.

15. Regulatory Services - Environmental Health: No comments have been received.
16. Waste & Contaminated Land: Have no objection.
17. Council's Tree Officer: Have commented that the proposal is unlikely to have any significant impact on the off-site trees that surround the site.
18. Lancashire Fire and Rescue Service: No comments have been received.
19. United Utilities: Have responded to state that as the proposed development is not proposed to communicate with the public sewer network, they have no comments.

PLANNING CONSIDERATIONS

Principle of development

20. The application site is located within the Green Belt. Section 13 of the National Planning Policy Framework (the Framework) confirms that 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.
21. 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.
22. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that '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.
23. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions to this rule. One such exemption is listed at paragraph 149(g) of the Framework:
 - 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.
24. It is not considered that the proposal relates to infilling as it would not take place between existing buildings. It could however be viewed as the redevelopment of previously developed land.
25. Policy BNE5 criteria (d) of the Chorley local Plan 2012-2026 states that in the case of redevelopment of previously developed land in the Green Belt '*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.'

26. The application site falls outside of the red-edged boundary relating to planning permission ref. 08/00540/COU for the change of use to a vehicle storage yard/dismantling facility, which is located to the south of the application site. The supporting statement submitted with the planning application identifies that the site has been used for many years for storing scrap cars in association with the aforementioned approved use and asserts that the site should be classed as previously developed land. In support of this contention, appended to the supporting statement is a letter from the Council's then enforcement officer, dated 28th March 2007, which states that the land which forms the application site is land as part of the original sites work and as such the continued use of the land for the storage of materials associated with the treatment of waste materials would not require planning permission. A review of historic aerial photography appears to support the applicant's view that the site has been used for a continuous period in excess of 10 years for the same use. It is considered that without any evidence to the contrary, on the balance of probabilities the use of the site for the storage of scrap vehicles is lawful and the site therefore falls within the definition of previously development land as outlined within Annex 2 to the Framework.
27. Whilst the test for whether proposals such as this are appropriate in the Green Belt relates to the impact on openness, it is important to note that the Framework contains no specific definition of 'openness'.
28. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the application site does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".
29. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Local Plan, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the application site. The Court of Appeal has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect¹.
30. The existing site contains no built development, although it has a lawful use for the storage of scrap vehicles which will have an impact upon the openness of the Green Belt, the level of which will vary depending upon how many cars are stored on the site at any particular time. Aerial photography appears to indicate that at times the vast majority of the site has been covered by scrap cars. The proposal would add permanent built volume to the site beyond the existing buildings to the south in a more open position within the wider site. This would detract from the openness of the site both visually and spatially, compared to the current situation. This harm is however considered to be limited as the site is not visible from surrounding public vantage points due to vegetation to the site perimeter, the buildings would be single storey at approximately 5m in maximum height and they would only cover approximately one fifth of the total site area. The proposal could be seen as a complete redevelopment of the site but there would be a greater impact on openness as there are no buildings on-site at present.
31. For the above reasons, it is concluded that the proposed development would not preserve the openness of the Green Belt and hence the proposal would amount to inappropriate development in the Green Belt.
32. As previously noted, inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. When considering any

¹ Turner v SSCLG & East Dorset Council [2016]

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.

33. In light of the above, an assessment needs to be made as to whether there is 'any other harm' caused by the development that needs to be added to the harm caused by its inappropriateness.

Is there any other harm?

Industrial development

34. Policy EP3 of the Chorley Local Plan 2012-2026 states that, '*Proposals for new business, industrial and storage and distribution uses, including extensions to existing premises, will be permitted if they satisfy the following criteria:*
- a. *They are of a scale and character that is commensurate with the size of the settlement;*
 - b. *The site is planned and laid out in a comprehensive basis;*
 - c. *The proposal will not prejudice future or current economic activities within nearby areas;*
 - d. *The proposal will not cause unacceptable harm, eg noise, smells to surrounding uses;*
 - e. *The site has an adequate access that would not create a traffic hazard or have an undue environmental impact;*
 - f. *The proposal will be served by public transport and provide pedestrian and cycle links to adjacent areas;*
 - g. *Open storage areas should be designed to minimise visual intrusion;*
 - h. *Adequate screening is provided where necessary to any unsightly feature of the development and security fencing is located to the internal edge of any perimeter landscaping;*
 - i. *On the edges of industrial areas, where sites adjoin residential areas or open countryside, developers will be required to provide substantial peripheral landscaping;*
 - j. *The development makes safe and convenient access provision for people with disabilities;*
 - k. *The buildings are designed, laid out and landscaped to maximise the energy conservation potential of any development, and to minimise the risk of crime;*
 - l. *The proposal will not result in surface water, drainage or sewerage related pollution problems; and*
 - m. *The proposal incorporates measures which help to prevent crime and promote community safety.*
35. The following sections of this report demonstrate that the proposed development is consistent with the provisions of Policy EP3.

Design, impact on the character and appearance of the locality and visual impact

36. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states:

'Planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area.'

37. The proposed development comprises functional buildings, smaller in scale than those on the wider site, specifically scaled and designed to meet the requirements of start-up businesses. The proposed units would complement other recently approved uses on the wider industrial estate. As previously noted, the site is not visible from surrounding public vantage points due to vegetation to the site perimeter. Locally, the appearance of the site would be improved significantly through the removal of the existing scrap cars and redevelopment into a modern industrial complex. As such, the proposal would have a positive visual impact on the site itself and no notable impact to the surrounding area. The

proposed development is, therefore, considered to be in conformity with policy BNE1 of the Chorley Local Plan 2012-2016 with respect to its design and visual impacts.

Impact on neighbours

38. Policy BNE1 of the Chorley Local Plan 2012 - 2026 states that new development must not cause harm to any neighbouring property by virtue of overlooking, noise, overshadowing, or by creating an overbearing impact.
39. The nearest residential properties to the site are located on Blainscough Road, approximately 100m to the north east and Blainscough Hall, located approximately 130m to the south west. It is considered that noise and disturbance from the site would be limited and would likely be lesser in magnitude than that of the existing site as the majority of activity would be contained within the units, rather than in the open air as currently. The location of the site some distance from the nearest residential properties, the nature of the proposed development and the boundary vegetation would make any unacceptable impacts upon the living conditions of the occupants of these properties extremely unlikely.

Highway safety

39. The proposal would utilise the existing access from Blainscough Lane. The proposal has been considered by Lancashire County Council as the Highway Authority (LCC Highway Services) for the borough.
40. Blainscough Lane is an unadopted private street along which runs a public right of way which runs through the west of the larger industrial estate. This lane has been used for haulage and industrial use for many years and the proposed 17no. units are not a significant increase in the volume of vehicular traffic.
41. Based on the car parking recommendations in the Chorley Local Plan Policy ST4 and appendix A, LCC Highway Services are of the opinion that the applicant has provided adequate off-road parking provision for the proposed development.
42. It is recommended that secure and covered cycle storage is provided with a minimum of six secure cycle spaces to support social inclusion and promote sustainable forms of transport.
43. LCC Highway Services have suggested planning conditions be attached to any grant of planning permission for the proposed use in relation to the marking out of parking areas and the provision of cycling facilities.
44. It is noted that there have been neighbour objections with regards to highway safety and the suitability of Blainscough Lane. There is an error in the submitted supporting statement, as identified by one neighbour response, as the proposed access to the housing scheme currently subject to a planning appeal would be from Grange Drive and not Blainscough Lane.
45. It is not considered that the proposal would result in a significant increase in the number or type of vehicle movements associated with the wider industrial estate using Blainscough Lane. The proposal would not give rise to an unacceptable increase in traffic, pedestrian / highway safety concerns or any associated creation of dust / mud blocking drains, littering or noise from vehicles. Further, the proposed level of parking at the site accords with Chorley Local Plan Policy ST4. As such, it is concluded that the proposal is acceptable in terms of highway safety and parking.

Ecology

46. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity, geological heritage and ecological network resources will be protected, conserved, restored and enhanced.
47. The Council's ecology advisor has reviewed the proposal and confirmed it is acceptable in ecological terms, subject to conditions and informative notes being attached to any grant of planning permission. This shall include the provision of mitigation to compensate for the

loss of vegetation to enable the construction of the access road, protection of the Brook during construction and protecting nesting birds. The proposed development is considered to be in conformity with policy BNE9 of the Chorley Local Plan 2012-2016.

Public rights of way

48. Public rights of way run within the western section of the larger industrial estate and down Blainscough Lane. This lane has been used for haulage and industrial use for many years and the proposed 17no. units would not result in a significant increase in the volume or nature of vehicular traffic. The proposal is considered acceptable in relation to the footpath and would not result in a notable increase in risk to pedestrian safety.

Drainage

49. The hierarchy for disposal of surface water from new developments is outlined within National Planning Practice Guidance as follows:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
50. The proposed drainage strategy is for surface water flows to be directed to an existing watercourse and for foul water to be managed by a package treatment plant.
51. As the proposed method for surface water drainage is not the most sustainable option of the above hierarchy, a drainage strategy will be required to demonstrate that infiltration to ground is not a viable option in this location. Details of the proposed package treatment plant will also be required. The above can be submitted to the local planning authority for approval as part of suitably worded planning conditions to be attached to any grant of planning permission for the proposed development.

Sustainable resources / energy efficiency

52. Policy 27 of the Core Strategy seeks to incorporate sustainable resources into new development through a number of measures. The proposed development is within the threshold category of criterion b of the policy which requires either additional fabric insulation measures or appropriate decentralised, renewable or low carbon energy sources are to be installed and implemented to reduce CO2 emissions by a minimum of 15%. This is in addition to achieving a BREEAM 'very good' rating for energy efficiency.
53. Suitably worded proposed conditions would secure the development in terms of sustainable resources. The proposed development is, therefore, considered to be in conformity with policy 27 of the Core Strategy.

Other harm to the Green Belt

54. It is not considered there is additional harm from technical matters that could not be overcome via the imposition of appropriate conditions.
55. Therefore, there needs to be very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the development.

Applicant's Case for Very Special Circumstances

56. Any material consideration can be considered to weigh in favour of a development but a judgment must then be made as to whether they are very special and secondly whether they are sufficient to outweigh the harm caused by inappropriateness and any other harm to the Green Belt. It is worth noting that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances.

Are there any material considerations in favour of the development?

57. The applicant's agent has put forward a case for very special circumstances within the supporting statement submitted with the planning application and subsequent information relating to the demand for this type of development, as summarised below.

- The application site is well screened by mature vegetation on its western, northern and eastern boundaries. As a result, there are no long views of the site and therefore the proposed development would not result in any harm to the landscape.
- At present the site is of a poor appearance with scrap vehicles located throughout the site. The proposed development of industrial units and a formal road layout with a service yard would significantly improve the appearance of the site.
- The proposal would complement the neighbouring existing industrial development located to the south and south west of the site. The development of the application site would round off the existing industrial estate.
- The previous planning permission for industrial units located to the south of the site is a significant material consideration. The current application is a similar proposal in that the proposal is for industrial development on previously developed land and represents an infill proposal.
- The site is previously developed land and does not exhibit any characteristics of open countryside which is in stark contrast to the land located to the north and east of the site. The proposal would not be harmful to any of five purposes of including land in the Green Belt.
- The proposal would provide a significant level of industrial development comprising 17no. small units which would be wholly suitable for local companies.
- The proposal would have no impact on the nearest residential properties, the closest houses to the site being Bernhey House and Blainscough Hall.
- The proposal would be for the re-use of a brownfield site, which is supported in Paragraph 119 of the Planning Framework which states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- The proposal would meet a significant need for B1/B2 employment use in Chorley, in particular Coppull as it is defined as an Urban Local Service Centre in the Central Lancashire Core Strategy (Policy 1), where some growth and investment is encouraged. Although the site sits just outside of the settlement boundary, the Framework is clear at paragraph 84 that in order to support a prosperous rural economy, planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. Paragraph 85 of the Framework goes on to state that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Importantly, this paragraph concludes that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- Overall it is considered that the application site represents an opportunity for industrial development at this location through the re-use of a previously developed site. The new industrial units will make a notable contribution to the local economy through the provision of high-quality industrial buildings which will create new employment opportunities and allow new businesses to locate to this established industrial area.
- The Directors of the application company have over thirty-five years' experience in and around the Standish area having traded in those areas including Coppull for that length of time. This has included the old Heinz head office in Standish. The unit was converted into nine, 500sq.ft units in 2012 and units were rented out in 2013. Also Douglas Mill in Standish which was acquired in the year 2000 which was redeveloped into sixty 500 sq.ft units which were rented out within a week.

- The units are designed for people that have start-up companies and have outgrown their garages. Many young people rent the units when they have left college and university and struggle to get jobs and start up a small business based on their experience and qualifications they have attained. We have had a varied array of companies from engineering design companies, Printers through to people designing new types of blinds.
 - The Covid-19 pandemic has increased demand for such units with people being furloughed or losing their jobs wanting to start a new business and need an affordable unit to do this.
58. Following a request by the case officer for further evidence of the demand for this type of facility in the Coppull / Chorley area, the applicant appointed a specialist planning consultant who submitted a letter which identified:
- The Council's Business Engagement Officer had been contacted and he confirmed that the Council is marketing the Alker Lane commercial development for let and sale which includes similar units to that currently proposed. The units have been pre-let and there has been a lot of interest in them.
 - Details of the Council's business grants that are available for existing businesses to relocate to Chorley. The consultant asserts that this shows the desire of the Council to attract businesses to Chorley.
 - A rightmove search was undertaken of the Chorley area plus 1 mile and only the Council's Alker Lane site comes-up (based upon similar sized units).
 - The consultant's response is supported by two letters from the operators of two commercial sites which have gained planning permission with the last few years for new units – Guest House Farm and Ashlea Farm in Euxton. The consultant states they have let/pre-let all units and there are waiting lists for the units. This occurred without marketing having taken place. Both wish to expand in the future to keep-up with demand.
59. Further to the above, the applicant ran a Facebook advert for a 500 sqm unit in the Coppull area at £300/ month (he has stated he charges £75 week) and received almost 80 messages within a few hours.

Do these factors amount to very special circumstances?

60. A careful balancing of material considerations needs to be applied to the application.
61. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. On the other hand, the Framework expects planning decisions to recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. The Framework states at paragraph 85 that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
62. Although the factors identified earlier within this report are accepted to be circumstances that weigh in favour of the proposal, it needs to be considered if they amount to very special circumstances. '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.
63. Some of the circumstances provided by the applicant identify an absence of an impact, e.g. upon residential amenity. The absence of a negative impact is not considered to represent a benefit weighing in favour of the proposal. A strong national or regional economic benefit on the other hand can be judged to be a very special circumstance that may override green belt policy.
64. There is clearly a strong demand locally for the type and size of units being proposed, not just within Coppull, but across the district. That said, whilst it is considered the proposal would undoubtedly have an economic benefit to the area, it is not considered this could be classed as very special in isolation. It would not be of a sufficient magnitude and is an argument that could quite readily be repeated elsewhere in the borough on a different site.

That said, one must also weigh into the balance the other aspects of this particular site, such as its location adjacent to existing industrial uses, its extensive boundary screening and the existing use of this previously developed site as a scrap yard. The proposal would complement other recently approved uses on the wider industrial estate and the appearance of the site would be improved significantly through the removal of the existing scrap cars and redevelopment into a modern industrial complex. When these aspects are weighed alongside the economic benefits of the proposal in providing much needed start-up units, they comfortably outweigh the environmental dimension from Green Belt harm of the proposed industrial units. Very special circumstances therefore exist sufficient to clearly outweigh the harm that would be caused by reason of inappropriateness.

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.

CONCLUSION

66. The proposed development is inappropriate development in the Green Belt and, therefore, harmful by definition. The factors put forward as very special circumstances are considered to outweigh the harm to the Green Belt by reason of its inappropriateness. The proposal would therefore comply with The Framework and the application is recommended for approval.

RELEVANT HISTORY OF THE SITE (main site)

Ref: 89/00503/FUL **Decision:** REFFPP **Decision Date:** 19 December 1989
Description: Open storage on approx 1.0 hectares of open land

Ref: 91/00117/FULMAJ **Decision:** REFFPP **Decision Date:** 9 July 1991
Description: Use of land for hardstanding and associated landscaped mounding and creation of senior football pitch

RELEVANT HISTORY OF THE SITE (access road)

Ref: 80/00742/FUL **Decision:** PERFPP **Decision Date:** 29 September 1980
Description: Building (70' x 200') to house heavy duty vehicles

Ref: 89/00714/FUL **Decision:** PERFPP **Decision Date:** 26 September 1989
Description: Office extension

Ref: 96/00708/COU **Decision:** WDN **Decision Date:** 6 January 1998
Description: Retention of additional use of industrial unit for coal packing distribution and storage containers/plant

Ref: 96/00709/COU **Decision:** PRRRTF **Decision Date:** 9 October 1997
Description: Retention and re-cladding of industrial unit and siting of storage container for vehicle repairs and maintenance,

Ref: 96/00710/COU **Decision:** WDN **Decision Date:** 24 February 1998
Description: Retention of porta cabin, change of use to building material storage and boundary treatment

Ref: 97/00902/FUL **Decision:** REFFPP **Decision Date:** 4 November 1998
Description: Operational development involving the siting of portacabins for office accommodation for haulage company

Ref: 99/00199/COU **Decision:** REFFPP **Decision Date:** 28 April 1999
Description: Construction of covered work areas and change of use to concrete casting including storage of pre-cast concrete products

Ref: 01/00763/CLEUD **Decision:** PEREUD **Decision Date:** 31 July 2002
Description: Application for a certificate of lawfulness for the storage and treatment of waste materials for the purpose of recycling

Ref: 03/00366/FUL **Decision:** PERFPP **Decision Date:** 10 July 2003
Description: Demolition of existing unit and erection of steel portal frame unit

Ref: 03/00824/TPO **Decision:** REFTRE **Decision Date:** 29 September 2003
Description: Removal of willow tree and crown raising of trees covered by Tree Preservation Order No. 4 (Coppull) 1984,

Ref: 05/00822/FUL **Decision:** REFFPP **Decision Date:** 10 October 2005
Description: Erection of 20m street works telecommunications mast and associated equipment,

Ref: 08/00540/COU **Decision:** PERFPP **Decision Date:** 23 July 2008
Description: Change of use from haulage yard/vehicle maintenance facility to vehicle storage yard/dismantling facility

Ref: 09/00251/DIS **Decision:** PEDISZ **Decision Date:** 22 June 2009
Description: Application to discharge conditions attached to 08/00540/COU

Ref: 20/00573/FUL **Decision:** PERFPP **Decision Date:** 19 August 2020
Description: Erection of extension to existing industrial units

Ref: 21/00178/FUL **Decision:** PERFPP **Decision Date:** 12 April 2021
Description: Erection of 4no industrial buildings (Use Class B2) with associated parking areas

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

Suggested conditions

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

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

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

Title	Plan Ref	Received On
Location Plan	21/056/L01	20 August 2021
Proposed Site Plan	21/056/P02	20 August 2021
Proposed Beehive Units - Units 1-8 & 11-17	21/056/P03	20 August 2021
Proposed Beehive Units - Units 9 & 10	21/056/P04	20 August 2021

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

3. The external facing materials, detailed on the approved plans and the planning application form, shall be used and no others substituted unless alternatives are first submitted to and agreed in writing by the Local Planning Authority, when the development shall then be carried out in accordance with the alternatives approved.

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

4. Before any building hereby approved is brought into use, the car parking and vehicle manoeuvring areas identified on plan ref. 21/056/P02 shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

5. No goods, plant or materials shall be deposited or stored in the open on any part of the site.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas.

6. A scheme for the landscaping of the development and its surroundings shall be submitted prior to any works taking place above DPC level of any of the approved buildings. These details shall include the types and numbers of trees and shrubs to be lost to enable the construction of the access road and those 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, and means of enclosure. 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 and should demonstrate a net gain in the biodiversity value of the site and include the provision of at least two bird boxes.

In terms of the methods of enclosure, a 2m high Security Rated (SR) weld mesh fencing system should be installed along the perimeter of the scheme, including at the side and rear of the individual units, without creating gaps underneath. A Loss Prevention Standard (LPS) Issue 8 certified fence and post system to C5 Rating for example, will protect against deliberate forced entry using a wide selection of commonly available, relatively easily concealed tools for up to 5 minutes. Vehicular and pedestrian entrance gates or an effective access control system should be incorporated into the site entrance. The design, height and construction of the lockable/access control gates within the perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary. This would restrict unauthorised pedestrian and vehicle access into the site when closed.

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.

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 and a reduction in crime.

7. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to a private treatment plant has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To prevent pollution of the water environment.

8. No development 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:

- (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;
- (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
- (iii) A timetable for its implementation.

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 be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. The buildings hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of 'very good' has been achieved.

Reason: In the interests of minimising the environmental impact of the development.

11. Secured covered cycling facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycling facilities to be provided in accordance with the approved plan before the use of the premises hereby permitted becomes operative and permanently maintained thereafter.

Reason: To allow for the effective use of the cycle parking areas the promotion of sustainable forms of transport and aid social inclusion.

12. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

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

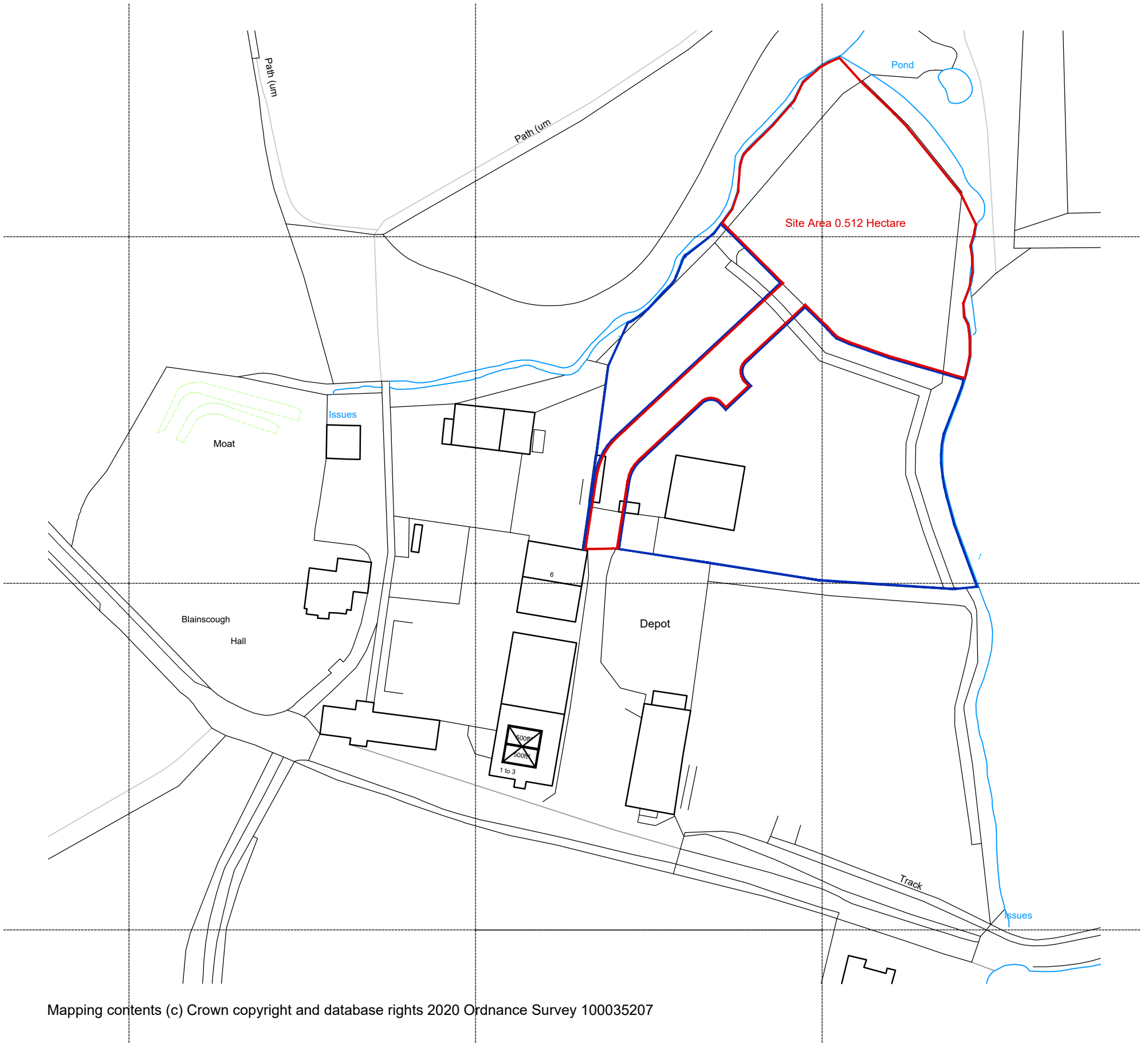
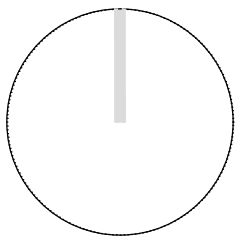
Reason: Wild birds and their eggs are protected under Part 1 of the Wildlife and Countryside Act 1981, which makes it illegal to kill or injure a bird and destroy its eggs or its nest whilst it is in use of being built.

14. No development shall take place 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 details of the measures to be employed to ensure the adjacent brook is not subject to pollution during construction work.

Reason: To protect the watercourse from pollutants, sediment and run-off.

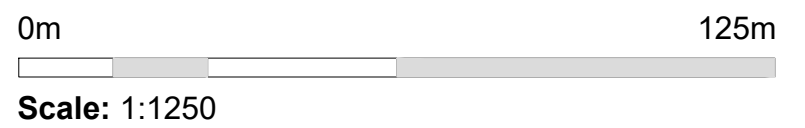
15. Prior to any earthworks taking place, a survey for invasive plant species including himalayan balsam will occur and the findings supplied to and agreed in writing by the Local Planning Authority. If any invasive species are present a method statement detailing avoidance, control and eradication measures should also be supplied to and agreed in writing by the Local Planning Authority, prior to any earthworks taking place.

Reason: Species such as Himalayan balsam are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule.

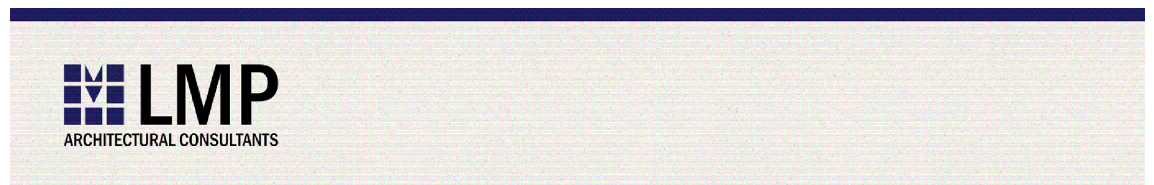


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Location Plan
1:1250



Revision Notes:



CLIENT
Douglas Valley Breakers Ltd.

PROJECT NAME
Proposed Industrial Units at

Blainscough Works, Blainscough Lane, Coppull, PR7 5HT.

DRAWING NAME
Location Plan.

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A3	JRM	19:03:2021	21/056/L01	-

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APPLICATION REPORT – 21/00839/FUL

Validation Date: 8 July 2021

Ward: Clayton West And Cuerden

Type of Application: Full Planning

Proposal: Excavation of a trench and the installation of separate surface and foul water drains between Shady Lane and the River Lostock to serve a residential development off Nell Lane

Location: Cuerden Valley Park Shady Lane Cuerden Bamber Bridge

Case Officer: Mr Iain Crossland

Applicant: Leith Planning Ltd

Agent: Paige Linley, The Leith Group

Consultation expiry: 13 August 2021

Decision due by: 2 September 2021

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located on the eastern side of Shady Lane, Cuerden and is undeveloped greenfield land located within the Green Belt. The site is designated within the Chorley Local Plan 2012-2026 as falling within a Valley Park. There is a Biological Heritage site near to the application site, however, the proposal does not fall within this area. The application site stretches across the Cuerden Valley Park, from the eastern side of Shady Lane, opposite Cuerden Cottage, and crossing the Park from west to east, passing through an area of protected woodland (ref. TPO 14 1950, W24) before crossing an open field, then diverting to the south east to avoid a large area of protected woodland (ref. TPO 14 1950, W30), passing through a further two fields and heading in a north east direction to connect with the River Lostock and an existing foul sewer. The character of the area is that of urban rural fringe, whilst more specifically Shady Lane is characterised by a stone wall, trees and woodland to the east.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the excavation of a trench and the installation of separate surface and foul water drains between Shady Lane and the River Lostock in order to facilitate the wider residential development proposed on Nell Lane. The residential development to which the pipeline would relate (ref. 20/00377/FULMAJ) was refused planning permission by Chorley Council in October 2020, however, the application was granted on appeal by the Planning Inspector on 25 November 2021.

4. Some trees and a small section of hedgerow would need to be removed to accommodate the development, and it is proposed they are replaced with extensive and suitable new tree planting as identified on landscape mitigation plans submitted in support of the application. It is noted that a similar planning application (ref. 20/00023/FUL) was refused due to the proposal resulting

in the loss of trees that were considered to make a valuable contribution to the character of the landscape, and that the benefits of the proposal did not outweigh the harm caused by this loss, contrary to the provisions of BNE1 and BNE10 of the Chorley Local Plan 2012-2026.

5. The proposed development differs in that a mature beech tree adjacent to the Shady Lane would be retained, and an extensive area of new trees are proposed to be planted in mitigation of the tree loss proposed. It is also the case that the development would serve an approved housing development, which did not benefit from an associated planning permission at the time the previous application was considered, although it is acknowledged that the site was allocated for development and did benefit from planning permission for a residential development.

REPRESENTATIONS

6. Representations have been received from 189 individuals, along with petitions citing the following grounds of objection:
- Adverse impact on character of Shady Lane
 - Inappropriate development in the Green Belt
 - The pipeline is unnecessary as there are other drainage options available to any developer of the site.
 - Adverse impact on wildlife, ecology and biodiversity.
 - Drainage impacts from the Nell Lane development on the capacity of the River Lostock.
 - Adverse impact on the landscape character through loss of trees.
 - Mitigation planting would not make up for the loss of trees.
 - Lack of information in relation to tree mitigation planting and tree protection.
 - Lack of local amenities to support further housing.
 - Impact on housing development on highway safety.
 - The Cuerden Valley Park have a duty to protect the park and should not allow the development to proceed.
 - Cuerden Valley Park should not be seeking to profit from this development.
 - The Council should not be engaging with the applicants for the associated housing development at Nell Lane.
 - The application undermines the democratic process as the housing application was refused by Chorley Council.
 - No need for further housing.
 - Part of the boundary wall would need to be removed to facilitate development.

7. An objection has been received from Cllr Mark Clifford, which states as follows:

I wish to object to planning application 21/00839/FUL and request as Ward Councillor that it comes before planning committee on the grounds of serious detrimental environmental impact on a designated and mapped Wildlife Corridor and especially regarding the surface water drainage into the River Lostock which will result in the loss of riparian habitat through excess water flow downstream of the pipe. The planning statement does not take in effect of what happens to all of the surface water drainage and I take great exception to the statement as follows. 1.5 The site lies within Flood Zone 1 and therefore has a less than 1 in 1,000 annual probability of flooding. The River Lostock is now flooding multiple times a year due to climate change and actually the natural riparian habitat is being destroyed, this is before adding more water to a river in flood. I would like the opportunity to bring evidence before the planning committee of bridges within the park being damaged because of flood water and damage to the surrounding environment. This application is ill thought out and does not mention there is already existing foul and surface water connections neighbouring the housing site this application has been prepared for, which drains to the West and not through Cuerden Valley Park. In short this application is only here to save a developer money by using an alternative drainage route but will result in the loss of vital natural habitat for generations to come.

CONSULTATIONS

8. Clayton le Woods Parish Council: Have commented that previous objections remain in relation to loss of amenity, loss of natural habitat e.g. trees and hedgerows, disturbance/displacement of local wildlife.
9. Environment Agency: Have no objection, and request that an informative be attached to any grant of planning permission outlining that a permit will be required for works near the River Lostock.
10. Greater Manchester Ecology Unit: Recommend conditions.
11. United Utilities: Have no objection.
12. Lancashire County Council Archaeology Service: Have commented that the proposed development site is considered to have negligible archaeological potential.
13. Lancashire Wildlife Trust: No comments have been received.

PLANNING CONSIDERATIONS

Principle of development

14. The application site is located within the Green Belt. National guidance on Green Belt is contained in Chapter 13 of the Framework which states:
 15. *137. 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.*
 16. *138. Green Belt serves five purposes:*
 - a) *to check the unrestricted sprawl of large built-up areas;*
 - b) *to prevent neighbouring towns merging into one another;*
 - c) *to assist in safeguarding the countryside from encroachment;*
 - d) *to preserve the setting and special character of historic towns; and*
 - e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
 17. *147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*
 18. *148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*
19. The Framework sets out a number of other exceptions to inappropriate development in the Green Belt. Paragraph 150 of the Framework states that:
 20. *Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*
 - a) *mineral extraction;*
 - b) *engineering operations;*
 - c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
 - d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*
 - e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

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

21. The proposed development is classed as an engineering operation. As such the development can be considered in relation to paragraph 150.b) of the Framework. This sets out that engineering operations are not necessarily inappropriate development within Green Belt locations providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

22. The trench would be excavated and re-filled following installation of the pipelines and a condition could be attached to any grant of planning permission for the method of excavation, infilling and restoration/landscaping details to be agreed with the Council prior to the commencement of the development. The pipelines would be imperceptible once the land has been restored. It is considered, therefore, that the proposal would preserve the openness of the Green Belt and would not conflict with any of the above listed purposes of including land within it. As such, the proposal is not considered to represent inappropriate development in the Green Belt.

Impact on ecology and trees

23. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity.

24. Policy BNE1 of the Chorley Local Plan 2012 – 2026 requires that proposals do not have a detrimental impact on important natural habitats and landscape features such as historic landscapes, mature trees, hedgerows, ponds and watercourses. In some circumstances where on balance it is considered acceptable to remove one or more of these features then mitigation measures to replace the feature/s will be required either on or off-site.

25. Policy BNE9 of the Chorley Local Plan 2012 – 2026 explains that biodiversity, geological heritage and ecological network resources will be protected, conserved, restored and enhanced.

26. Policy BNE10 of the Chorley Local Plan 2012 – 2026 states:

“Development proposals which would result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of a Conservation Area will not be permitted. The removal of such trees will only be permitted in exceptional circumstances and where consent is granted, replacement trees will be required to be planted.

Proposals that would result in the loss of trees, woodland areas or hedgerows which make a valuable contribution to the character of the landscape, a building, a settlement or the setting thereof will not be permitted.

Replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Tree planting will be required as part of new development proposals and an associated maintenance scheme. Tree Preservation Orders will be used to protect trees of landscape or townscape significance.”

27. With regards to the ecological impacts of the development it is noted that the application is supported by an ecological assessment and a bat and bird nesting report. These have been reviewed by the Council's ecology advisors (Greater Manchester Ecology Unit) who advise that the reports appear to have used reasonable efforts to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (NERC 2006 [Natural Environment & Rural Communities Act]).

28. The survey was conducted in March, which is recognised as suboptimal for some of the surveys, as acknowledged in the report for water vole. It is noted that the Council's ecological advisors have no objections to the proposal and are satisfied that planning conditions can mitigate any harm caused to ecological receptors by the approval of the proposed development.

29. The additional information that was provided in relation to the suitability of the habitat to support roosting bats is now out of date. As tree roosts are difficult to locate and may change over time it is recommended, in line with good practice, that a pre-commencement survey is required by condition before any tree felling occurs.

30. It is considered that the report's recommendations at Chapter 3 section 3.2 should be implemented in full in relation to the reinstatement of the habitats and the avoidance of causing Himalayan balsam (Indian balsam) to spread (section 3.2.1). Reinstatement should be agreed in writing with the Local Planning Authority to include planting specification and locations – if not within the easement of the sewer, and it is recommended that this be secured by conditioned.

31. The use of reasonable avoidance measures to ensure that great crested newt (Habitats Regulations 2017) are not disturbed or injured during the works (section 3.2.2) should be secured by condition.

32. A pre-commencement survey for water vole to include 100m centred on the final location and working area of the outfall onto the River Lostock (section 3.2.3) should be agreed with the applicant and it is recommended that this be secured via a pre-commencement condition.

33. Bird breeding and vegetation clearance including trees, shrubs and undergrowth (eg bramble) should be avoided during the nesting season (March – August inclusive) (section 3.2.5) unless it can be demonstrated that no breeding activity is present. It is recommended that this be secured condition.

34. It is also recommended that any grant of planning permission should be supported by a condition requiring the provision of a CEMP (Construction Environmental Management Plan).

35. It is not considered that any geological heritage sites / geodiversity features would be harmed by the proposed development. It is therefore considered that the proposal complies with policy BNE9 of the Chorley Local Plan 2012 – 2026.

36. With regards to trees, an Arboricultural Implication Assessment (AIA) has been submitted in support of the proposed development. Forty six individual trees, four groups, one hedge and one woodland have been assessed in response to the proposed development. This identifies that the route of the pipeline would incur a small loss of trees that are identified as of lesser quality and landscape significance. The AIA considers that provided that the works take place in accordance with the method statements provided and replanting undertaken once development is complete, the works would not be detrimental to the retained trees and the overall arboricultural population would remain stable.

37. The Council's tree officer has considered the AIA and the affected trees and estimates that the works would result in the loss of approximately 50 mature and semi-mature trees plus numerous young trees and a section of hedgerow around 20m long. The Council's tree officer disagreed with the AIA in relation to the categorisation of the beech tree identified as T1 adjacent to Shady Lane as being category U. This tree is of some significance to public amenity and is considered to have a longer lifespan than that suggested by the survey. The applicant has subsequently agreed to retain this tree, which the Council considers to be of importance along Shady Lane. This was previously identified for removal.

38. It is noted that the tree mitigation plan proposes the planting of 20 heavy standard trees in the area close to Shady Lane and the creation of a new 1788 square metre woodland between the pipeline and Ice House Woods. This is a significant level of replanting that would exceed the level of identified losses.

39. The Council's tree officer has noted the level of tree planting and considers that while none of the trees proposed for removal are exceptional specimens some do have high amenity value, in particular the trees within the Woodland TPO adjacent Shady Lane. All retained trees should be protected by appropriate exclusion zones and ground protection in line with BS 5837:2012.

40. The proposed tree felling would be most notable from public vantage points along Shady Lane. However, the trees that are identified for removal in this location are young trees of low value. Notwithstanding this there would be some impact on the appearance of the lane as this section would be more open and less green for a period of time before new vegetation regenerated and the new trees became established.

41. This proposed development of the pipe has been submitted to facilitate the delivery of a housing development of 115 units that now benefits from planning permission (ref. 20/00377/FULMAJ). The delivery of the approved housing is a significant benefit to be considered in the balance in respect of losing trees that would be replaced in significant numbers, whilst considering the modest impact of a temporary loss of amenity along Shady Lane. It is also noted that 30% of the approved dwellings would provide affordable housing, which adds further weight. On balance it is considered that the loss of the trees identified for removal is outweighed by the significant benefits of the proposal in supporting the delivery of 115 dwellings, 30% of which would be affordable units.

42. Policy BNE10 of the Chorley Local Plan 2012 – 2026 states that replacement planting will be required where it is considered that the benefit of the development outweighs the loss of some trees or hedgerows. Significant replacement tree planting is proposed on site near to Shady Lane and in the form of a new woodland.

43. It is, therefore, considered that the benefits of the proposal outweigh the harm caused through the loss of trees. The proposal, therefore, complies with policies BNE10 and BNE1 of the Chorley Local Plan 2012 – 2026 with regards to loss of trees.

Mineral safeguarding

44. The application site crosses two Mineral Safeguarding Areas (MSA) to which policy M2 of the Joint Lancashire M&W Local Plan, Site Allocation and Development Management Policies – Part One 2013 applies. Policy M2 explains that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals unless the applicant can demonstrate one of a number of criteria apply.

45. When taking into account Lancashire County Council's guidance document, entitled 'Guidance Note on Policy M2 – Safeguarding Minerals (Minerals Safeguarding Areas)', one of the questions to ask when making a planning decision on a non-minerals development within an MSA is 'is prior extraction practicable?' and the document explains that prior extraction is unlikely to be practicable for small developments, and significant levels are unlikely on any development proposal less than 5ha.

46. Sterilisation, both on the development site and proximal to the development, is likely to be the main consideration for small sites, which have just as much potential to sterilise a mineral resource as a large development. The application site covers an area of just 0.275 hectares and so is a small site. The route of the pipelines would sever the MSA and so would potentially sterilise a much larger area of the resource. However, once reasonable buffer zones are placed around features such as roads, existing buildings, the River Lostock, the existing sewer pipeline etc. the actual area of workable mineral resource becomes so small it is extremely unlikely to be economically viable to extract any minerals in this part of the MSA. This is explained in the guidance document that states *"small ribbons or isolated occurrences of mineral resource are unlikely to be economic to work and so sterilisation may not be an issue. Likewise, if the surrounding area is developed to such an extent that it makes the potential extraction of minerals uneconomic it can be considered that the mineral resource is already sterilised; for example if the area contains scattered houses, or fields broken up by roads, that reduce the amount of free land potentially developable for a quarry."*

47. In light of the above, it is considered there is no conflict with policy M2 of the Joint Lancashire M&W Local Plan, Site Allocation and Development Management Policies – Part One (2013).

Drainage and flood risk

48. The proposal is designed to take surface water from a proposed housing development at the Nell Lane site, to the River Lostock, whilst foul water would be conveyed to an existing foul water sewer. The impact of surface water upon the River Lostock was assessed and considered under planning permission 20/00377/FULMAJ, whilst the details of the discharge rates would be controlled by the surface water drainage conditions attached to that consent.

49. This proposal for the pipelines would not involve the installation of any substantial areas of hardstanding. It is proposed that the surface would be reinstated to its current condition once the pipelines have been installed. It is, therefore, considered that the proposal itself would not increase the risk of flooding either on or off-site.

Community Infrastructure Levy

50. The proposal is not a CIL chargeable development.

Other matters

51. *The pipeline is unnecessary as there are other drainage options available to any developer of the site:* This is not a matter that can be considered in the assessment of the application.

52. *Lack of information in relation to tree mitigation planting and tree protection:* A tree mitigation plan and protection plan have been submitted in support of the application, the implementation of which shall be secured by condition.

53. *Lack of local amenities to support further housing:* This is not a matter that can be considered in the assessment of the application.

54. *Impact on housing development on highway safety:* This is not a matter that can be considered in the assessment of the application.

55. *The Cuerden Valley Park have a duty to protect park and should not allow the development to proceed:* This is not a matter that can be considered in the assessment of the application.

56. *Cuerden Valley Park should not be seeking to profit from this development:* This is not a matter that can be considered in the assessment of the application.

57. *The Council should not be engaging with the applicant's for the associated housing development at Nell Lane:* This is not a matter that can be considered in the assessment of the application.

58. *The application undermines the democratic process as the housing application was refused by Chorley Council:* The Council must deal with the application and determine it on its merits.

59. *No need for further housing:* This is not a matter that can be considered in the assessment of the application.

60. *Part of the boundary wall would need to be removed to facilitate development:* It is recommended that a condition be attached to any grant of planning permission requiring details of any rebuilding and repairs to the wall adjacent to the east side of Shady Lane that may be required, due to the contribution that this boundary make to the character of the lane.

CONCLUSION

61. The development would not have an adverse impact on the openness of the Green Belt or landscape character. There would be no ecological impacts that could not be mitigated and the loss of trees and resultant impact on public amenity would be outweighed by the benefits of the housing development that would be facilitated by the proposed development. It is, therefore, recommended that the application is approved subject to conditions and the implementation of the proposed tree planting works.

RELEVANT HISTORY OF THE SITE

- Ref:** 75/00106/TPO **Decision:** PERTPO **Decision Date:** 3 April 1975
Description: Fell trees
- Ref:** 90/01014/TPO **Decision:** PERTRE **Decision Date:** 8 January 1991
Description: Woodland management to trees covered by TPOs LCC No.14 (1950) and CBC TPO No.13 (Clayton-le-Woods) 1984
- Ref:** 91/00913/TPO **Decision:** PERTRE **Decision Date:** 10 December 1991
Description: Management of woodland covered by LCC TPO NO.14 (Clayton-le-Woods) 1950
- Ref:** 92/00677/FUL **Decision:** PERFFP **Decision Date:** 23 October 1992
Description: New foul and surface water sewers (approx 1333 metres) and erection of prefabricated building to house control equipment to serve existing premises
- Ref:** 93/00442/TPO **Decision:** PERTRE **Decision Date:** 6 August 1993
Description: Woodland management on trees covered by TPOs Nos 1 and 13 (1984)
- Ref:** 93/00443/TPO **Decision:** PERTRE **Decision Date:** 6 August 1993
Description: Woodland management on trees covered by TPOs Nos 1 and 13 (1984) Clayton le Woods/Cuerden
- Ref:** 97/00455/TPO **Decision:** PERTRE **Decision Date:** 12 August 1997
Description: Woodland management to trees covered by T.P.O. Nos 14 1950 (Clayton -le-Woods), No 1 1984 (Clayton Brook), No 13 1984 (Clayton-le-Woods)
- Ref:** 98/00264/TPO **Decision:** PERTRE **Decision Date:** 2 June 1998
Description: Felling of sycamore tree and pruning of 1 sycamore and 1 willow tree covered by T.P.O. No 14 (Clayton Le Woods) 1950
- Ref:** 04/00056/HDG **Decision:** PERHDG **Decision Date:** 1 March 2004
Description: Removal of hedgerows marked A-B and C-D
- Ref:** 14/01216/TPO **Decision:** PERTRE **Decision Date:** 20 January 2015
Description: Works to trees covered by TPO 14 (1950) _ TPO 8 (2013) as per the submitted 'Cuerden Valley Park Tree Inspection Plans and Schedules August 2014'
- Ref:** 19/00937/FUL **Decision:** PERFFP **Decision Date:** 6 March 2020
Description: Installation of 4no. pole mounted CCTV cameras and solar panels at car parks across Cuerden Valley Park to facilitate the provision of a car park management system
- Ref:** 19/00938/ADV **Decision:** PERADV **Decision Date:** 6 March 2020
Description: Application for advertisement consent for the display of 28no. non-illuminated car park signs for car parks across Cuerden Valley Park (including 10no. signs at Berkeley Drive car park, 6no. signs at Factory Lane car park, 7no. signs at Town Brow car park and 5 no. signs at Back Lane car park)
- Ref:** 20/00023/FUL **Decision:** REFFPP **Decision Date:** 22 June 2020
Description: Excavation of a trench and the installation of separate surface and foul water drains between Shady Lane and the River Lostock to serve a residential development on land off Nell Lane

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

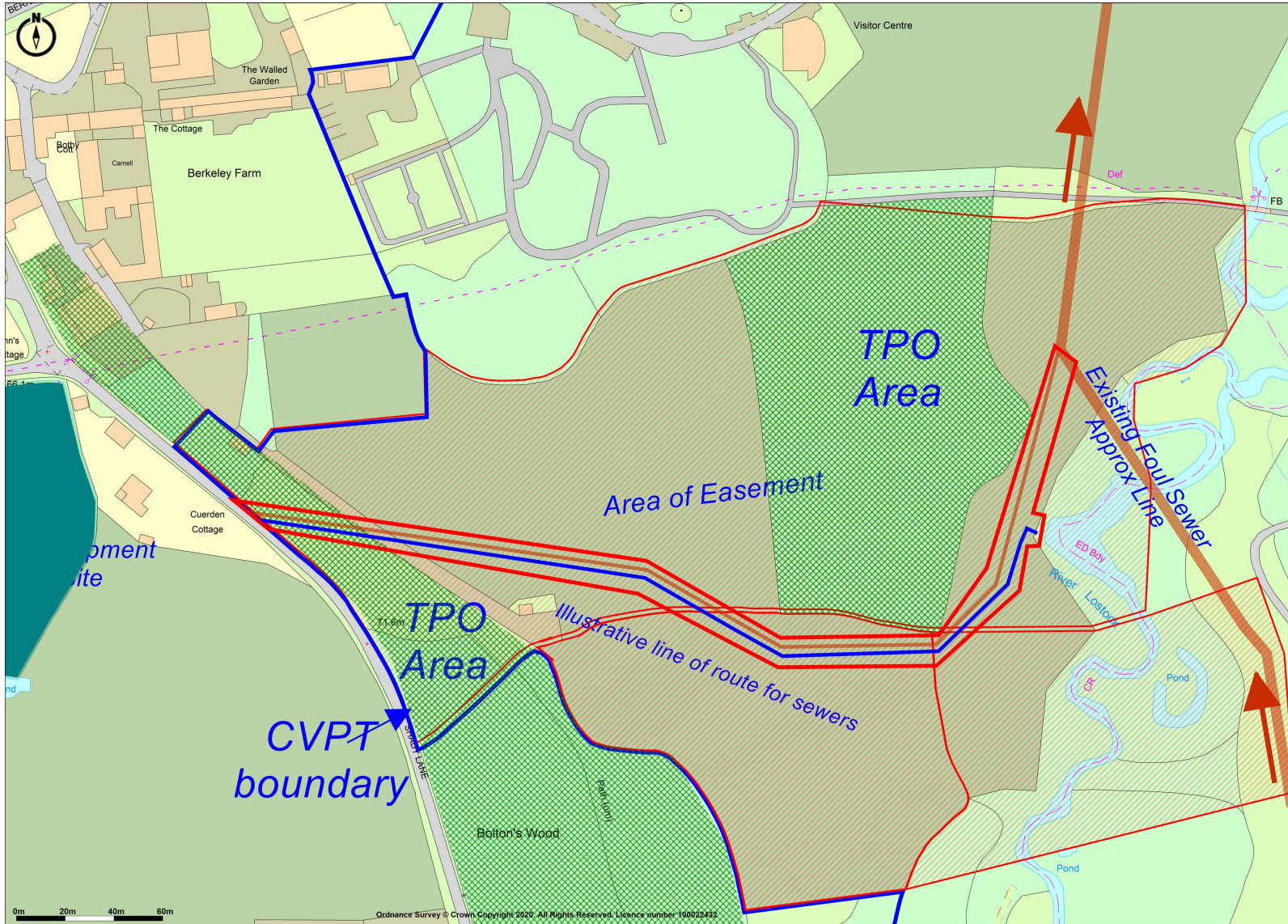
Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested conditions

To follow

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Cuerden Valley Easement



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Report of	Meeting	Date
Director Planning and Development	Planning Committee	7 December 2021

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 27 SEPTEMBER 2021 AND 26 NOVEMBER 2021

PLANNING APPEALS LODGED AND VALIDATED

Local Planning Authority Reference: 21/00557/PIP - Inspectorate Reference: APP/D2320/W/21/3282134

Appeal by Mr M Shah against the delegated decision to refuse permission in principle for the erection of up to two dwellings.

Land opposite Hampton Grove, Wigan Road, Clayton-Le-Woods.

Inspectorate letter confirming appeal valid received 6 October 2021.

Local Planning Authority Reference: 21/00756/ADV - Inspectorate Reference: APP/D2320/Z/21/3284148

Appeal by Mr John Evans against the delegated decision to refuse advertising consent for the display of 1no. digitally illuminated gable mounted advertisement display unit.

Ar-Rahmah Academy, 142 Lyons Lane, Chorley, PR6 0PJ.

Inspectorate letter confirming appeal valid received 18 October 2021.

Local Planning Authority Reference: 21/00744/PIP - Inspectorate Reference: APP/D2320/W/21/3283978

Appeal by Mr Keith Knott against the delegated decision to refuse permission in principle for the erection of 1no. dwelling.

Land Adjacent Garwick, Chapel Lane, Heapey.

Inspectorate letter confirming appeal valid received 3 November 2021.

Local Planning Authority Reference: 20/01200/OUTMAJ - Inspectorate Reference: APP/D2320/W/21/3284692

Appeal by Hollins Strategic Land against the Planning Committee decision to refuse outline planning permission (specifying the access point) for the development of up to 25 dwellings and associated infrastructure (including 35% affordable housing).

Land at Carrington Road, Adlington.

Inspectorate letter confirming appeal valid received 4 November 2021.

Local Planning Authority Reference: 20/01193/OUTMAJ - Inspectorate Reference: APP/D2320/W/21/3284702.

Appeal by Metacre Ltd against the Planning Committee decision to refuse outline planning permission (with all matters reserved) for up to 34 dwellings and associated infrastructure (including 30% affordable housing).

Land South of Parr Lane, Eccleston.

Inspectorate letter confirming appeal valid received 4 November 2021.

Local Planning Authority Reference: 20/01149/FUL - Inspectorate Reference: APP/D2320/W/21/3284347

Appeal by Mr Philip Davidson against the Planning Committee decision to refuse planning permission for the erection of 1 no. detached dwellinghouse.

Land 60M West of No. 3, Castle Walks, Croston.

Inspectorate letter confirming appeal valid received 4 November 2021.

Local Planning Authority Reference: 21/00702/OUT - Inspectorate Reference: APP/D2320/W/21/3283369

Appeal by Mr Douglas McMahon against the delegated decision to refuse outline planning permission for the erection of a 4 bedroom detached dwelling with double garage (with all matters reserved).

Land Opposite Woodland Nursery, Highfield Road, Croston

Inspectorate letter confirming appeal valid received 8 November 2021.

Local Planning Authority Reference: 21/01255/FULMAJ - Inspectorate Reference: APP/D2320/W/21/3284743

Appeal by Mr Rhenden Pillay against the Planning Committee decision to refuse planning permission for the erection of an inflatable multi-sport airdome, including a concrete ring beam for anchoring, resurfacing of tennis courts and other associated infrastructure and ancillary facilities (contrary to officer recommendation).

Parklands High School, Southport Road, Chorley, PR7 1LL.

Inspectorate letter confirming appeal valid received 12 November 2021.

Local Planning Authority Reference: 21/00281/FULHH - Inspectorate Reference: APP/D2320/D/21/3287572

Appeal by Mrs Adele Headley against the Planning Committee decision to refuse planning permission for alterations to the existing detached garage including increasing height of walls, raising of ridge height, extension to front and conversion to habitable accommodation, single storey front extension, single storey rear extension with balcony above, and associated external alterations (contrary to officer recommendation).

12 Langton Close, Eccleston, Chorley, PR7 5UU.

Inspectorate letter confirming appeal valid received 25 November 2021.

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 20/01333/FULHH - Inspectorate Reference: APP/D2320/D/21/3278344

Appeal by Adam Rudd against the delegated decision to refuse full planning permission for the erection of a front porch, two storey rear extension to west elevation and single storey rear extension to west elevation, single storey orangery extension to south elevation (following demolition of existing conservatory), replacement outbuilding and site entrance gate posts.

Fern Cottage, North Road, Bretherton, Leyland, PR26 9AY.

Appeal dismissed 29 September 2021.

Local Planning Authority Reference: 20/01302/FULHH - Inspectorate Reference: APP/D2320/D/21/3273611

Appeal by Mr & Mrs Ainscough against the delegated decision to refuse planning permission for a front dormer.

170 Wood Lane, Heskin, Chorley, PR7 5NP.

Appeal dismissed 7 October 2021.

Local Planning Authority Reference: 20/01264/FUL - Inspectorate Reference: APP/D2320/W/21/3274353

Appeal by Mr Tom Jeremiah against the Planning Committee decision to refuse planning permission for the erection of drive thru coffee shop with car parking and other associated works (contrary to officer recommendation) (contrary to officer recommendation).

Land Formerly Kwik Save And Chorley Service Station, Preston Road, Chorley.

Appeal allowed 22 October 2021.

Local Planning Authority Reference: 21/00292/CLPUD- Inspectorate Reference: APP/D2320/X/21/3277353

Appeal by Mr D Haliday against the delegated decision to refuse to grant a certificate of lawfulness for a proposed use as a dwellinghouse (C3) for the occupation of up to 2 young persons with 24 hour care provided on a shift basis (Use C2).

20 Briery Hey, Bamber Bridge, Chorley, PR5 8HU.

Appeal allowed 4 November 2021.

Local Planning Authority Reference: 19/00339/FULMAJ - Inspectorate Reference: APP/D2320/W/21/3272793

Appeal by Mrs Judith Rhind against the Planning Committee decision to refuse planning permission for the erection of a two storey building comprising 10no. apartments with associated parking and infrastructure following demolition of existing building (contrary to officer recommendation).

2 Oak Drive, Chorley, PR6 7BY.

Appeal allowed 11 November 2021.

Local Planning Authority Reference: 20/00377/FULMAJ - Inspectorate Reference: APP/D2320/W/21/3272623

Appeal by Monaco Nell Lane Limited against the Planning Committee decision to refuse full planning permission for the erection of 115 dwellings with associated parking, landscaping, drainage, pump station, layout of roads and footways and other associated works.

Land Adjoining Cuerden Residential Park, Nell Lane, Cuerden.

Appeal allowed 25 November 2021.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

None

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	26 November 2021	***