

Planning Committee

Tuesday, 8th November 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and [YouTube](#)

Agenda

Apologies

- 1 **Minutes of meeting Tuesday, 11 October 2022 of Planning Committee** (Pages 3 - 6)
- 2 **Declarations of Any Interests**

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

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

The Director (Planning and Development) has submitted three 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 **22/00838/FUL - Seven Stars Inn, 84 - 86 Eaves Lane** (Pages 7 - 28)
 - b **22/00694/FUL - 105 Eaves Lane Chorley** (Pages 29 - 46)
 - c **22/00853/FUL - Go Ape, Rivington Lane, Rivington** (Pages 47 - 66)
- 4 **Confirmation of Tree Preservation Order No.1 (Euxton) 2022** (Pages 67 - 70)
- 5 **Appeals Report** (Pages 71 - 72)

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

6	Validation Checklist	(Pages 73 - 124)
	To receive and consider the report of the Director of Planning and Development.	
7	Any urgent business previously agreed with the Chair	
8	Addendum	(Pages 125 - 126)

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, Gordon France, Danny Gee, Tommy Gray, Harold Heaton, Keith Iddon, Alistair Morwood, Jean Sherwood, Neville Whitham 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](#)



Minutes of Planning Committee

Meeting date Tuesday, 11 October 2022

Committee Members present: Councillor June Molyneaux (Chair), Councillor Alex Hilton (Vice-Chair) and Councillors Sarah Ainsworth, Martin Boardman, Gordon France, Danny Gee, Tommy Gray, Harold Heaton, Alistair Morwood, Jean Sherwood, Neville Whitham and Alan Whittaker

Committee Members present virtually (non-voting): Councillors Keith Iddon

Officers: Adele Hayes (Service Lead - Planning), Iain Crossland (Principal Planning Officer), Jodi Ingram (Senior Solicitor) and Matthew Pawlyszyn (Democratic and Member Services Officer)

Apologies: Councillor Aaron Beaver

A video recording of the public session of this meeting is available to view on [YouTube here](#)

56 Minutes of meeting Wednesday, 21 September 2022 of Planning Committee

Resolved: The minutes of the meeting were (unanimously) approved as a correct record.

57 Declarations of Any Interests

No declarations were made.

58 Planning applications to be determined

The Director (Planning and Development) has submitted six 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>

59 22/00413/FUL - Little Tiger, Bolton Road, Abbey Village, Chorley, PR6 8DA

Public speakers: Mike Matulewicz (Objector), Councillor Margaret France (Ward Councillor), and Chris Betteridge (Agent)

After careful consideration, it was proposed by Councillor Alex Hilton, seconded by Councillor Harold Heaton, and subsequently **resolved 10:1:1 that planning permission was granted subject to conditions.**

60 22/00576/FULMAJ - Land Bounded By Parkhurst Avenue East Of Wigan Road, Clayton-Le-Woods

After careful consideration, it was proposed by Councillor Martin Boardman, seconded by Councillor Alex Hilton, and subsequently **resolved 11:1:0 Members were minded to grant planning permission subject to conditions, a S106 agreement and agreed that the decision be delegated to the Director of Planning and Development in consultation with Chair and Vice Chair subject to the Lead Local Flood Authority being satisfied with the drainage details.**

61 22/00692/FULMAJ - Cuerden Farm, Wigan Road, Clayton-Le-Woods, Leyland

After careful consideration, it was proposed by Councillor Alex Hilton, seconded by Councillor Jean Sherwood and subsequently **resolved 10:1:1 Members were minded to grant planning permission subject to conditions, a S106 agreement and agreed that the decision be delegated to the Director of Planning and Development in consultation with Chair and Vice Chair subject to the Lead Local Flood Authority being satisfied with the drainage details.**

62 21/01349/FULMAJ - The Swan With Two Necks, 1 - 3 Hollinshead Street, Chorley, PR7 1EP

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Martin Boardman and subsequently **resolved 10:0:2 that planning permission was granted, subject to conditions.**

63 21/01350/LBC - The Swan With Two Necks, 1 - 3 Hollinshead Street, Chorley, PR7 1EP

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Martin Boardman, and subsequently **resolved 10:0:2 that listed building consent was granted, subject to conditions.**

64 22/00838/FUL - Seven Stars Inn, 84 - 86 Eaves Lane

This item was withdrawn from the agenda.

65 22/00792/REMMAJ - Land Between Pear Tree Lane And School Lane, Pear Tree Lane, Euxton

After careful consideration, it was proposed by Councillor Alex Hilton, seconded by Councillor Jean Sherwood, and **resolved (6:1:5) that reserved matters consent be granted for appearance, landscaping, layout, and scale subject to conditions.**

66 22/00694/FUL - 105 Eaves Lane Chorley

This item was withdrawn from the agenda.

Chair

Date

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APPLICATION REPORT – 22/00838/FUL

Validation Date: 2 August 2022

Ward: Chorley East

Type of Application: Full Planning

Proposal: Change of use from a drinking establishment at ground floor (Use Class E) and dwelling at first floor (Use Class C3) to a 10 room house in multiple occupation (HMO)

Location: Seven Stars Inn 84 - 86 Eaves Lane Chorley PR6 0SU

Case Officer: Mike Halsall

Applicant: Lewis Bird

Agent: Windsor & Patania Architecture and Developments

Consultation expiry: 31 August 2022

Decision due by: 11 November 2022 (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 on Eaves Lane, opposite its junction with Lyons Lane, to the east of Chorley town centre and is occupied by the Seven Stars public house. The building is in a row of terraced properties with those either side being in residential use. There is a small walled yard area to the rear of the building, beyond which was historically the bowling green associated with the pub but was developed in the early 1990's to create the dwellings of Albany Court with its associated access road and car parking area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the change of use of the vacant pub with apartment above to a 10-room house in multiple occupation. Physical alterations are mainly internal with external changes limited to removing the 'Seven Stars' sign to the front of the building, changing the rear door to a window, inserting new windows to the ground floor rear elevation, inserting a basement window to the rear of the property and adding a cycle storage area and bin store in the rear yard area.
4. Pedestrian access to the rear yard area of the property would be gained via a new side gate accessed from Eaves Lane down a side alley to the south of the building, beneath the first floor of the adjoining property. The red-edged application site boundary was amended during the consideration period of the application to include part of the alleyway over which the applicant has confirmed there is a shared ownership/right of access. The Local Planning Authority (LPA) notified neighbours of this change, the applicant served notice on the other landowner of the shared access and a revised landownership certificate was submitted to the LPA to identify the landowner.

REPRESENTATIONS

5. Representations have been received from twenty one individuals, including Councillor Hasina Khan, citing the following grounds of objection:
 - parking and conflict with policy ST4 of the Chorley Local Plan;
 - highway safety;
 - residential amenity;
 - inadequate bin storage;
 - loss of a community facility;
 - increase in anti-social behaviour;
 - fly-tipping and crime (similar issues at existing HMO at Shepherds Arms);
 - poor management of this type of development;
 - no right of access via the side-alley / Albany Court and so the bin and cycle storage area would be inaccessible; and
 - no consideration given to access for emergency vehicles
6. A petition has also been received in objection to the proposal with twenty two signatures and identifying some of the same reasons for objecting to the proposal as those listed above. In addition, the response refers to the historic character of the building and harm caused by proposed internal changes to the building, contrary to policy BNE8 of the Chorley Local Plan. As the building is not statutorily or locally listed, there would be no conflict with policy BNE8 of the Chorley Local Plan as a result of the proposed internal changes to the building.
7. With regards to access for emergency vehicles, this would be no different to the existing situation with the operation of the site as a public house with the site fronting Eaves Lane, with access for emergency vehicles. It is also noted that LCC Highway Services have raised no objection to the proposal.
8. It was originally intended that this application be taken to planning committee on 11th October 2022, but the application was withdrawn from the agenda to allow the right of access issue to be resolved. Members will be aware that landownership/ right of access issues are a civil matter and not a material planning consideration. That said, if the applicant cannot access the rear of the property for bin and cycle storage then the proposal would be unacceptable due to a lack of suitable provision of accessible cycle and bin storage areas. As explained at paragraph 4 of this report, the issue has now been resolved for planning purposes as sufficient evidence has been provided to the LPA to demonstrate the access can be used in association with the application property. Any further dispute over this access is considered to be a civil matter.

CONSULTATIONS

9. Lancashire County Council Highway Services (LCC Highway Services): Hve responded with no objection to the proposal and have recommended a condition be attached to any grant of planning permission to require the details of secure cycle parking to be provided to the Local Planning Authority for approval. They state that *“The contents of the Transport Statement are agreed. No off-street car parking is required as the site is within a sustainable location. A minimum of one secure and covered cycle spaces for each one bedroom property, to support social inclusion and promote sustainable forms of transport. The proposed cycle storage in the Transport Statement is requested to be covered”*.
10. Regulatory Services - Environmental Health Officer: Have responded with advice for the applicant in relation to HMO standards and guidance.
11. Waste & Contaminated Land Officer: Have responded to request that the plans be revised to show sufficient bin storage space for three 1,100 litre bins. The applicant subsequently revised the site plan to the satisfaction of the Council's waste and contaminated land officer.

PLANNING CONSIDERATIONSPrinciple of the development

12. The National Planning Policy Framework (The Framework) states that housing applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
13. The Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
14. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and Policy V2 of the Chorley Local Plan 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 proposal would result in the loss of a public house, which is categorised as a community facility. Policy HW6 of the Chorley Local Plan 2012 - 2026 seeks to protect community facilities where they are serving local need. Only one of the representations received in relation to the proposal refers to the loss of the public house, and it is noted that there are other public houses in close proximity to the site. Although the loss of the public house is in some ways regrettable this reflects a general trend of such closures, with the premises having been made available for rent/sale earlier in the year. A viability appraisal has been submitted with the application that supports the applicant's case that the existing use of the building as a public house is no longer viable and this is supported by a statement from the previous owner and operator of the pub. It is, therefore, considered that the loss of the public house is acceptable in this instance.

Impact on character and appearance of the locality

16. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
17. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, among other things, 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; and that 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.
18. There would only be minimal external physical alterations required to the building. The way in which the property would be used would have little impact on the character of the area, given the extent of existing residential properties in the vicinity, and the comings and goings from a house with ten rooms would be less intensive than a public house. The retention and conversion of the building would be a positive outcome as the building is one of character and contributes positively to the streetscene. There would be no conflict with policies 17 of the Core Strategy or BNE1 of the Local Plan with regards to the design of the proposal.

Impact on neighbour amenity

19. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of

overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

20. The proposed residential use would introduce habitable room windows to the building at ground floor, however, none of these would result in any unacceptable overlooking. The first floor and second floors would retain windows that are already in residential use serving habitable rooms and so there would be no change in relation to existing privacy standards. The application property is located amongst residential dwellings. The proposed change of use to residential accommodation is likely to have lower levels of noise and disturbance from comings and goings and general noise than the public house. A residential use is a highly compatible use when viewed in the context of adjoining residential uses. There would be no conflict with policy BNE1 of the Local Plan with regards to residential amenity.

Highway safety

21. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, 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.
22. The parking requirement generated by this proposal would normally result in the need for 10no. car parking spaces, however, no off-street parking can be provided given the limited site area. The applicant has submitted a detailed Transport Statement in support of the proposal which demonstrates the sustainable nature of the site location.
23. It is noted that the highway authority has not objected to the proposed change of use, and that the application site is in an area of high accessibility in relation to employment, shops, schools, health centres, and community facilities etc. In addition, the site is situated close to bus routes with bus stops within short distances, and within walking distance of Chorley town centre. In addition, it is accepted that there is already parking demand generated by the existing public house and flat above and that this must be considered in relation to the proposed development. The proposed plans also confirm that there would be an outside cycle storage area and a condition could be attached to any grant of planning permission requiring the final details of this to be submitted to the Local Planning Authority for approval.
24. The location is considered to be highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026. In addition, it is noted that LCC Highway Services have no objection and consider that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
25. Given the sustainability credentials of the location and the parking demand already generated by the existing use, the under provision of off-street parking is considered acceptable in this instance.

Community Infrastructure Levy

26. This is not a chargeable development for the purposes of the Community Infrastructure Levy.

CONCLUSION

27. There would be no unacceptable detrimental impact on the appearance and character of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the retention of the public house as a community facility cannot be justified. The development is located in a sustainable location and would not have an 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: 90/00927/FUL **Decision:** WDN **Decision Date:** 20 September 1990
Description: Single-storey rear extension

Ref: 90/00828/FUL **Decision:** REFFPP **Decision Date:** 18 December 1990
Description: Erection of conservatory to rear

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
Ordinance Survey Map	S-01	17 October 2022
Concept Floor Plans	S-07	17 October 2022
Concept Floor Plans	S-08	17 October 2022
Concept Floor Plans	S-09	17 October 2022
Concept Floor Plans	S-10	17 October 2022
Proposed Elevations	S-11	17 October 2022

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

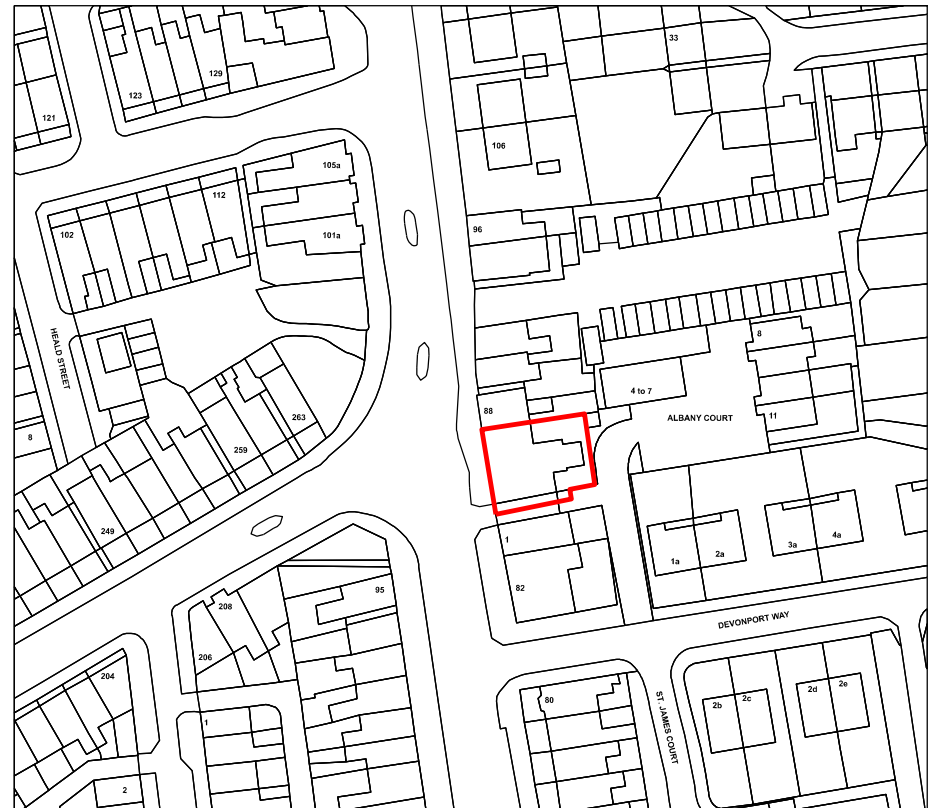
3. Prior to the first occupation of any of the bedrooms within the approved house in multiple occupation, a scheme for a covered, secured cycle parking area shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The cycle storage facilities shall provide sufficient storage space for 10 cycles and permanently maintained thereafter.

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

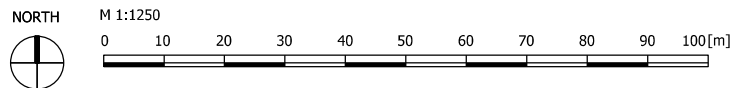
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2. Print out to actual scale. Do not scale drawing use figured dimensions only. All dimensions to be cross-checked on-site by the appointed contractor prior to manufacture and construction
3. Any discrepancies between site and drawings to be reported to the Windsor & Patania Architects immediately.
4. Read in conjunction with all relevant drawings and documentation produced by other consultants
5. All structural elements to be agreed with local authority Building Control prior to commencement of works.
6. Attention is drawn to the provisions of the party wall act 1996. Legal boundaries should be determined by others.
7. All suggested demolition works to be reviewed by a Structural Engineer and to be assessed on site prior to demolition.
8. All areas are approximate and are to be used for indicative purposes only. Areas don't take into account possible variations related to the impact of Site Conditions, Structure, Drainage and M&E.
9. Windsor & Patania Architects accepts no liability for any expense, loss or damage of whatsoever nature and however arising from any variation made to this drawing or in the execution of the work to which relates which has not been referred to them and their approval obtained.
10. Contractors to be responsible for the design and supply of all temporary works (i.e. bracing, propping, shoring, tying, etc) and the security, stability, and safety of the building works.



ReQuestAPlan © Crown copyright and database rights 2022 OS 100042766
 Map number: TORQM22126100130490 Project ID:
 Title: Seven Stars Pub Date of Purchase: 06-05-2022
 Map Produced for: WindsorPatania Architects 1 Years subscription from 06-05-2022 for 1 workstation.



Architect contact details info@windsorpatania.com
 London: 020 3011 2997
 Cambridge: 01223 776 997
 Liverpool: 0151 665 0997

Client
LEWIS BIRD
 71 Heysham Drive, Watford, WD19 6YH, GBR

HMO Conversion
 Project Address
 Seven Stars Pub, 84-86 Eaves Ln, Chorley, PR6 0SU

Drawing title
Ordinance Survey Map

date	scale
OCTOBER 2022	1:1250@A3
drawing number	sheet no.
S-01	1 OF 11

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Planning
Committee Meeting

8 November 2022



Item 3a

22/00838/FUL

Seven Stars Inn, 84-86 Eaves Lane, Chorley

Change of use from a drinking establishment at ground floor (Use Class E) and dwelling at first floor (Use Class C3) to a 10 room house in multiple occupation (HMO)

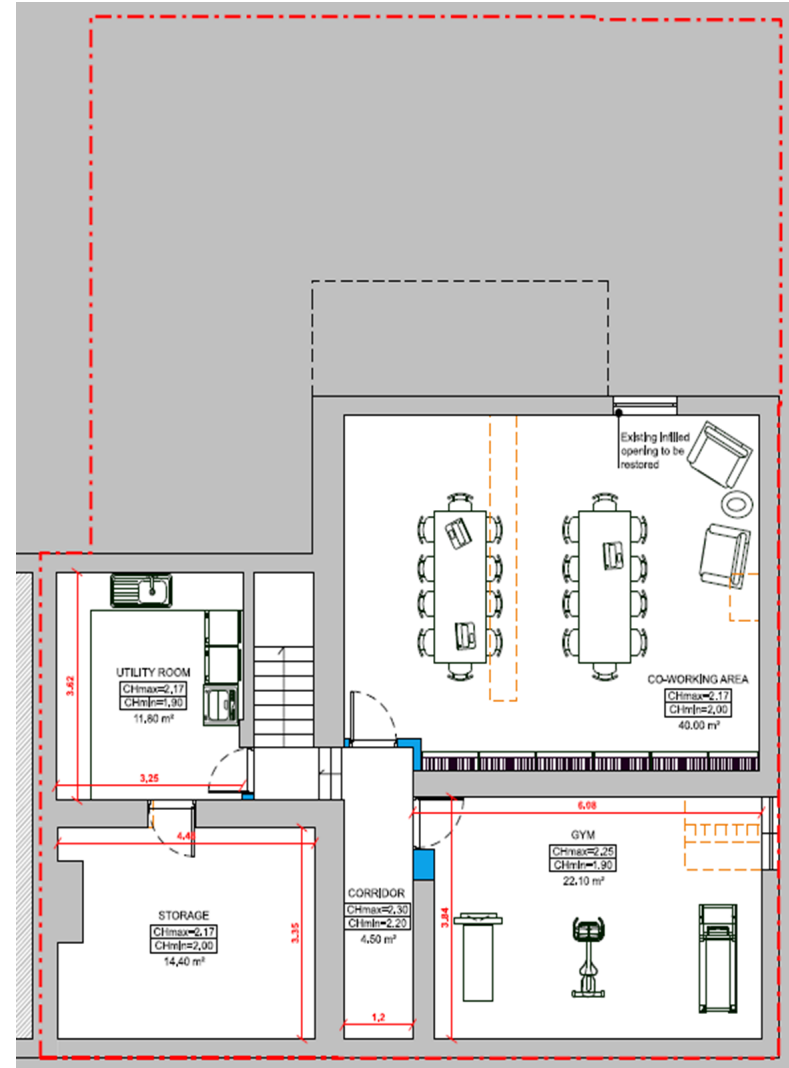
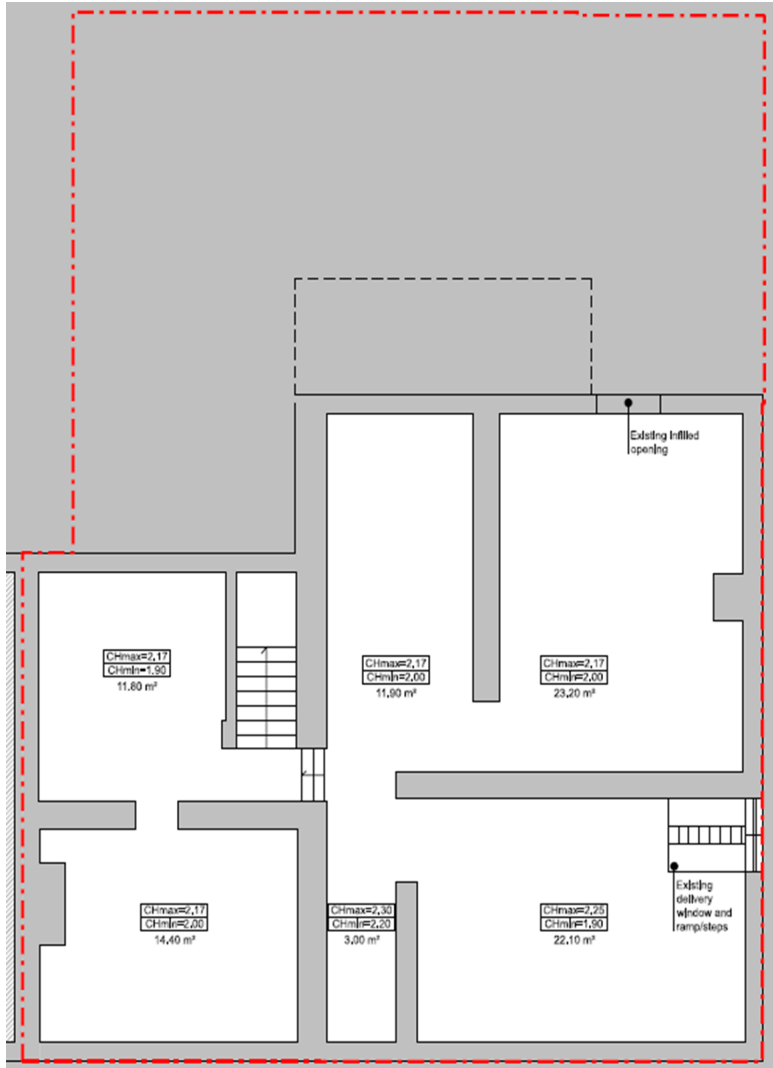
Location Plan



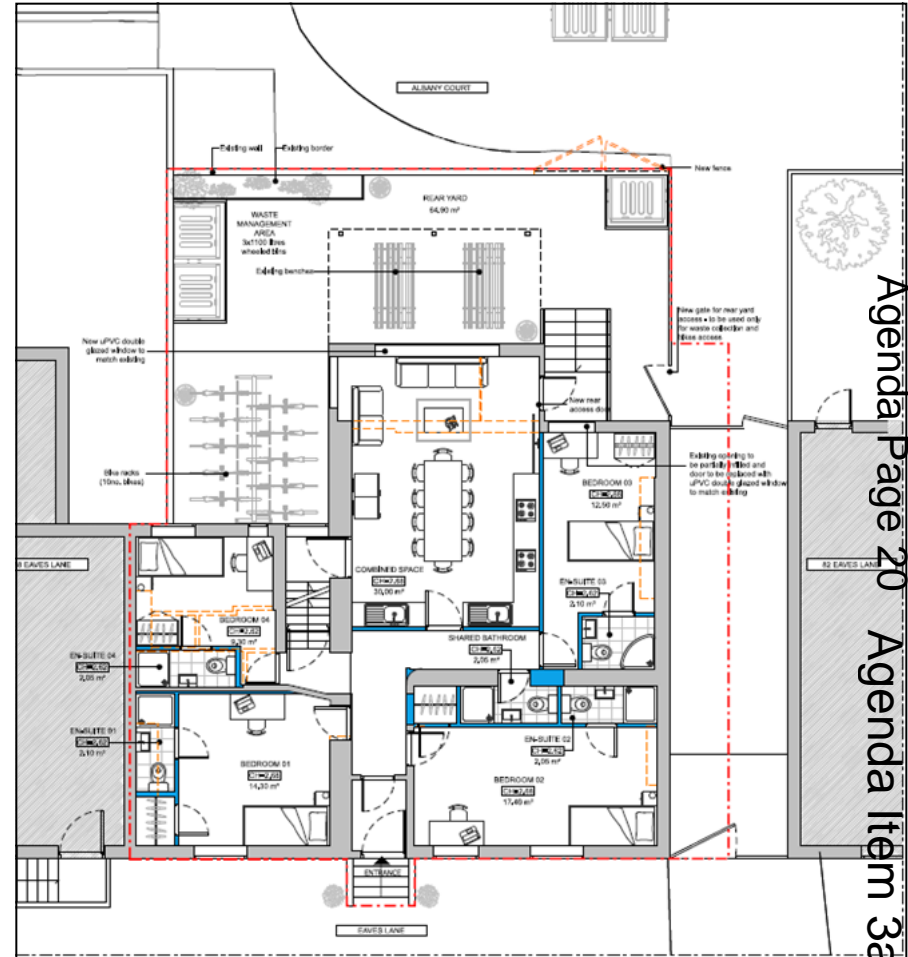
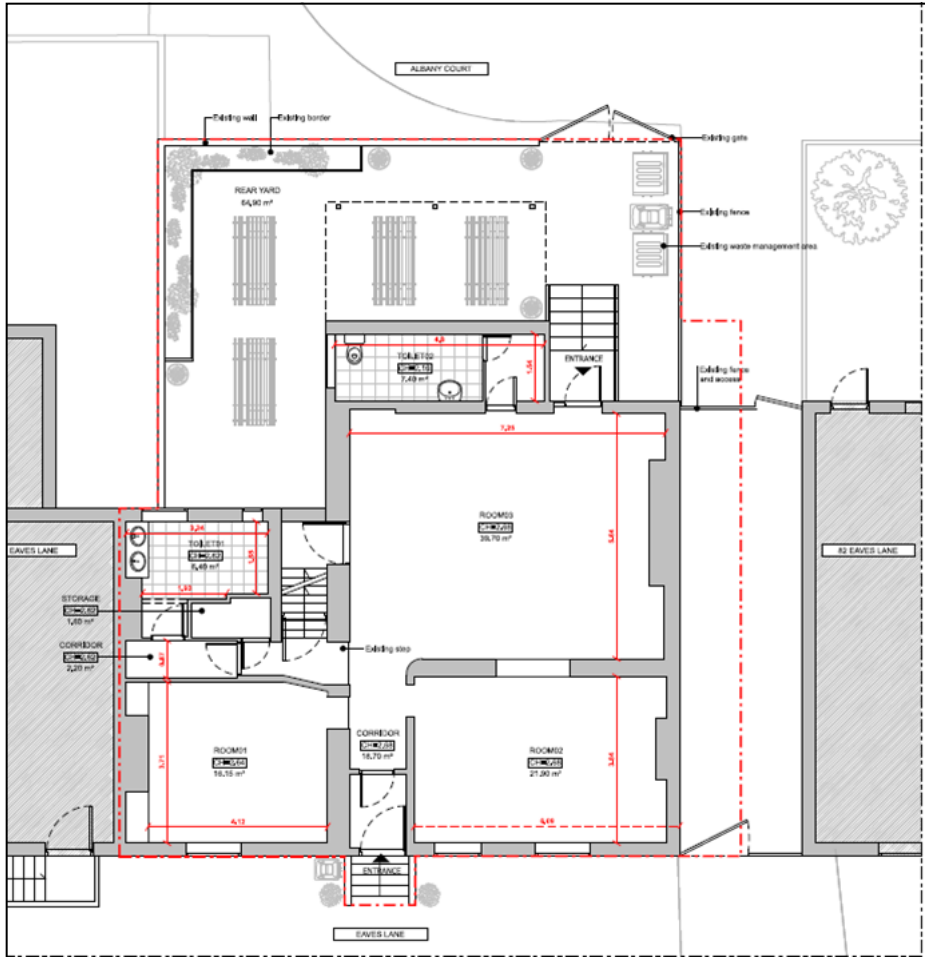
Aerial View



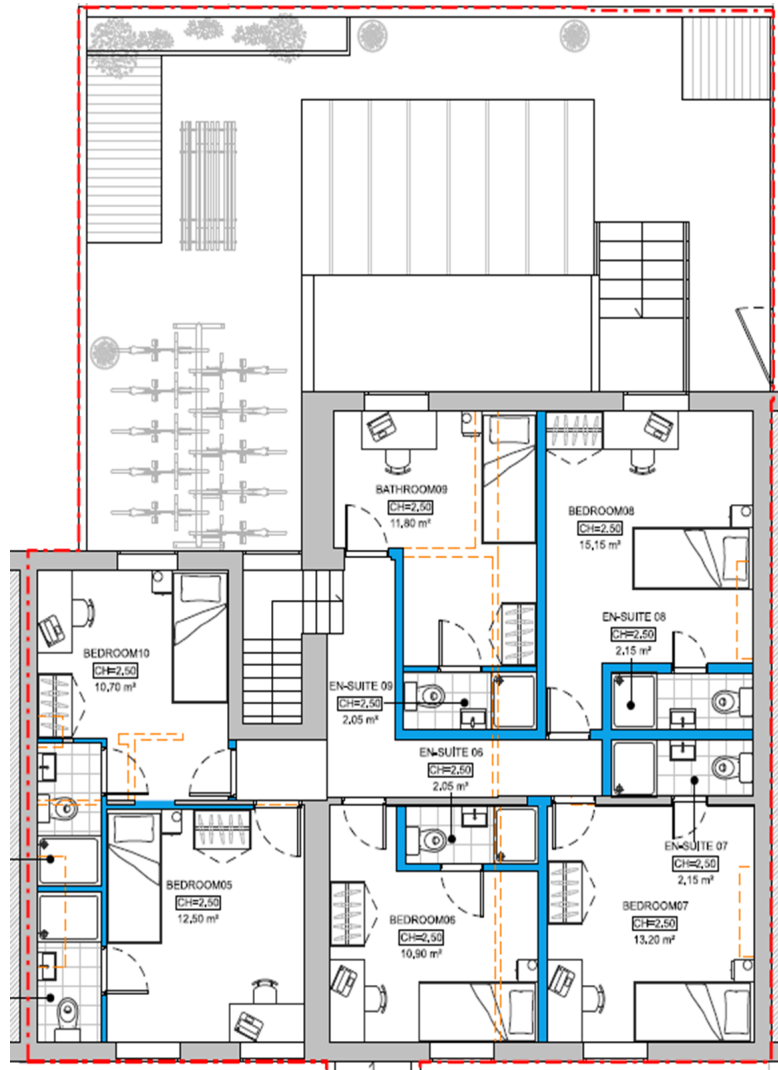
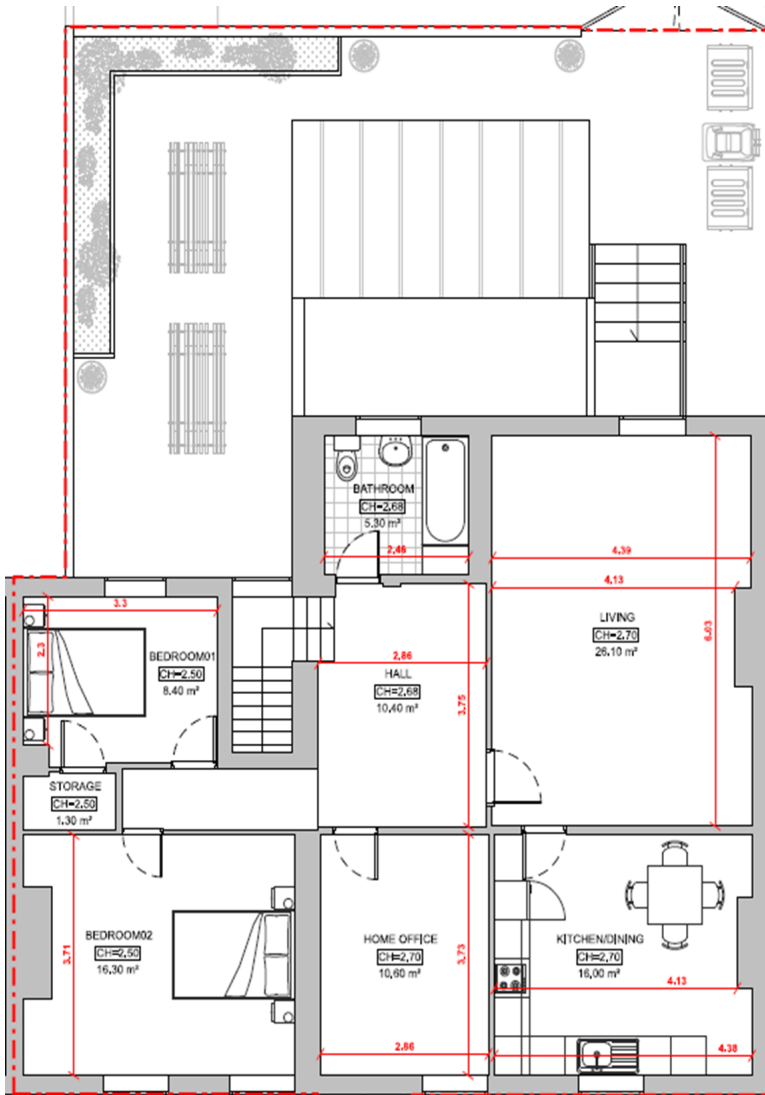
Existing and Proposed Basement



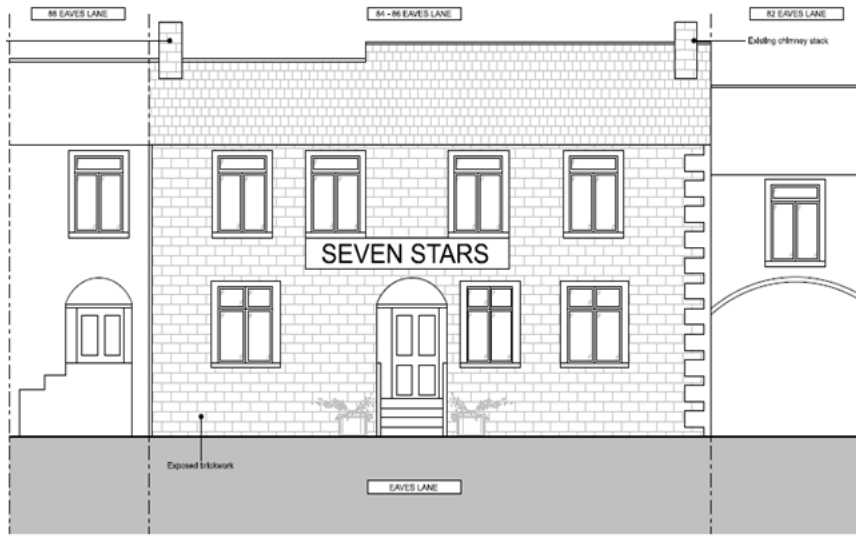
Existing and Proposed Ground Floor



Existing and Proposed First Floor



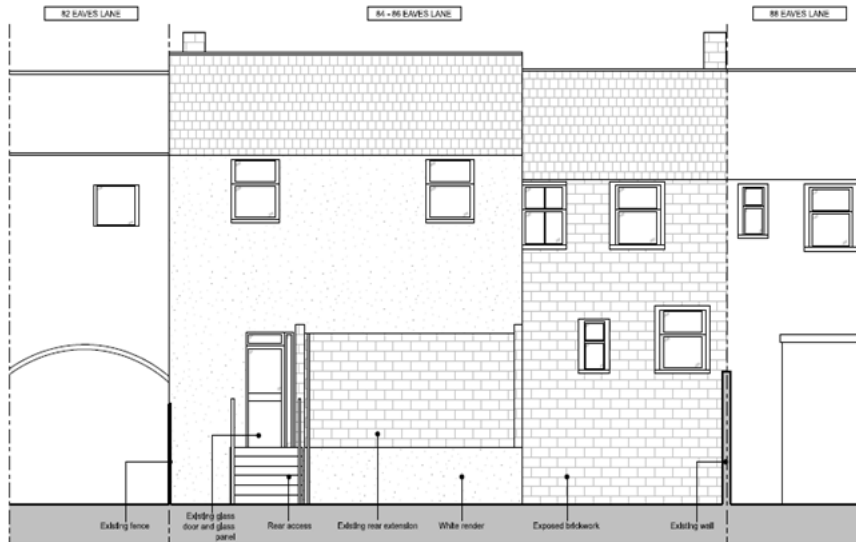
Existing and Proposed Elevations



01 EXISTING FRONT ELEVATION
1:100@A3



01 PROPOSED FRONT ELEVATION
1:100@A3



Site photograph – building frontage on Eaves Lane



Site photograph – rear of the property



Site photograph – dwellings to the rear



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ITEM 3a - 22/00838/FUL – Seven Stars Inn, 84-86 Eaves Lane

The recommendation remains as per the original report.

Two further objections have been received which raise the same concerns as listed in the committee report.

An email has also been received from the legal representative of the adjoining landowner who is disputing the applicant’s right of access to the side alley. The email reiterates that the landowner does not believe the applicant has a right of access over the land as the right is restricted to the use of the site as a pub. Given this continued dispute, it is considered necessary to include the condition below to ensure the building is not occupied for the approved use without having access to the rear yard area.

The following additional condition is recommended:

No.	Condition
1.	<p>Pedestrian access to the rear of the property is to be gained via the side-alley, located to the south of no. 84 - 86 Eaves Lane, as shown on approved drawing ref. S-08. Prior to any works taking place to facilitate the conversion of the building to a house in multiple occupation hereby approved a right of access over the land required to gain access to the rear of the property shall have been secured.</p> <p><i>Reason: To ensure access can be gained to the bin and cycle storage areas to the rear of the property.</i></p>

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APPLICATION REPORT – 22/00694/FUL

Validation Date: 20 June 2022

Ward: Chorley East

Type of Application: Full Planning

Proposal: Conversion of single dwellinghouse to 3no. flats

Location: 105 Eaves Lane Chorley PR6 0ST

Case Officer: Amy Aspinall

Applicant: Mr Miller

Agent: Tim Brown Ashton Design

Consultation expiry: 24 August 2022

Decision due by: 11 November 2022 (Extension of time agreed)

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions and a s106 legal agreement to secure a financial contribution towards new provision for children/young people in the ward.

SITE DESCRIPTION

2. The application site is comprised of a single dwellinghouse located at the junction of Eaves Lane and Seymour Street. The immediate area is predominantly residential in character. The site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map and there are two district local centres within walking distance of the site, situated on Eaves Lane and Steeley Lane respectively.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission for the conversion of a single dwellinghouse to 3no. flats

REPRESENTATIONS

4. No representations have been received.

CONSULTATIONS

5. Lancashire County Council Highway Services – Have advised that they have no objections. Cycle storage is recommended.

6. CIL Officers – Have advised that the development is subject to the CIL Charge for Apartments as listed in Chorley Council's CIL Charging Schedule.

PLANNING CONSIDERATIONS

Principle of development

7. The application site is located within the settlement boundary of Chorley, as defined by the Chorley Local Plan Policies Map.
8. Policy 1 of the Central Lancashire Core Strategy seeks to focus growth and investment in a number of areas including the Key Service Centre of Chorley Town.
9. Policy V2 of the Chorley Local Plan provides that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other Policies and Proposals within this Plan.
10. The National Planning Policy Framework (the Framework) at paragraph 69 identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
11. The Framework advises that to promote the development of a good mix of sites local planning authorities should, among other things, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.
12. The proposal is acceptable in principle in planning policy terms, subject to other material considerations as set out in this report.

Impact on the character and appearance of the area

13. Policy 17 of the Core Strategy seeks to ensure that the design of new buildings takes into account the character and appearance of the local area, including among other things, linking in with surrounding movement patterns and not prejudicing the development of neighbouring land; and protecting existing landscape features and natural assets.
14. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided 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; and that 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.
15. As no alterations are proposed as part of the application, there would be little discernible difference in the streetscene.

Impact on neighbouring amenity

16. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
17. The proposal involves the conversion of the existing large dwellinghouse to 3no self-contained flats. No external alterations are proposed, and existing windows would be utilised. Given that the existing dwellinghouse has 5no. bedrooms and had a lawful use for independent living of the elderly as a single dwellinghouse, but not as a care home, it is not considered that the proposed scheme for 3no. self-contained two bedroomed flats would result in any significant

intensification to give rise to adverse amenity impacts or noise and disturbance to neighbouring residential properties.

18. Whilst limited private amenity space would be provided as part of the proposal, this is the case for the current dwellinghouse. It is noted, however, that sufficient space for bin storage for residents would be provided, and a small enclosed area to serve Unit one would also be provided. It is considered that future occupiers would be afforded acceptable living conditions.

19. The proposal is considered to accord with Chorley Local Plan Policy BNE1 in respect of amenity considerations.

Highway safety

20. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, 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.

21. The application does not seek to provide any on-site parking provision. The site is, however, situated in a sustainable location where public transport options are available, with local services and amenities nearby. Lancashire County Council have been consulted on the application and advise that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site and that no off-street car parking is acceptable. LCC Highway Services do, however, request that secure and covered cycle storage is provided at a ratio of one secure cycle space for each one bedroom. The site does not have sufficient outdoor space to accommodate cycle storage as the outdoor area is taken up by bin storage. Whilst the lack of cycle storage provision is a shortfall of the scheme, should occupiers own a cycle, they would be able to store it inside the flat and it is not considered that a refusal could be justified on these grounds given the sustainable location and small-scale nature of the proposal.

Public open space

22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. In respect of provision for children/young people, Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Chorley East in relation to this standard and, therefore, a contribution towards new provision in the ward is required from this development. The amount required is £134 per dwelling (total = £402) and this would go towards Tatton Recreation Ground Play Area (site ref 1330.1). This would be secured by way of a s106 legal agreement in order to comply with Chorley Local Plan policy HS4.

Community Infrastructure Levy

28. 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 subject to the charge for apartments in accordance with the Council's Charging Schedule.

CONCLUSION

29. The application site is situated within a sustainable area which is identified for growth and investment under Core Strategy policy 1 and would assist with the delivery of housing. There would be no harmful impacts on the character and appearance of the area, nor would the proposal adversely affect neighbouring residential amenity or the living conditions of future occupiers. Although no car parking or cycle parking provision would be provided as part of the proposed development, the site is accessible to local services and amenities and would not be detrimental to highway safety, pedestrian safety, or the free flow of traffic in the vicinity. There is currently a deficit provision for children/young people in Chorley East and, therefore, a contribution of £402 towards new provision in the ward is required and would be secured by way of a s106 legal agreement.

30. The application is recommended for approval, subject to conditions and a s106 legal agreement.

RELEVANT HISTORY OF THE SITE

Ref: 85/00198/FUL **Decision:** PERFPP **Decision Date:** 21 May 1985
Description: Conversion and change of use of existing shop and dwelling to staff supported group home for the elderly

Ref: 78/01221/ADV **Decision:** PERADV **Decision Date:** 12 February 1979
Description: Illuminated shop sign

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
General Arrangement	2203/01	20 June 2022

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

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Planning
Committee Meeting

8 November 2022



Item 3b

22/00694/FUL

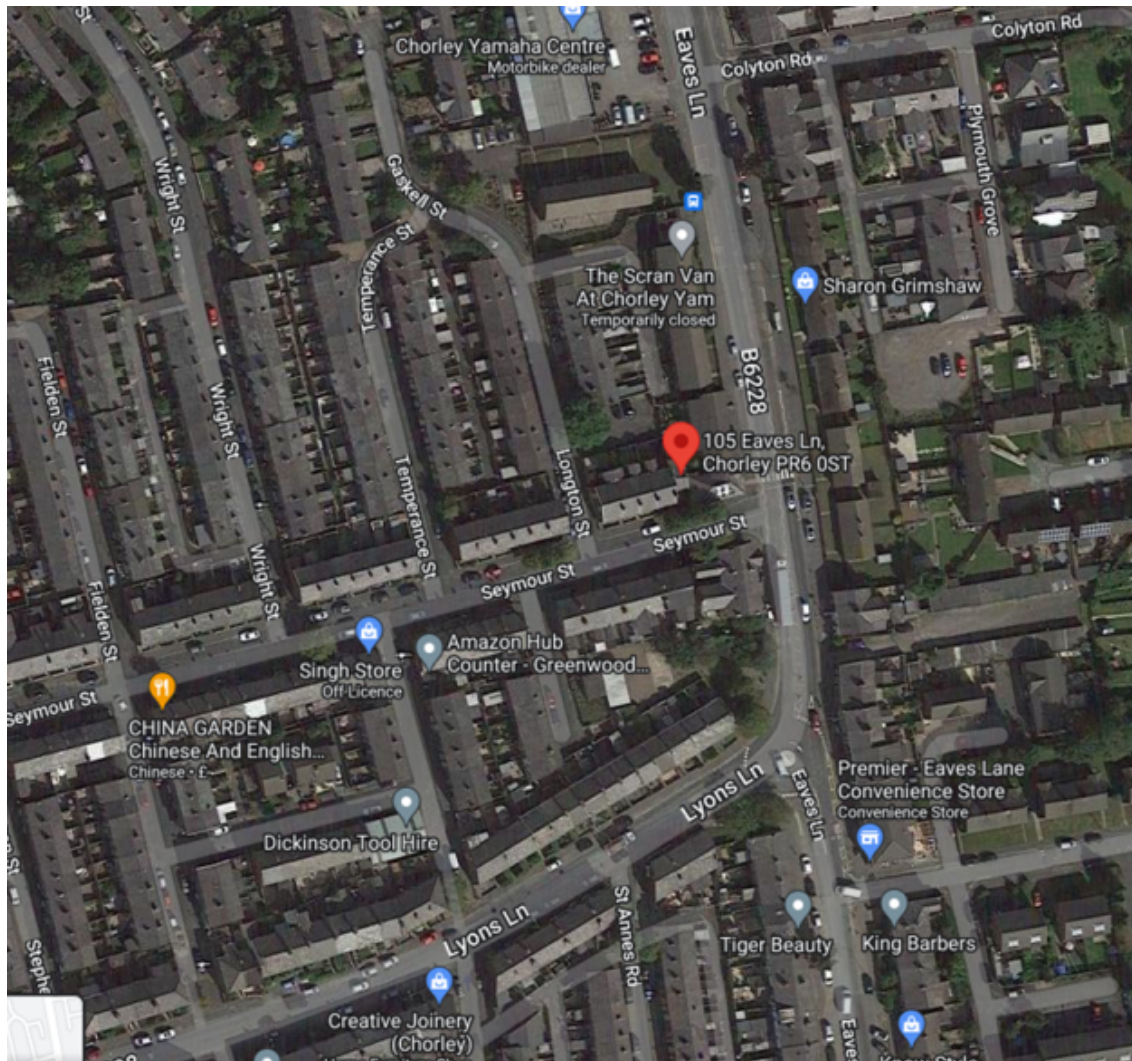
105 Eaves Lane, Chorley

Conversion of single dwellinghouse to 3no. flats

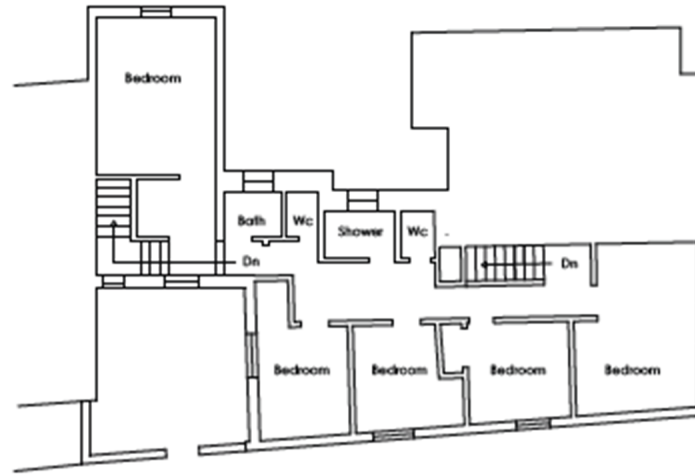
Location Plan



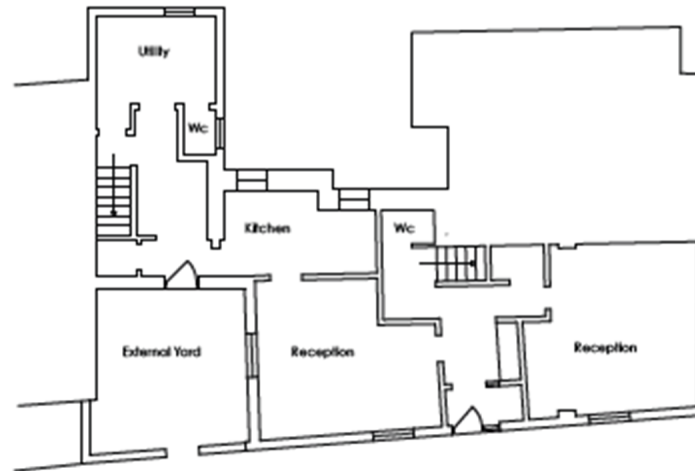
Aerial View



Existing Plans

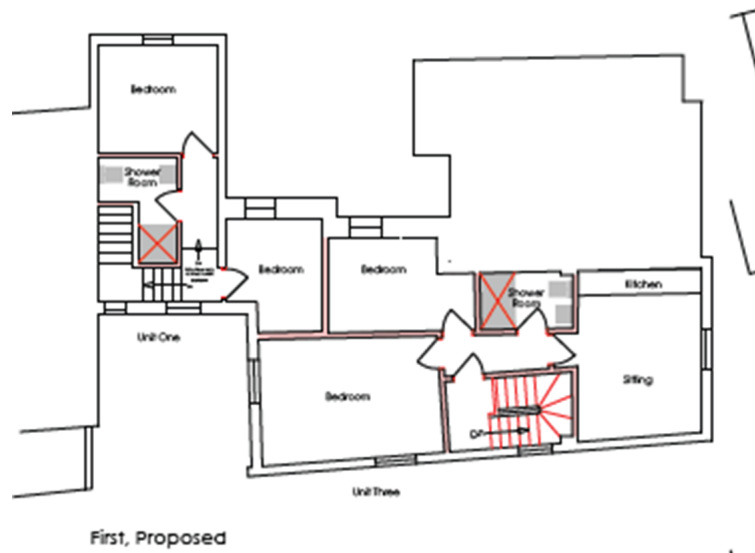


First, Existing

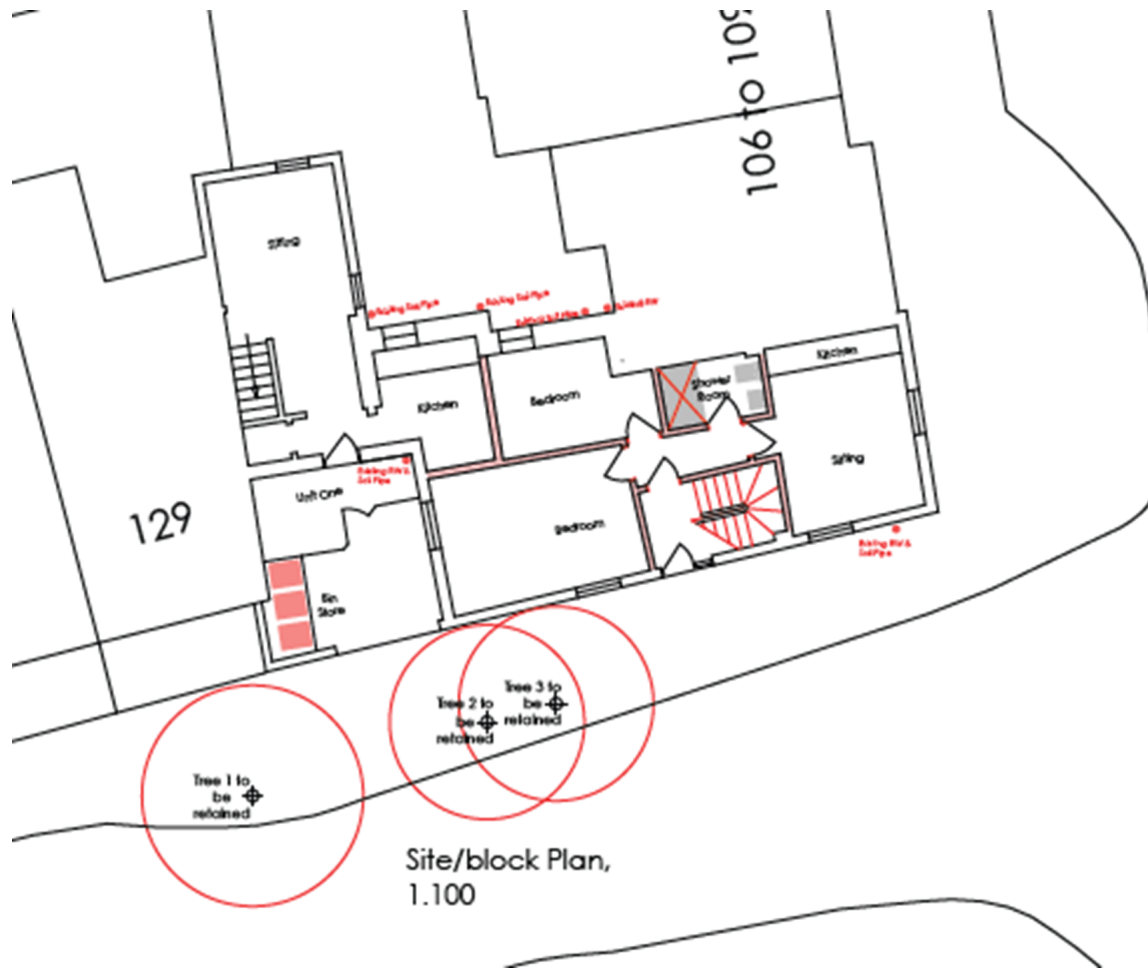


Ground, Existing

Proposed Plans



Site Plan



Site photo – Seymour St frontage



Site photo – Eaves Lane frontage



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APPLICATION REPORT – 22/00853/FUL

Validation Date: 4 August 2022

Ward: Adlington And Anderton

Type of Application: Full Planning

Proposal: Re-routing of existing zip wire and extension of landing zone

Location: Go Ape Rivington Lane Rivington Bolton BL6 7RZ

Case Officer: Mr Iain Crossland

Applicant: Mr Daniel Stafford, Adventure Forest Ltd

Agent: N/A

Consultation expiry: 8 September 2022

Decision due by: 11 November 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The Go Ape course is situated at Rivington, close to the Great House Barn and is accessed from Rivington Lane. The site is located in the Green Belt and forms part of a designated Historic Park and Garden. The area of the site to which this application relates comprises tree T428, which forms the launch point for the final zip wire (Site 5) on the Tree Top Challenge high ropes course close to the eastern bank of Lower Rivington Reservoir. There are numerous mature trees in the area, none of which are protected by Tree Preservation Orders, and are not within a conservation area.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. This application seeks planning permission for the re-routing of the existing zip wire and extension of the landing zone. Tree T428, which forms the launch point for the final zip wire (Site 5) on the Tree Top Challenge high ropes course has been identified as being in poor health and is required to be felled.
4. It is proposed that another course tree (T0196), which is already in use as a support tree to elements of the high ropes course and is in line with the landing site, would be used as an alternate starting point to the zip wire. A platform would be installed on this tree at approximately 6.7m, with an additional crossing (from T0817 to T0196) to allow participants to reach the new tree with the safety cable attached at approximately 8.1m. This would require some minor alignment changes to the landing area to accommodate the change in angle of the zip wire, and would consist of moving the existing fence approximately 2m to the east.

REPRESENTATIONS

5. Representations have been received from 4no. individuals citing the following grounds of objection:

- Loss of trees.
- Safety impact due to the health of trees.
- Poor management of the course and woodland.
- The development of the course is killing trees.
- More trees have been identified for felling on site than in the tree report.
- The course is growing at the expense of public access.
- Ruining the character of the area.

CONSULTATIONS

6. The Gardens Trust: No comments have been received.
7. Friends of Lever Park have raised the following issues:
 - Identified that the tree (T0196) to which the launch point would be moved has been classed as being in poor health in the tree report. This is a danger to public health.
 - Concerns regarding the credibility of the tree report.
 - The tree report identifies three trees for removal, when in fact six are recommended for removal.
 - Concerns regarding the lack of any response from the Council's tree officer.
 - The developer originally stated that the development wouldn't affect wildlife yet the tree report now confirms that there are no signs of wildlife.
 - The condition of the site is a concern and that no one appears to be showing any interest in its maintenance.
8. Rivington Parish Council: No comments have been received.

9. PLANNING CONSIDERATIONS

Principle of development

10. The application site is located in the Green Belt. 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.

11. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. There are a number of exceptions to inappropriate development. One exception at paragraph 149.b) is: *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as*

long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

12. The Go Ape climbing course and its associated facilities fall to be considered outdoor recreation, in accordance with the definition in the Framework, which is an exception to inappropriate development. This exception states that such facilities are not inappropriate only where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposal amounts to an alteration of what already exists on the site through moving the launch point and associated fixtures from one tree to another that is in close proximity.
13. This would effectively preserve openness being open structures of the same type as the existing one. The landing area would be increased in size through the repositioning of an existing fence. Again, the fence is an open structure that allows intervisibility and already exists. It is, therefore, considered that there would be no greater impact on openness than that which already exists, whilst there would be no additional harm to any of the purposes of including land within the Green Belt. As such the proposal would not represent inappropriate development in the Green Belt.

Historic Park and Garden and impact on listed buildings

14. The application site is located within the designated boundary of Lever Park, which is a registered park and garden, whilst Great House Barn, Great House Cottage and the adjacent Information Centre are all grade II listed buildings.
15. The principal statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, which includes their setting. Local Planning Authorities (LPAs) should in coming to decisions consider the principal act which states the following;

Listed Buildings - Section 66(1) in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
16. In this instance the key heritage issue for the LPA to consider, in relation to proposed development is the impact of the proposal on the significance of the setting to the nearby designated heritage assets.
17. In determining planning applications LPAs 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.
18. P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.
19. P.200 states that any harm or loss of significance to a designated heritage asset (from alteration or destruction or from development within its setting) should require clear and convincing justification.
20. P.202 states that where a development will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

21. The Central Lancashire Core Strategy policy 16 and Chorley Local Plan 2012-2026 policy BNE8 reflect this approach and support the protection of designated heritage assets.
22. The site of the proposed development is not in the 'designed' element of Lever Park, and forms part of an existing Go Ape high ropes course. The development is small scale and involves altering the course from one tree to another due to the poor health of a tree. As such the changes would be of limited visual difference or impact. It is not, therefore, considered that the change to the course has any detrimental impact on the Historic Park and Garden and is viewed in the context of the existing Go Ape course and its associated development. For these reasons the scheme causes no harm to the setting of the registered park and garden.
23. Great House Barn, Great House Cottage and the adjacent Information Centre are located over 350m from the site and are not visible from the site, which is situated within the woodland. For these reasons the scheme causes no harm to the setting of any listed buildings.
24. In this regard the proposed scheme meets the duty to 'preserve' as laid down by s.66 of the P(LBCA) Act 1990 and meets the objectives of Chapter 16 of the Framework, policy 16 of the Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan 2012 - 2022.

Impact on trees and the character of the area

25. The proposed development would involve the launch point to the final zip wire (site 5) being changed from tree T428 to another course tree (T0196) at approximately 8.13m. The tree to be used (T0196) is already in use as a support tree to elements of the high ropes course. A platform would be installed on this tree at approximately 6.7m, with an additional crossing (from T0817 to T0196) to allow participants to reach the new tree with the safety cable attached at approximately 8.1m. This would require some minor alignment changes to the landing area to accommodate the change in angle of the zip wire, and would consist of moving the existing fence approximately 2m to the east.
26. There are 2no. trees approximately 4m in front of the proposed launch tree that would also need to be felled to make room for the zip wire as they would pose a collision hazard to participants. It is proposed to replace these trees (and T428) with 4no. replacement trees to offset the loss and provide a net gain.
27. The development would result in the fixtures and equipment that are already attached to a tree being moved to another tree, with the course of the zip wire altering slightly. Visually this impact would be very limited as the development is modest in scale and reflects an existing situation at height within the trees. This would have no discernible impact on the appearance and character of the area in the context of the existing development.
28. The alteration to the angle and course of the zip wire would require an extension to the landing zone, through moving the existing fence approximately 2m to the east with wood chippings spread across the landing area. This would have a minor impact on the appearance of the site such that it would not alter the character of the area to any discernible extent given that it would be sited in the context of an existing well established Go Ape ropes course.
29. The changes would necessitate the felling of two beech trees to the south east of the launch tree. The loss of these two trees in addition to the loss of the diseased tree would reduce the density of the woodland very slightly. The trees themselves are not prominent ones in relation to the character of the area being located within the woodland and are not ancient trees. The trees are not protected and would not result in any adverse impact on the character of the landscape in the context of this woodland location. Given that 4no. replacement trees would be planted it is considered that the felling of the trees is acceptable. It is recommended that a tree planting scheme is secured by condition.

30. The Council's tree officer has visited the site and reviewed the tree reports. The tree officer has verified that the tree supporting the current launch point is diseased and that the two trees identified for removal would make room for the changes to the zip wire.
31. The proposed development is considered to comply with policy BNE1 of the Chorley Local Plan 2012 – 2026, whilst the loss of the trees is acceptable in line with policy BNE10 in consideration of their lack of prominence and replacement planting.

Other matters

32. Safety impact due to the health of trees: It is noted that concerns have been raised in relation to the health of tree (T0196) that would become the new launch point. This relates to the Arboricultural Inspection Report dated 25/11/2021, which identifies the health of this tree as being poor, as a small area of decay was identified. This was followed up by a Pre-construction Inspection Report dated 30/09/2022, which carried out a more detailed inspection of tree (T0196) and found that while decay has been found in the proposed new zip wire tree it is not significant to increase the risk of whole tree failure to an unacceptable level of risk.
33. Poor management of the course and woodland: This is a matter for the developer and landowner. Good woodland management practices should involve regular tree inspections, management of ground conditions and works to trees where necessary.
34. The development of the course is killing trees: There is no evidence that the development of the course has led to a decline in the health of trees and the woodland. The Pre-construction Inspection Report dated 30/09/2022 does note that the surrounding conditions are not ideal for beech trees as they dislike wet soils. The report identifies that a large area of ground around the last half of site 5 and below is retaining water that is creating unsuitable conditions for beech trees. The report confirms that this has led to the decline or death of several non-course trees and course trees in the area over the last four years. It is, therefore, in the interests of the developer and landowner to improve the drainage in the area to make the soil conditions dryer and more suitable for beech trees.
35. More trees have been identified for felling on site than in the tree report: The trees within the woodland are not protected and it is a matter for the landowner to carry out good woodland management practices, which should involve regular tree inspections. Works to trees and felling may be necessary, particularly where public access takes place, in the interests of public safety. The applicant is not required to disclose any works to trees that are not necessary in association with the proposed development, and so it may be that wider felling works are required beyond those identified to facilitate the development.
36. The course is growing at the expense of public access: There would be no loss of public access as a result of the proposal.

CONCLUSION

37. The proposed development is not be inappropriate in the Green Belt, and there would be no adverse harm to landscape character. Nor would there be any harm to designated heritage assets. It is, therefore, recommended that the application is approved subject to conditions.

RELEVANT HISTORY OF THE SITE

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

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

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

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

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

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

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

Ref: 18/00963/FUL **Decision:** PERFPP **Decision Date:** 15 November 2019
Description: Construction of landing structure to replace existing forming part of the Go Ape Ropes course

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

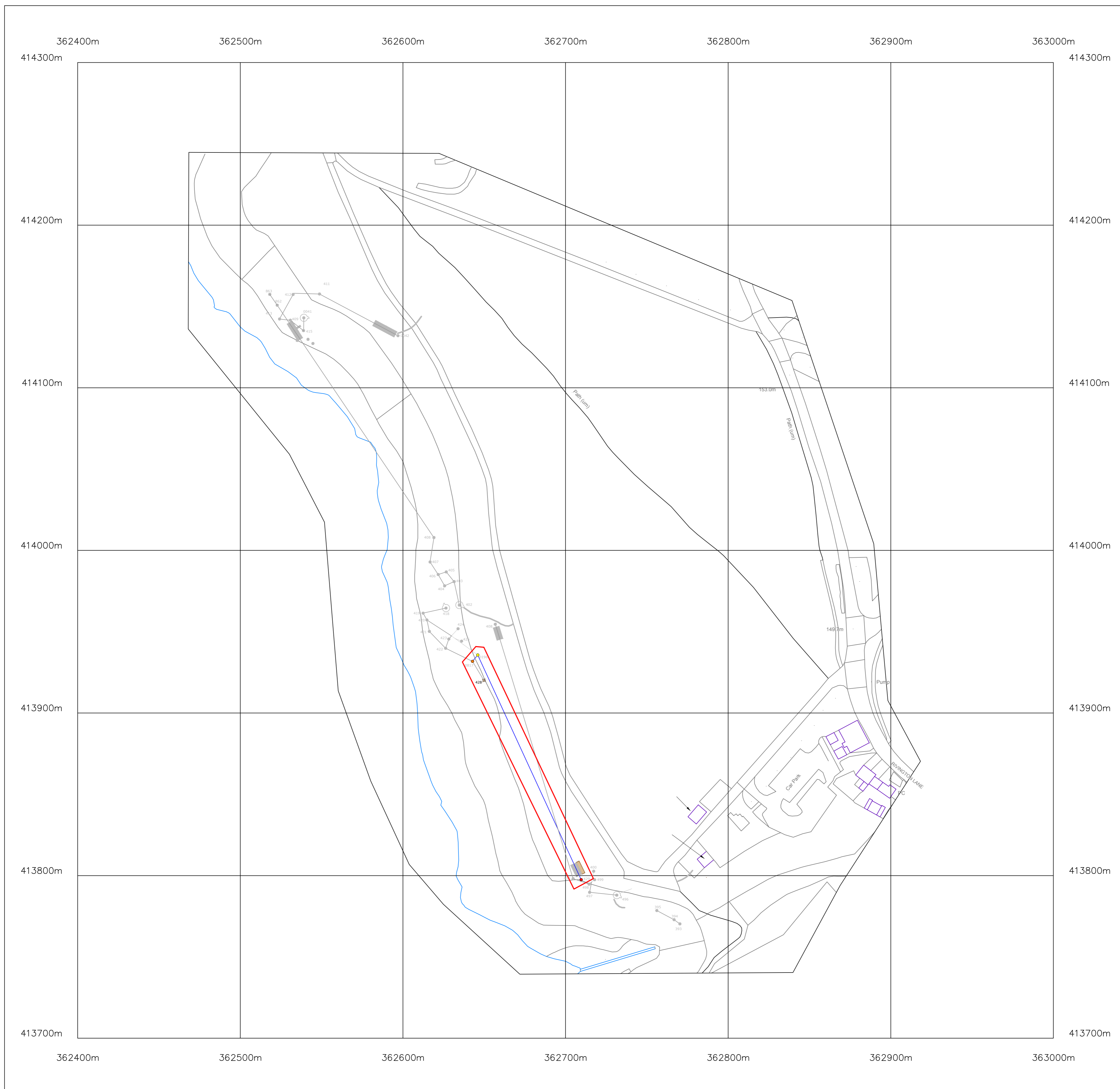
Suggested conditions

No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>									
2.	<p>The development hereby permitted for one dwelling shall be carried out in accordance with the following approved plans:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 33%;">Title</th> <th style="width: 33%;">Reference</th> <th style="width: 33%;">Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>BW1-1240485-14915-020822</td> <td>04 August 2022</td> </tr> <tr> <td>Block Plan</td> <td>BW1-1240485-14915-020822</td> <td>04 August 2022</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>	Title	Reference	Received date	Location Plan	BW1-1240485-14915-020822	04 August 2022	Block Plan	BW1-1240485-14915-020822	04 August 2022
Title	Reference	Received date								
Location Plan	BW1-1240485-14915-020822	04 August 2022								
Block Plan	BW1-1240485-14915-020822	04 August 2022								
3.	<p>Before any tree felling is carried out full details (including species, number, stature and location) of a replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.</p>									

	<i>Reason: To safeguard the visual amenity of the area.</i>
4.	<p>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.</p> <p><i>Reason: To safeguard the trees to be retained.</i></p>

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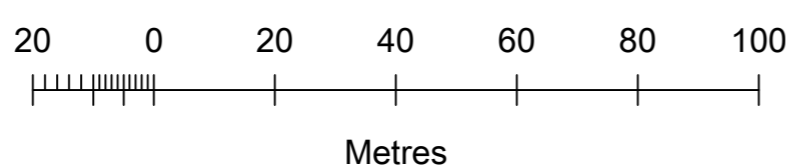
Ordnance Survey OS Mastermap [®]



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Order Number BW1-1240485-14915-020822

Print Date: 2nd August 2022



- 727 Tree number
- 25 Existing Activity number
- New Obstacle Wire
- New Obstacle number
- New Obstacle Tree
- New Zip Departure Tree
- Existing & New Zip Arrival Tree
- Extension to Zip wire landing zone
- Planning Area
- Existing Treetop Adventure Course and associated infrastructure
- 428^{RS} Unhealthy Tree to be felled

**Go Ape - Rivington
Redesigned Site 5 Zip Line
Location Plan
1:1250**

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Planning Committee Meeting

08 November 2022



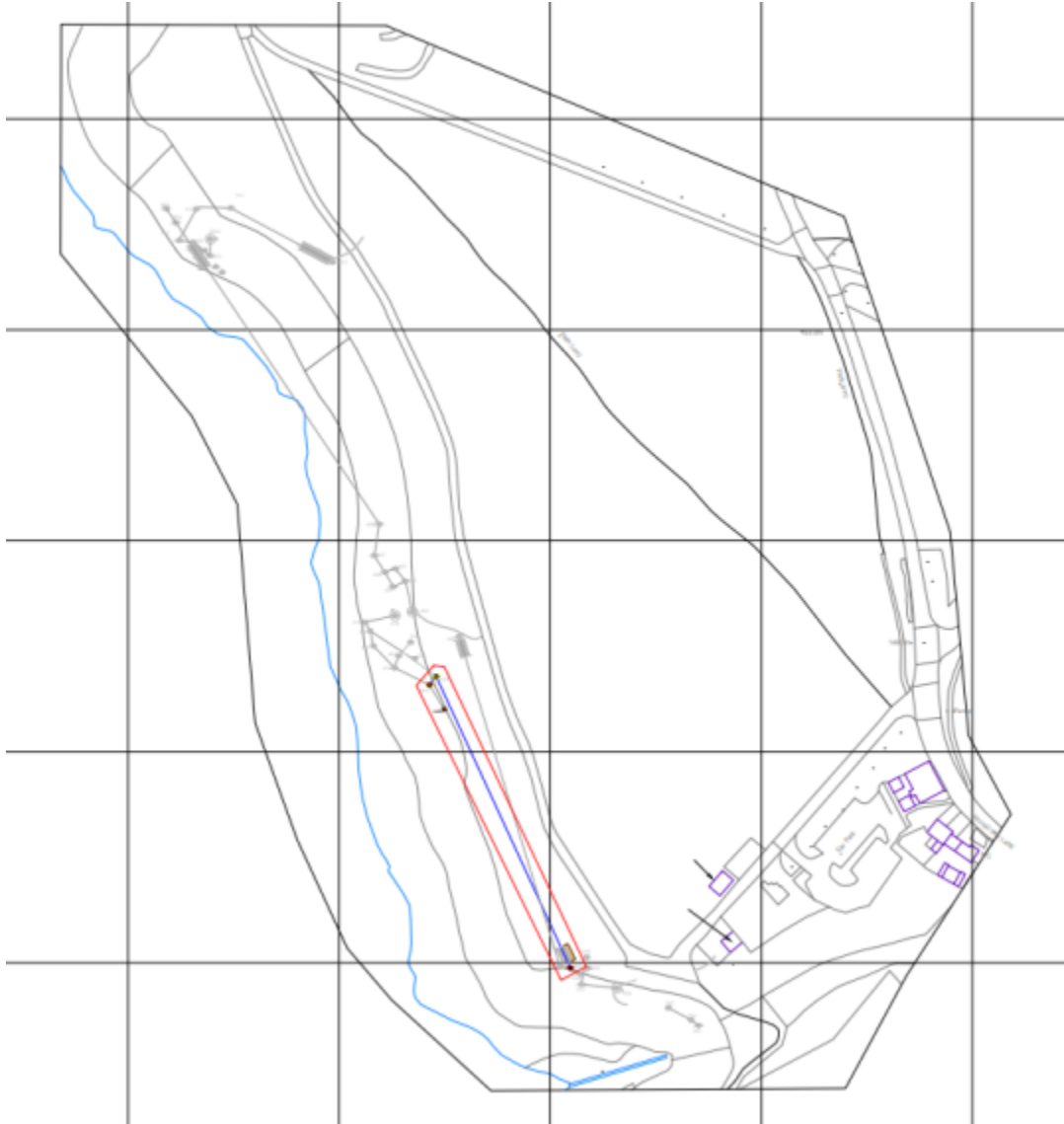
Item 3c

22/00853/FUL

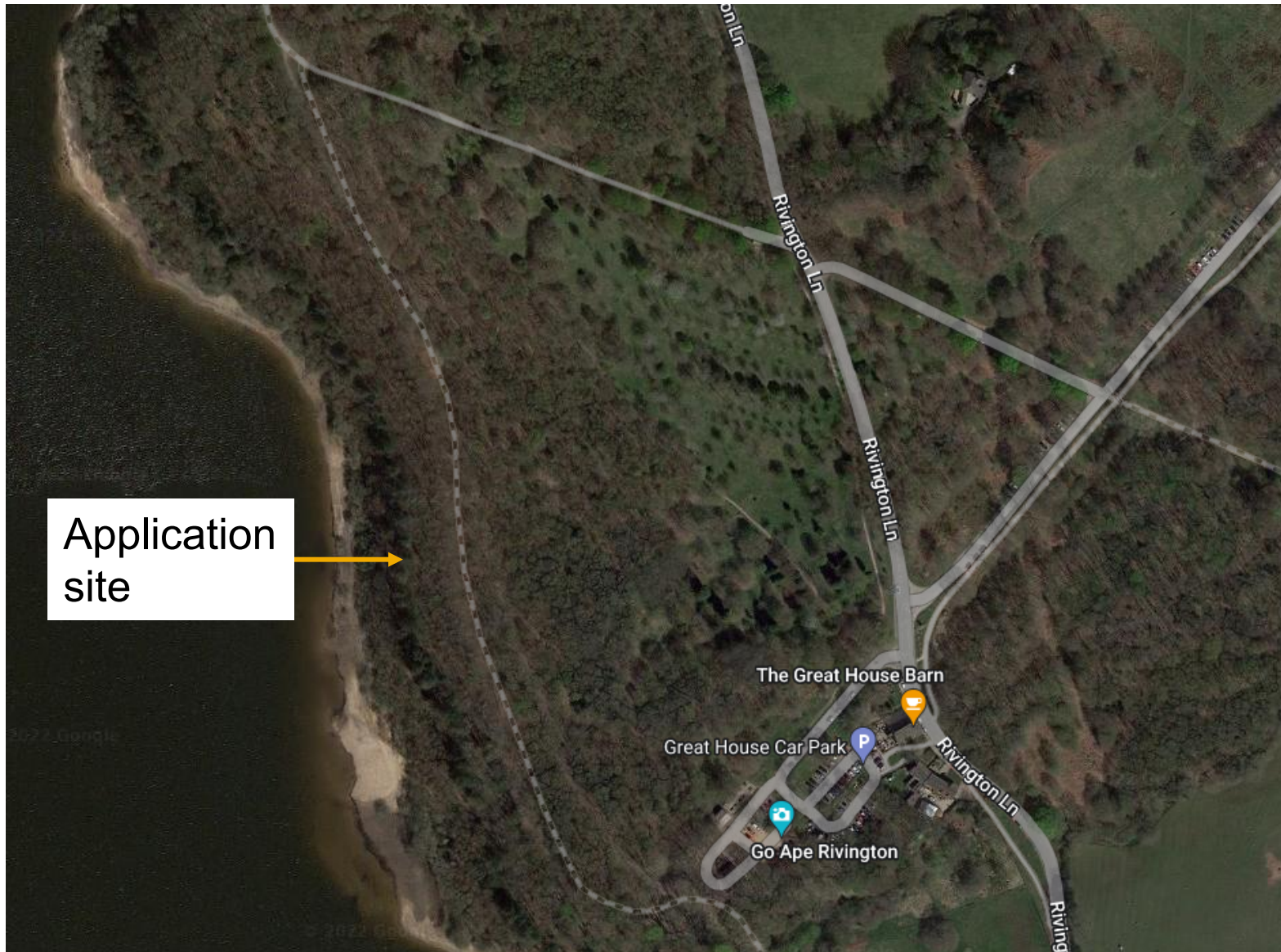
Go Ape, Rivington Lane, Rivington

Re-routing of existing zip wire and extension of landing zone

Location plan



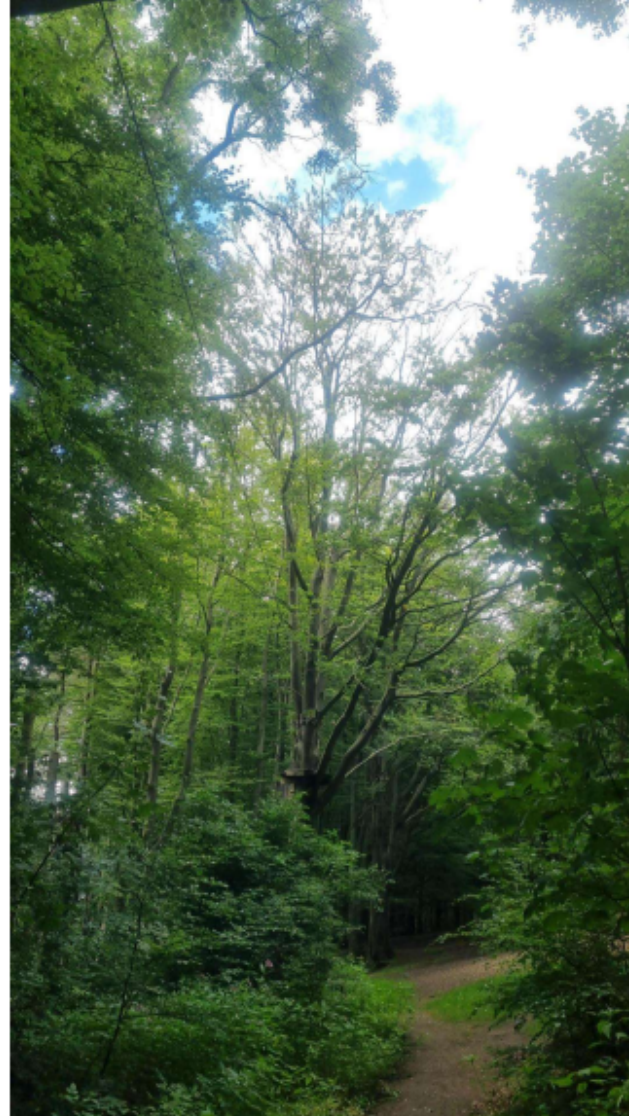
Aerial Photo



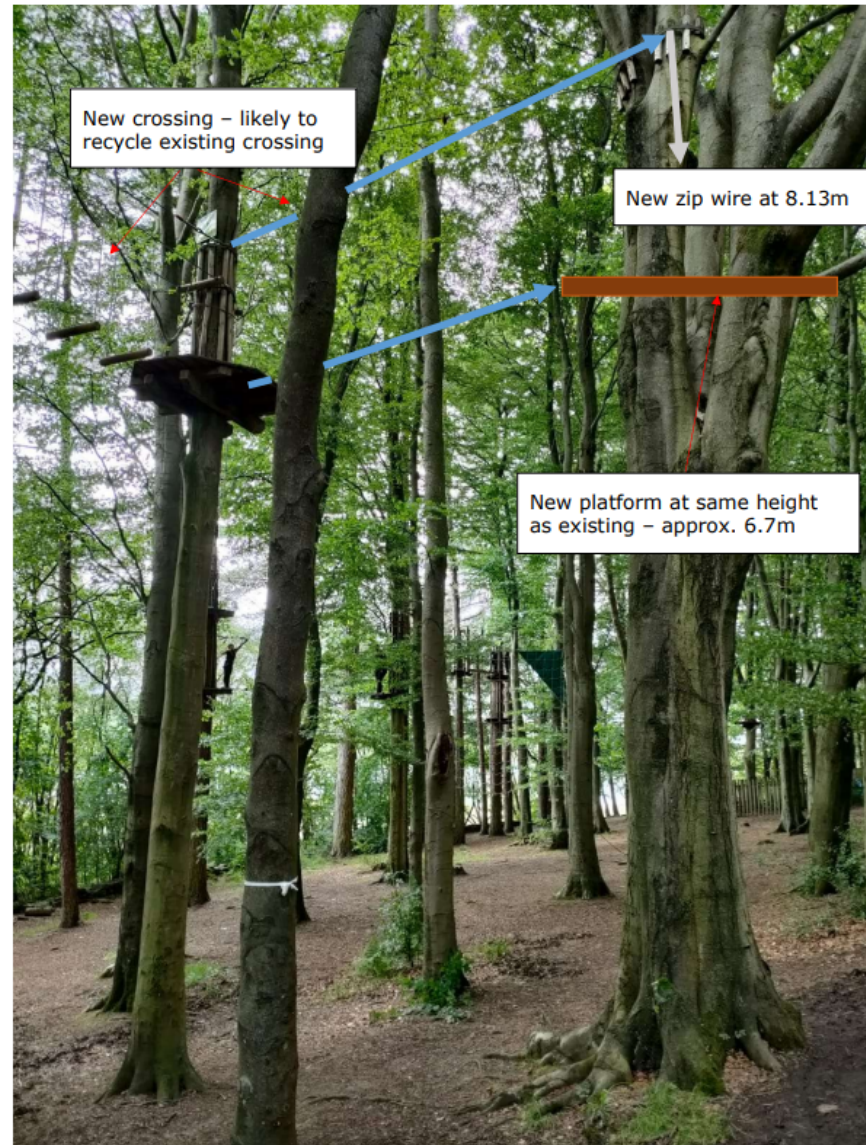
Site layout plan



Tree 428 to be felled



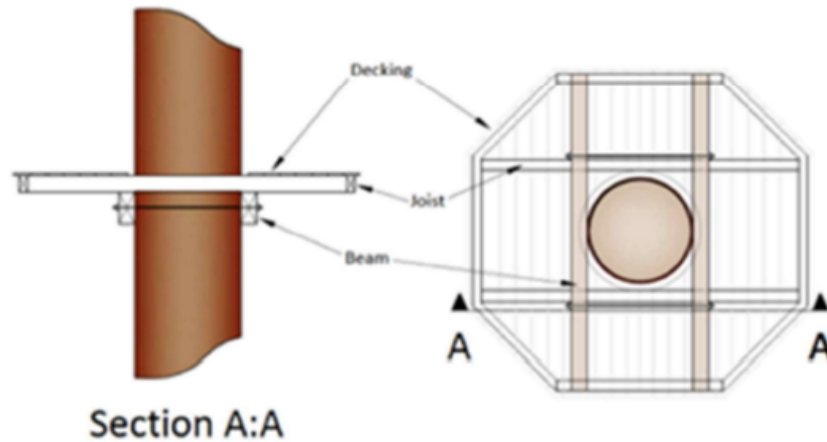
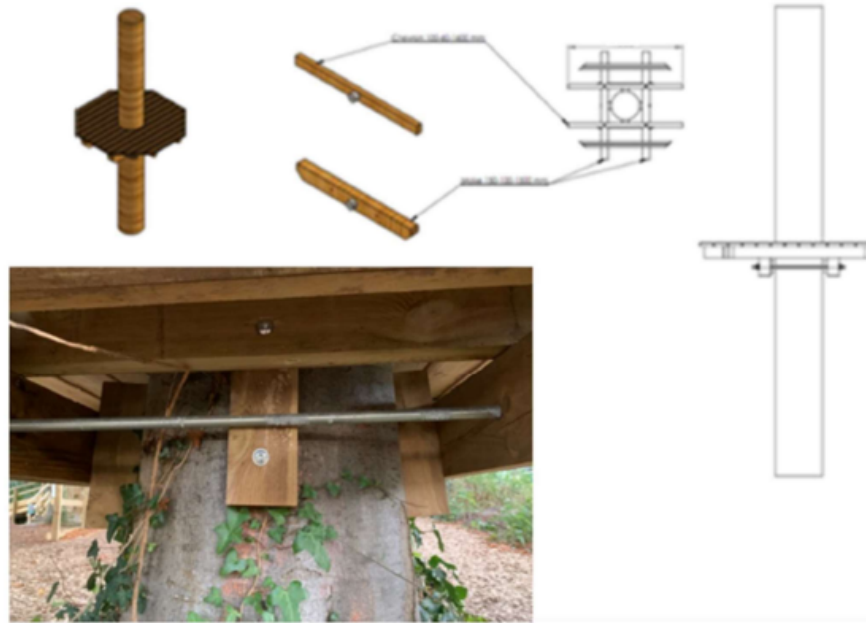
Proposed crossing and new launch point



Landing zone with new launch tree identified



Launch point platform



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Report of	Meeting	Date
Director of Planning and Development, Development and Forward Planning	Planning Committee	25 October 2022

Tree Preservation No. 1 (Euxton) 2022

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No. 1 (Euxton) 2022 without modification.

Recommendations to Planning Committee

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order.

Reasons for recommendations

- The Order was made on the 16 February 2022. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 16 February 2022. The Order was made because on the assessment of the Council's Tree Officer, the trees makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and its removal would have a significant impact on the environment and its enjoyment by the public.
- No objections have been received in response to the making of the above Order. The Council received a letter from the Landowner who stated that he could understand why the Order had been made even if he did not agree with the Order itself he understood the Council's position. He did not object to the Order.
- It is therefore, now open to the Council to confirm the above Order. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Order without first having obtained lawful permission.

Corporate priorities

6. The report relates to the following corporate priorities: (please bold all those applicable):

Involving residents in improving their local area and equality of access for all	A strong local economy
Clean, safe and healthy communities	An ambitious council that does more to meet the needs of residents and the local area

Background to the report

7. As stated as part of the recommendations. The Order was made on the 16 February 2022. The Order was made and served along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the 16 February 2022. The Order was made because on the assessment of the Council’s Tree Officer, the trees makes a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and its removal would have a significant impact on the environment and its enjoyment by the public.

Climate change and air quality

- 8. The work noted in this report has an overall positive impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.
- 9. In particular the report impacts on the following activities:
 - a. net carbon zero by 2030,
 - b. air quality,
 - c. green areas and biodiversity.

Equality and diversity

10. There are no implications regarding equality and diversity

Risk

11. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Order without first having obtained lawful permission. If we do not formalise this process then these trees are at risk.

Comments of the Statutory Finance Officer

12. If the trees were to be lopped or pruned or chopped in breach of the order the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

Comments of the Monitoring Officer

13. The legal effect of the order and the consequences of breach are addressed within the body of the report.

Background documents

- Copy of Provisional Tree Preservation Order No. 1 (Euxton) 2022

Report Author:	Email:	Telephone:	Date:
Elizabeth Walsh (Senior Solicitor)	elizabeth.walsh@southribble.gov.uk	01257 515169	26.10.22

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Report of	Meeting	Date
Director of Planning and Development	Planning Committee	8 November 2022

PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 12 SEPTEMBER 2022 AND 31 OCTOBER 2022

PLANNING APPEALS LODGED AND VALIDATED

None

PLANNING APPEAL DECISIONS

Local Planning Authority Reference: 22/00408/ADV - Inspectorate Reference: APP/D2320/Z/22/3301434

Appeal by Mr Kristian Ball against the delegated decision to refuse advertisement consent for the display of 1no. digitally illuminated (LED) gable mounted advertisement display unit.

7 Stump Lane, Chorley, PR7 1SL.

Appeal allowed 6 October 2022.

Local Planning Authority Reference: 21/01278/FUL - Inspectorate Reference: APP/D2320/W/22/3293597

Appeal by Mr David Mitchell against the delegated decision to refuse planning permission for the change of use of land from angling to a mixed use of angling and the provision of five touring caravan pitches, two of which are already in situ.

Stoat Hall Fisheries, Back Lane, Bretherton, Leyland, PR26 9BE.

Appeal dismissed 27 October 2022.

PLANNING APPEALS WITHDRAWN

None

ENFORCEMENT APPEALS LODGED

None

ENFORCEMENT APPEAL DECISIONS

Local Planning Authority Reference: 20/00358/COUDWL - Inspectorate Reference: APP/D2320/C/21/3279304

Appeals by Lee McGarry, Andrew Walsh and Nicola Jane Walsh against an Enforcement Notice served in respect of the unauthorised material change of use of land and associated unauthorised operational development and storage to facilitate that unauthorised material change of use to a permanent Racetrack and Recreational Motorcycle Track.

Land at Chisnall House Farm, Croston Lane, Charnock Richard, Chorley, PR7 5HJ.

Appeal dismissed and the enforcement notice upheld, (with some minor amendments) 24 August 2022.

In addition, the Council have been awarded a partial award of costs in respect of the ground A appeal which relates to the Appellant's deemed application for planning permission due to the complete lack of merit in their submissions.

The Council will now monitor compliance with the requirements of the notice in full.

ENFORCEMENT APPEALS WITHDRAWN

None

Report Author	Ext	Date	Doc ID
Adele Hayes	5228	31 October 2022	***



Report of	Meeting	Date
Director (Planning and Development)	Planning Committee	8 November 2022

REVIEW OF CHORLEY COUNCIL'S VALIDATION CRITERIA FOR PLANNING APPLICATIONS

1. The current validation checklist was published in November 2020 and, therefore, needs reviewing to ensure that the list is relevant and proportionate. National Planning Practice Guidance provides that the local list can either be revised (subject to public consultation), or where no significant changes are necessary, the list can be republished.
2. It is considered that the existing local list is satisfactory and fit for purpose to allow the Local Planning Authority to request sufficient information upon receipt to enable planning applications to be properly assessed.
3. Only very minor changes have been made, such as an update to the national list and also updating relevant links.
3. The local list would then be republished on the Council's website without the need for public consultation.

RECOMMENDATION: It is recommended that the local list is republished, subject to minor changes to reflect current government legislation and guidance.

Report Author	Ext	Date	Doc ID
Amy Aspinall		25 October 2022	

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Validation

Criteria for

**Planning Applications
November 2022**

Republished November 2022

Introduction

The standard application form covers the following types of application:

- Householder Applications
- Applications for outline, reserved matters and full planning permission
- Listed Building Consent
- Advertisement Consent
- Applications for Lawful Development Certificates
- Prior notification applications
- Applications for Hedgerow Removal Notice
- Applications for removal or variation of a condition (s73)
- Applications for approval of details reserved by condition
- Applications for tree work
- Applications for a Minor Non-material Amendments (s96A)
- Prior approval applications

The information required to make a planning application valid will vary dependent on the type of application. However, the information required will consist of:

- National List which are mandatory for all applications.
- Information provided on the standard application form
- Local List which are set out for each of the types of applications depending on the nature of the proposal.

Providing all the required information is included at the outset the application will be classed as 'Valid' and will progress to a decision.

If information is missing, the application will be held as 'Invalid' and delayed until the necessary information is received. If information is not provided within 21 days of us requesting it, we will not be able to deal with the application and it will be treated as withdrawn. We will not keep any documents relating to such applications.

If you do not intend to provide all the information required by the Councils local list of validation requirements, you should provide written justification as to why it is not appropriate in the particular circumstance.

National List and Standard Application Form

The national list is a list of statutory information required to accompany all applications (as specified in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)).

Further information on the national information requirements can be found on the Planning Practice Guidance website:

<https://www.gov.uk/guidance/making-an-application#National-information-requirements>

The information required includes:

1. The standard application form

A completed standard application form is required which is available to complete online.

2. Required Plans

The following plans are required to support planning applications (except where the application is made pursuant to section 73 (determination of applications to develop land without conditions previously attached) or section 73A(2)(c) (planning permission for development already carried out) of the 1990 Act(a)). The plans should be provided at the stated scale **including the paper size** (i.e. 1:500 at A1) in digital format and should accurately show the direction of North (where appropriate):

a) Location Plan (a plan which identifies the land to which the application relates)

The location plan should clearly identify the application site. The plan will be required to be based on an up-to-date map at a scale of 1:1250 or 1:2500. In exceptional circumstances plans of other scales may also be required. The plan should include a least two named roads and the surrounding buildings. The buildings should be numbered/ named to ensure that the application site is clearly identified.

The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.) A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

b) Site Plan

The site plan should be drawn at a scale of 1:500 or 1:200 and should accurately show:

- a) The direction of North
- b) The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries

- c) All the buildings, roads and footpaths on the land adjoining the site including access arrangements
- d) The position of all trees on the site, and those on adjacent land that could influence or be affected by the development.
- e) The extent and type of any hardstanding
- f) Boundary treatment including walls or fencing where this is proposed.

c) Block Plan

A block plan of the site is required at a scale of 1:100 or 1:200 showing any site boundaries, the type and height of boundary treatment (e.g. walls, fences etc), the position of any building or structure on the other side of such boundaries.

d) Existing and proposed floor plans (at a scale of 1:50 or 1:100)

These should be drawn to a scale of 1:50 or 1:100 and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).

The submitted plans should include the dimensions of the proposal annotated onto the plan.

e) Existing and Proposed Elevations (at a scale of 1:50 or 1:100)

These should be drawn to a scale of 1:50 or 1:100 and show clearly the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.

Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings and detail the positions of the openings on each property.

The submitted plans should include the dimensions of the proposal annotated onto the plan.

f) Existing and proposed site sections and finished floor and site levels (at a scale of 1:50 or 1:100)

Such plans drawn at a scale of 1:50 or 1:100 should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.

Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.

In the case of householder development, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified.

Levels should also be taken into account in the formulation of design and access statements.

g) Roof plans (at a scale of 1:50/ 1:100/ 1:200)

A roof plan is used to show the shape of the roof and is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material, vents and their location are typically specified on the roof plan.

3. Ownership Certificates

Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 14 of the , the Town and Country Planning (Development Management Procedure) (England) Order 2015 the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed. All applications for planning permission except for approval of reserved matters must include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the application site.

The ownership certificate confirms the ownership of the land to which the application relates and that the relevant notices have been served.

Certificate A must be completed when the applicant is the sole owner of the site and there are no agricultural tenants.

This should only be completed if the applicant is the sole owner of the land to which the application relates and there are no agricultural tenants.

Certificate B must be completed when there is shared ownership of the land to which the application relates (owners and/or agricultural tenants) and they are known to the applicant.

This should be completed if the applicant is not the sole owner, or if there are agricultural tenants, and the applicant knows the names and addresses of all the other owners and/or agricultural tenants.

Certificate C must be completed when there is shared ownership (owners and/or agricultural tenants) only some of whom are known.

This should be completed if the applicant does not own all of the land to which the application relates and does not know the name and address of all of the owners and/or agricultural tenants

Certificate D must be completed when there is shared ownership of the land to which the application relates (owners and/or agricultural tenants) and none of them are known to the applicant.

This should be completed if the applicant does not own all of the land to which the application relates and does not know the names and addresses of any of the owners and/or agricultural tenants.

For this purpose, an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than seven years.

An 'agricultural tenant' is a tenant of an agricultural holding, any part of which is comprised in the land to which the application relates.

If either Certificate B, C or D have been completed there is a requirement to serve notice and/or undertake publicity requirements prior to an application being made (see below).

4. Notice(s)

An applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.

5. The correct fee (where one is necessary)

The full fee information can be found at

<https://www.planningportal.co.uk/services/help/faq/applications/how-much-does-a-planning-application-cost>

Any application which is submitted without a fee will be treated as invalid until a fee is received. The application will not be checked for validity in all other regards until a fee has been received.

PLEASE NOTE: it is not possible to pay for planning fees via cheque.

The payment options for any planning related fees include contacting 01257 515151 to pay via a debit/ credit card, pay on-line at the time of submission or pay via the Council's BACs system:

A/C Name: Chorley Borough Council Collections Account

Sort Code: 20-69-93

A/C No: 63417069

Account Branch Details: 23 Market Street, Chorley, Lancashire, PR7 2SY

6. Design and Access Statements

In accordance with the DMPO Design and Access Statement will be required to accompany:

In all areas:

- major development ¹

¹ For the purposes of the Development Management Procedure Order, "major development" means:
(a) the winning and working of minerals or the use of land for mineral-working deposits;

- development is in a designated area² consisting of-
 - (i) the provision of one or more dwellinghouses; or
 - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more.

The Design and Access Statement should deal with the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with. The Statement shall:

- a) Explain the design principles and concepts that have been applied to the development;
- b) Demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
- c) Explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- e) Explain how any specific issues which might affect access to the development have been addressed.

Design and Access Statement are not required to accompany applications:

- (a) for permission to develop land without compliance with conditions previously attached made pursuant to section 73 of the 1990 Act(a);
- (b) of the description contained in article 20(1)(b) or (c);
- (c) for engineering or mining operations;
- (d) for a material change in use of the land or buildings; or
- (e) for development which is waste development.

7. Fire Safety Statement

Required for all applications proposing relevant buildings

The provision of one or more relevant buildings; or
 Development of an existing relevant building;
 Or development within the curtilage of a relevant building.

-
- (b) waste development;
 - (c) the provision of dwellinghouses where —
 - (i) the number of dwellinghouses to be provided is 10 or more; or
 - (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);
 - (d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
 - (e) development carried out on a site having an area of 1 hectare or more;

² “designated area” means-

- (a) a conservation area;
- (b) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and National Heritage (a World Heritage Site)(b).

Relevant buildings are defined as:

Containing two or more dwellings or educational accommodation; and
Meet the height condition: 18m or more in height, or 7 or more storeys.

Fire Statements must be submitted on a form published by the Secretary of State and contain the particulars specified or referred to in the form:

<https://www.gov.uk/government/publications/planning-application-forms-templates-for-local-planning-authorities>

The Local List

It should be noted that the Council's Local List of validation requirements is not mutually inclusive. The list is intended to assist applicants to enable applications to be validated on receipt. Requests for documents/plans listed below will take into account:

- the nature and scale of the proposed development; and
- matters which will be material to consideration of the application

If the need for a certain document/ plan is disputed (i.e. that the particulars or evidence required do not meet the requirements set out in article 34(6)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) then the applicant/ agent may send a notice to the authority. The notice must—

- (i) Specify which particulars or evidence the applicant considers do not meet the requirements set out in article 34(6)(c);
- (ii) Set out the reasons the applicant relies upon in holding that view; and
- (iii) Request the authority to waive the requirement to include those particulars or evidence in the application.

The Local Planning Authority will then assess the justification and determine whether or not the document/ plan is material to consideration of the application.

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1. Electronic Application Submissions

Planning applications should be made online via the Planning Portal website which is the route preferred by the Council.

The Council will not accept the submission of paper-based applications (by post or hand delivered) to the Local Planning Authority.

2. Outline Planning Applications

Outline applications are about establishing whether a particular type of development is acceptable on a site in principle. Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 identifies certain 'reserved matters', which may be set aside at the outline application stage for subsequent approval by the local planning authority. These are:

- layout
- scale
- appearance
- access
- landscaping

PLEASE NOTE: If the Local Planning Authority are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, further details can be required, in accordance with the DMPO.

The following information is required to accompany an outline planning application:

Amount: cannot be reserved within an outline application. The amount of development proposed for each use, how this will be distributed across the site and how the proposal relates to the site's surroundings should be explained in any design and access statement or planning statement.

Layout: where layout is to be a reserved matter, the information requirements will be judged on a site-by-site basis having regard to the complexity and specific context of a particular application. An indicative site layout would be useful.

Scale: Where scale is to be a reserved matter then the information requirements will be judged on a site-by-site basis having regard to the complexity and specific context of a particular application. Scale parameters of upper and lower limits would be useful.

Landscaping: where landscaping is to be a reserved matter then the application does not need to provide any specific landscaping information. However, any design and access statement should explain and justify the principles that will inform any future landscaping scheme.

Appearance: where appearance is to be a reserved matter then any design and access statement should explain and justify the principles behind the intended appearance and explain how these will inform the final design of the development.

Access: the location point of the access(es) are required to be indicated on the site plan, even if access is to be a reserved matter. This is to enable an early assessment of whether safe vehicular and pedestrian access will be possible.

3. Environmental Impact Assessment (EIA)

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 came into force on 16th May 2017. The regulations apply the amended EU directive “on the assessment of the effects of certain public and private projects on the environment” (usually referred to as the ‘Environmental Impact Assessment Directive’) to the planning system in England.

For development listed in Schedule 1 an Environmental Impact Assessment is required in every case.

For projects listed in Schedule 2, the Local Planning Authority are to consider whether it is likely to have significant effects on the environment known as ‘screening’.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as ‘exclusion thresholds and criteria’) the proposal needs to be screened by the Local Planning Authority to determine whether or not significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required.

Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

The indicative thresholds and criteria for Schedule 2 projects can be found at: <https://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

The EIA Regulations (article 3) state that a person making a request or a screening opinion must provide the following:

- (a) a plan sufficient to identify the land;
- (b) a description of the development, including in particular—
 - (i) a description of the physical characteristics of the development and, where relevant, of demolition works;
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;
- (c) a description of the aspects of the environment likely to be significantly affected by the development;
- (d) to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from—
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water and biodiversity;and
- (e) such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

Article 4 also prescribes that the screening submission must, where relevant, take into account—

- (a) the criteria set out in Schedule 3; and
- (b) the results of any relevant EU environmental assessment which are reasonably available to the person requesting the screening opinion.

The Local Planning Authority will adopt a screening opinion within:

- (a) 3 weeks beginning with the date of receipt of a request made; or
- (b) Such longer period, not exceeding 90 days from the date on which the person making the request submits the information required and as agreed in writing.

If a proposed development is screened as being EIA development, a request for a Scoping Opinion can be submitted to the Local Planning Authority under regulation 15. This will seek to provide sufficient information as to the scope and level of detail of the information to be provided in the environmental statement.

A request for a Scoping Opinion must include, as a minimum:

- (i) a plan sufficient to identify the land;
- (ii) a brief description of the nature and purpose of the development, including its location and technical capacity;
- (iii) an explanation of the likely significant effects of the development on the environment; and
- (iv) such other information or representations as the person making the request may wish to provide or make;

The Local Planning Authority will consult the relevant consultation bodies and will respond to the request within 5 weeks, beginning with the date of receipt of the request, or such longer period as may be agreed in writing.

An EIA application should be submitted with a full Environmental Statement (ES) and a non-technical summary. Technical appendices should also be included where relevant.

An application proposing EIA Development has a target date for consideration of 16 weeks to allow the Local Planning Authority and all the interested parties greater opportunity to consider the impacts of the proposed development.

Further information can be found at:

<https://www.gov.uk/guidance/environmental-impact-assessment#Sensitive-areas>

The Regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2017/571/contents/made>

PLEASE NOTE: Following the Court of Appeal Judgement *SAVE Britain's Heritage v SSCLG* the demolition of buildings is now classed as 'development'. As a result, where demolition works are likely to have a significant effect on the environment, by virtue of factors such as its nature, size, or location, EIA screening must be carried out to consider whether EIA is required.

4. Energy Efficiency / Resource Conservation Statement

Policy 27 of the Adopted Central Lancashire Core Strategy sets out the requirements for ensuring that new build development is designed in a sustainable way and incorporates sustainable resources in order to minimise the impacts of new development on climate change.

Minimum energy efficiency standards for all new buildings (apart from residential development) will be 'Very Good' (or where possible, in urban areas, 'Excellent') according to the Building Research Establishment's Environmental Assessment Method (BREEAM).

Sustainable Resources and New Developments

All planning applications for non-residential units of 500 sq metres or more must be accompanied by an Energy Efficiency/Resource Conservation Statement. The Statement will not be required for outline planning applications apart from those for major schemes. However, where details of the layout of the site are submitted as part of an outline planning application, the applicant will be expected to demonstrate how the principles of passive solar design have been considered when designing the layout. The Energy Efficiency/Resource Conservation Statement must demonstrate how the requirements of Policy 27 are met.

All non-residential developments must meet the above requirements. The only circumstance in which the Council will approve a proposal that does not accord with Policy 27 is if the applicant can demonstrate, through open book accounting, that an individual site's circumstances are such that development would not be feasible or viable if the policy were implemented.

In respect of residential developments Policy 27 of the Adopted Core Strategy requires all new residential developments to achieve a minimum of Level 4 of the Code for Sustainable Homes. From 1st January 2016 all new build residential developments are required to achieve a minimum of Level 6 of the Code for Sustainable Homes. However since the 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015 which effectively removed the Code for Sustainable Homes all new dwellings were required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations in accordance with the transitional provisions of the Bill.

However, Building Regulations 2022 have now been brought into force. Part L of the 2022 Regs requires a 31% improvement above the 2013 Building Regulations. As this now exceeds the Council's policy requirement, new dwellings will no longer be required to achieve the minimum Dwelling Emission Rate of 19% through planning applications.

Applications for domestic microgeneration equipment/ wind turbines shall be accompanied by Manufacturers specification, a site plan detailing the position of the equipment (scale 1:100/ 1:200), elevational plans (scale 1:50/1:100) and roof plans (scale 1:50/1:100) for equipment attached to the roof.

5. Ecological Assessments & Wildlife Surveys

An ecological assessment and/or wildlife survey shall be submitted for all proposals where the development of the site might affect protected species and/or habitats, Biological Heritage Sites, Ancient Woodland, woodland areas, any water body, pond

ditch, or other similar feature. Further advice in respect of the need for surveys can be found at Appendix C.

The report shall include the following:

- Details of the appointed ecologist to demonstrate their competence
- Confirmation that surveys were undertaken or updated within the last 3 years (the need for more recent surveys may become apparent during consultation)
- A detailed method for the ecological assessment/ survey
- Detailed results of the survey/ assessment and an evaluation of the ecological interest
- An assessment of likely impacts
- Proposals to avoid, mitigate or compensate for any ecological impacts
- In the case of developments affecting European Protected Species (e.g. bats, otters, great crested newts), information required to address the three licensing tests of the Habitats Regulations.

In addition where developments that are proposed adjacent to such a site, but it might have an impact upon it, will also be required to be submitted with a full assessment of the impact of the proposal on the feature of importance.

This requirement cannot be conditioned, as the Local Planning Authority is obliged by the law to make a full assessment of the impact of the proposed development at the time of its consideration. Additionally following a High Court judgement the Council has a legal duty, as part of a planning application, to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

Where any impact is identified, full mitigation measures shall be identified and justified within the Assessment. Additionally, a habitat creation and management plan may be required. Lancashire County Council Ecology Section will be able to advise on the necessary requirements.

Central Lancashire Councils recognise the important contribution that planning can make to improving biodiversity within Central Lancashire. This includes enhancing the international, national and local areas of recognised importance, as well as species and habitats. To this end, the Councils have worked with The Wildlife Trust for Lancashire, Manchester & North Merseyside (The Wildlife Trust) and Lancashire Environment Record Network (LERN) to produce a Biodiversity and Nature Conservation Supplementary Planning Document. This SPD provides guidance for applicants in terms of understanding the relevant Central Lancashire policies and what is required as part of the planning application process. This includes guidance in relation to ecological networks and can be found at:

<https://chorley.gov.uk/localplan>

6. Archaeological Assessment

Any development which is situated within an area of known to have archaeological interest shall be accompanied by an Archaeological Assessment which sets out a programme of archaeological work, including a scheme of investigation. This is to ensure that any archaeological assets are excavated and recorded correctly.

7. Heritage Statement

For planning applications which involve Heritage Assets, including but not limited to, Listed Buildings, Conservation Areas or where the setting of heritage assets would be affected, a Heritage Statement will be required. This should describe the significance of any heritage assets affected, including any contribution made by their setting; and should assess the impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise, where necessary. The level of detail should be proportionate to the assets' importance and sufficient to understand the potential impact of the proposal on their significance.

Details of whether a property of listed and/ or within a Conservation Area can be found at:

<https://myaccount.chorley.gov.uk/MyChorley.aspx>

This information together with an assessment of the impact of the proposal will be required as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted.

PLEASE NOTE: It will not be possible to validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.

8. Structural Surveys

For applications which include the reuse of existing rural buildings, the application shall be accompanied by a specialist report on the condition of the building. This report should be undertaken by a qualified structural surveyor, structural engineer and/or timber framed specialist if appropriate. The report must clearly identify the extent of any required rebuilding and detail, via a method statement, the means by which the retained structure is to be safeguarded.

The Central Lancashire Rural Development Supplementary Planning Document provides further guidance on the re-use of rural buildings.

Applications for demolition which include justification based on the structural integrity of the building/ structure shall also be accompanied by a Structural Survey

9. Proof of Marketing Statement

All existing employment premises and sites last used for employment will be protected for employment use. There will be a presumption that 'Best Urban' and 'Good Urban' sites will be retained for B use class employment use. Proposals on all employment sites/premises for re-use or redevelopment other than B use class employment uses will be assessed under the following criteria:

- (a) there would not be an unacceptable adverse impact on the type, quality and quantity of employment land supply;
- (b) the provision and need for the proposed use;
- (c) the relative suitability of the site for employment and for the alternative use;
- (d) the location of the site and its relationship to other uses;
- (e) whether the ability to accommodate smaller scale requirements would be compromised;
- (f) there would be a net improvement in amenity.

Any proposals for housing use on all employment sites/premises will need to accommodate criteria (a)-(f) above and also be subject to:

- evidence of lack of demand through an active 12 month marketing period for employment re-use and employment redevelopment;
- an assessment of the viability of employment development including employment re-use and employment redevelopment.

Any proposals for a proposed change from a community use in a rural area are required to be accompanied by a report demonstrating that the community facility is no longer financially viable, is surplus to local needs, is available elsewhere in the settlement, or where there is an amenity or environmental reason why a community use is not acceptable.

10. Planning Performance Agreement

The Council encourages the use of a Planning Performance Agreements (PPA) for the larger more complex planning applications. A PPA is a framework agreed between a local planning authority and a planning applicant for the management of complex development proposals within the planning process.

A PPA allows both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application to a firm timetable. The PPA agrees a timeframe for determination and is considered outside the standard 13 week time frame.

11. Section 106 Agreement

Applicants should be aware that there will be a legal fee which the applicant will need to pay on completion of the Agreement.

The Council's Legal Department will normally draft the legal agreement and will require the following information:

1. Name and Address of Developer(s)
2. Name of Developers Representative

3. Name and Address of Land Owner(s)
4. Name and Address of Land Owners Representative
5. Name and Address of any Mortgagee
6. Name and Address of any person with an interest in the Application Site
7. Confirmation of who to serve with the Draft Section 106 Agreement
8. Evidence of Title / Office Copy Entries from Land Registry. If the application site is unregistered the Council's Legal Department will require certified copies of the original Conveyance to prove ownership. If the application site has been acquired as a result of the death of the previous proprietor then the Council's Legal Department will require certified copies of the grant of probate or Letters of administration from the applicant.
9. A Land Registry compliant red edged location plan (normally 1:1250 or 1:2500 or for large rural areas 1:5000 with North identified).

12. Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) is a way that developers can be required to fund infrastructure - such as transport, education, health and open space facilities. This is separate to developer contributions to providing infrastructure made under Section 106 of the Town and Country Planning Act 1990.

Applications which fall within the definition of chargeable development (please see below) will be required to provide a CIL contribution.

Planning applications must be accompanied by a CIL Form 1 which can be downloaded through the planning portal website:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

PLEASE NOTE: Any application for planning permission shall be accompanied by a schedule of built development setting out the internal floorspace broken down by house type and garage type.

When a development is granted by way of general consent (i.e. a prior approval application) the application should be accompanied by the following form:

http://www.planningportal.gov.uk/uploads/1app/forms/form_5_notice_of_chargeable_development.pdf

You can find information on what constitutes a Chargeable Development here, including frequently asked questions:

<https://beta.chorley.gov.uk/article/1505/Planning-obligations-and-Community-Infrastructure-Levy-CIL>

CIL will be charged on the total net additional floorspace created (measured as a gross internal area) as per Chorley Council's CIL Charging schedule:

<https://beta.chorley.gov.uk/article/1501/Community-Infrastructure-Levy-CIL-payments-and-charging-schedule>

PLEASE NOTE: Minor development with a gross internal area (GIA) or less than 100 sqm (prior to deduction of converted or demolished existing floorspace) - measured on all accessible floors, is generally automatically exempt from the levy. However, where minor development will result in a whole new dwelling (including annexes) via conversion or new build, it is liable for the levy regardless of size.

It should be noted that larger scale major developments typically have larger and more concentrated impacts and so may also necessitate site specific infrastructure such as schools, community facilities and junction improvements. In securing such planning obligations on larger sites the council will apply the statutory tests and avoid duplication with CIL. The types of infrastructure for which planning obligations may typically be sought on sites, is in accordance with the Policies set out in the Central Lancashire Adopted Core Strategy and SPDs and will potentially include;

- affordable housing
- open space
- transport/highways (in a limited set of circumstances)
- community & sporting facilities
- education and school provision
- environmental improvements

PLEASE NOTE: The Planning Obligations Team offer appointments to discuss the implication of the Community Infrastructure Levy (CIL) on development proposals.

For a telephone consultation, please phone 01257 515151.

13. Financial Viability Assessment

Any application submitted which would be contrary to policy due to the specific financial considerations of the scheme (i.e. a reduced affordable housing contribution) will be required to be supported by a financial viability assessment containing the following information:

- Value of the land (2/3 different estate agents valuations)
- Abnormal development costs
- Construction costs
- Price RSL will pay for the units (in the case of affordable housing)
- Open market value of the dwellings/ value of the development
- Developer return
- Details of the proposed obligations/ specific elements of the scheme which are proposed to be included (i.e. Code for Sustainable Home level)

The Assessment may include 3 different scenarios to demonstrate the financial impacts of the scheme which include:

1. Details of the scheme with no financial obligations/ elements which increase costs on site
2. Details of the scheme with both the financial obligations and/or specific scheme details which accord fully with Planning Policy
3. Details of the scheme as proposed including proposed financial obligations and specific details of the scheme.

Any financial viability assessment submitted will need to accord with the RICS guidance note 'Financial viability in planning' 1st edition (GN 94/2012)

14. Adoption Statement

It is essential that arrangements for the future management and maintenance of new roads/ drainage facilities within developments, is addressed at the planning stage. As such any development which involves the construction of new roads, alterations/ connect to existing highways, extensions to and/ or connections to services will be required to be accompanied by a statement which details the future arrangements.

The Adoption Statement shall include:

- An Estate Road Phasing and Completion Plan setting out the development phasing and phasing of the construction of the roads.
- Full details of the proposed arrangements for the future management and maintenance of the proposed streets within the development.

It is the Council's preference that developments which involve the construction of new roads shall be accompanied by a Section 38/ Section 278 Agreement with Lancashire County Council Highway Authority for the adoption of the highways. Similarly any application which involves connections/ extensions to existing sewers/ drains shall be accompanied by a Section 104 Agreement with United Utilities.

Any application which is not accompanied by the relevant legal agreements shall have to provide clear details of how the future management and maintenance of the highways and services will be dealt with. This shall include details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

15. Transport Statement, Transport Assessments (TA) and Travel Plan

Where developments will have the potential to have transport implications, the planning application shall be accompanied by a Transport Statement or a Transport Assessment and Travel Plan (dependent on the type and size of the development).

Planning applications for the following types and size of developments shall include either a Transport Statement or Travel Assessment and Travel Plan:

Land use	Unit measure	Transport Statement	Transport Assessment and Travel Plan
Food retail (A1)	GFA	>250 <800sq.m	>800sq.m
Non-food retail (A1)	GFA	>800 <1500sq.m	>1500sq.m
Financial and professional services (A2)	GFA	>1000 <2500sq.m	>2500sq.m
Restaurants and cafes (A3)	GFA	>300 <2500sq.m	>2500sq.m
Drinking establishments (A4)	GFA	>300 <600sq.m	>600sq.m
Hot food takeaway (A5)	GFA	>250 <500sq.m	>500sq.m
Business (B1)	GFA	>1500 <2500sq.m	>2500sq.m
General industrial (B2)	GFA	>2500 <4000sq.m	>4000sq.m
Storage or distribution	GFA	>3000 <5000sq.m	>5000sq.m
Hotels (C1)	Bedroom	>75 <100 bedrooms	>100 bedrooms
Hospitals and nursing homes (C2)	Beds	>30 <50 beds	>50 beds
Residential education (C2)	Students	>50 <150 students	>150 students
Institutional hostels (C2)	Residents	>250 <400 residents	>400 residents
Dwelling houses (C3)	Unit	>50 <80 units	>80 units
Non-residential institutions (D1)	GFA	>500 <1000sq.m	>1000sq.m
Assembly and leisure (D2)	GFA	>500 <1500sq.m	>1500sq.m
Any development which it is considered would have a significant impact on the highway network			

National Planning Practice Guidance in the chapter titled 'Transport evidence bases in plan making and decision taking' provides further detail on Transport Statements and Transport Assessments:

<https://www.gov.uk/guidance/transport-evidence-bases-in-plan-making-and-decision-taking>

For more detailed information and advice, please contact the Sustainable Travel Team:

Sustainable Travel Team
Lancashire County Council
PO Box 78, County Hall
Preston
Lancashire
PR1 8XJ
Tel 01772 530201
Email sustainabletravel@lancashire.gov.uk

16. Affordable Housing Statement

For housing schemes which require an element of affordable housing the planning submission will be required to detail how the required percentage of affordable housing will be achieved on site, the tenure of the proposed affordable units, the number of bedrooms of the proposed affordable units.

In certain circumstances the Council acknowledges that some locations are unsuitable for affordable housing and in those cases financial contributions, instead of on-site affordable housing, may be considered acceptable. In these situations the Council will review each case individually. If the applicant believes provision of affordable housing will have a negative effect on the viability of the scheme they will need to submit a viability assessment containing the following information:

- Value of the land (2/3 different estate agents valuations)
- Abnormal development costs
- Construction costs

- Price RSL will pay for the units
- Open market value of the dwellings
- Developer return
- Details of the percentage of affordable units which can be accommodated on the site

In addition, in their analysis of this information officers may also need to use the Central Lancashire Housing Viability toolkit (produced by Three Dragons consultancy) to assess the proposed scheme.

PLEASE NOTE: Following the adoption of the Central Lancashire Core Strategy the Council is now seeking 30% affordable housing in urban areas, 35% in rural areas and 100% on rural exception sites, including those in the Green Belt.

The Adopted Central Lancashire Supplementary Planning Document 'Affordable Housing' (October 2012) (<http://chorley.gov.uk/Pages/AtoZ/Planning-Policy.aspx>) contains guidance on the range of approaches, standards and mechanisms required to deliver a range of affordable housing to meet local needs:

<https://chorley.gov.uk/localplan>

17. Coal Mining Risk Assessment (CMRA)

All non-householder applications which fall within the Coal Mining Development Referral Area (will require a Coal Mining Risk Assessment. Further guidance can be found at <http://coal.decc.gov.uk/en/coal/cms/services/planning/strategy/strategy.aspx>

The Assessment shall be prepared by a suitably qualified and competent person and should contain:

- Site specific coal mining information (including past/ present/ future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current licence to extract coal, geological features, any recorded surface hazards, or within a former or present surface mining [old opencast] area).
- Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development
- Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development
- Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries will require the prior written permission of The Coal Authority

If an Environmental Statement is required (please see above in relation to Environmental Impact Assessment) then the CMRA should be included within the ES.

PLEASE NOTE: There may be exemptions made for the nature of development, where the engineering operations are minimal and therefore would not require a Coal Authority Permit for ground works that intersect coal/ workings. Examples of such exemptions include:

- Change of use (land/ buildings) where no other built development is proposed;
- Temporary structures with no ground works;
- Means of enclosure;
- Street type furniture;
- Alterations to existing non-residential buildings that create no new floor space;
Non-commercial private/ domestic stables

18. Land Stability Report

A Land Stability Report is required where development is proposed on unstable or potentially unstable land. The report should establish the nature and extent of the instability and any gas emissions that might be associated with any land filling.

19. Statement of Community Involvement (SCI)

Planning applications for larger/ major development should include a Statement of Community Involvement. The aim of the Statement of Community Involvement is to ensure that all sections of the community, from individual members of the public through to representative organisations, have the opportunity to participate in the preparation of planning proposals for the Borough's towns, villages and countryside.

Developers are encouraged to incorporate community involvement into their development programme to allow for enough time to be devoted to involve the community in a particular scheme. Options for involvement include

- Arrange a meeting with relevant Ward Councillors and Parish/ Town Council;
- Circulate a letter and statement in the locality explaining proposals with plans or a diagram;
- Circulate a specially prepared leaflet;
- Arrange an exhibition and invite local people;
- Arrange a press release/advertisement in local newspapers;
- Arrange a public meeting;
- Arrange a meeting with particular groups in the community;
- Use of social media by the developers to advertise the development and associated consultation events.

Full details of the requirements for community involvement can be found at:
<https://chorley.gov.uk/localplan>

Please note, the council are not currently providing a pre-application service.

For small-scale proposals such as house extensions or advertisements applicants are encouraged to discuss their proposals with the occupiers of neighbouring properties who will be affected and to take account of their concerns where possible. This can reduce the need for changes after the application has been submitted to the Council, increase the prospect of planning permission being granted and speed up the time taken for proposals to be dealt with.

20. Flood Risk Assessment (FRA)

Planning applications for development proposals of one hectare or greater in Flood Zone 1 and all proposals for new developments located in Flood Zones 2 and 3, should be accompanied by a Flood Risk Assessment (FRA).

The Environment Agency Flood Maps for planning can be found at:

<https://flood-map-for-planning.service.gov.uk/>

For householder applications located within a Flood Risk Zone, the planning application shall be accompanied by a simple flood risk assessment using the Standing Advice. Further information can be found at:

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

21. Land Contamination Assessment

Where there is reason(s) to suspect contamination of land, controlled waters, property or ecological systems (such as the existence of former industrial uses, infilled ground, or other indications of potential contamination) and for particularly sensitive end-uses such as a day nursery or housing likely to be used by families with children, a planning application shall be accompanied by either a Desk study or a Land Contamination Assessment.

Initially a desk study should be undertaken of the readily available records assessing the previous uses of the site and their potential for contamination in relation to the proposed development. If the potential for contamination is confirmed, further studies by the intending developer to assess the risks and identify and appraise the options for remediation will be required.

Where the potential for contamination is confirmed a Land Contamination Assessment shall be submitted which includes: an assessment of ground contamination (The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary), and any necessary remediation proposals to render the site capable of development (the remediation proposals shall include an implementation timetable and monitoring proposals). Upon completion of the remediation works, a validation report containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority.

Further advice and information can be obtained from:

waste.management@chorley.gov.uk

22. Noise Impact Assessment

Proposals for which are likely to generate noise located close to noise sensitive areas (e.g. close to residential areas) are required to be accompanied by a Noise Impact Assessment. The assessment shall indicate the levels of noise expected to be created and methods for mitigating any impact.

Similarly, proposals for noise sensitive developments within areas of noisy development (e.g. adjacent to a railway line) will be required to detail measures to protect the new development from noise.

For developments located close to existing residential dwellinghouses the planning application shall be accompanied by full details of the proposed construction hours, full details of the access arrangements during construction and full details of the site compound and parking for construction traffic during the construction period.

Regard must be had for the Noise Action Plan and Environmental Noise Mapping data for the Preston Agglomeration. Any proposed development in the top priority areas will require site specific environmental noise assessment and appropriate noise reduction measures. Further advice on designing out noise problems during development can be obtained from:

environmental.services@chorley.gov.uk

23. Parking Provision Statement

Planning applications for new development shall be accompanied by a Parking Provision Statement detailing how the scheme shall accommodate adequate parking provision. The document shall include detailing the existing and/or proposed parking layout including manoeuvring areas along with details of the access including any proposed access alterations.

The Council's parking requirements associated with proposed developments can be found within Appendix D of the Chorley Local Plan 2012-2026.

For new housing developments 1 bedroom dwellings shall incorporate 1 off road parking space, 2/3 bedroom dwellings shall accommodate 2 off road parking spaces and 4+ bedroom properties shall accommodate 3 off road parking spaces. Details on adequate parking provision can be found in Manual for Streets 2.

For garage accommodation to 'count' as a parking space it should measure 6x3 metres and driveways to the front of garages shall measure 6 metres in length to 'count' as a parking space.

For householder developments which result in additional bedroom accommodation adequate parking shall be provided within the curtilage of the site in accordance with the above requirements. A parking plan should accompany such householder applications.

24. Planning Statement

For major planning applications a Planning Statement will be required as part of the submission. The Statement shall provide an explanation of and justification for the proposals in the context of relevant national and local planning policies affecting the site.

The Statement shall include: an assessment of the site and its context, a description of the development proposal, an assessment of the planning policy context and an appraisal of the proposed development against relevant planning policies affecting the site

25. Tree Survey

For proposals which have the potential to impact on trees (either within the application site or adjacent to the application site) the planning application shall be accompanied by a Tree Survey.

The survey shall indicate on a plan all of the trees and vegetation present within/ adjacent to the application site, shall indicate the species and height of the trees/ vegetation plus canopy diameter, shall indicate which trees/ vegetation will be retained as part of the development and shall indicate, including justification, which trees/vegetation are proposed to be removed.

The survey shall also incorporate a tree constraints plan, a tree retention plan and a root protection plan in accordance with BS 5837:2012.

26. Tree Works

For applications which relate to works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area the following information will be required:

- Sufficient evidence to support the case for works to trees protected by a TPO in the form of a report from a qualified expert or diagnostic information (**PLEASE NOTE:** failure to provide sufficient information may result in the application being invalidated/ rejected/ refused.)
- A sketch plan clearly identifying the trees subject to the application (the plan should also identify other trees on the site clearly marked that they are not subject to the application). The sketch plan should include the site boundaries, the adjacent properties (including house names/ numbers), distances between the trees and nearby features on the site, an arrow indicating north, the position of the trees in relation to nearby buildings and the individual trees/ groups of trees should be numbered. (please see appendix A for a suitable example).
- If individual trees cannot be clearly identified (i.e. they are part of a woodland/ group on trees) the approximate location should be marked on the plan and identified as part of a site visit with the case/ tree officer.
- Photographs can be utilised to identify the trees subject to the application and/ or specific features of the trees which directly relate to the application.
- Full details of the condition of the trees and/ or the damage they are causing
- The presence and impact of pests, diseases or fungi that require work to be carried out to the trees should be described in written evidence or diagnostic information from an arboriculturist or other appropriate expert. Arboricultural evidence must be provided to support applications that suggest the tree has defects that may be of concern to the future or future safe retention of the tree or parts of the tree.

Full details as to whether a tree is subject to a TPO can be found at:

<https://myaccount.chorley.gov.uk/MyChorley.aspx>

27. Waste Management Strategy

Planning applications for new residential and commercial development along with developments to existing properties that will result in inadequate refuse and recycling storage and collection facilities will be required to be accompanied by a Waste Management Strategy.

Full details of waste management should be considered at an early stage to ensure that schemes are designed with adequately sized bin storage areas and adequate access for bin collection crews and vehicles.

Full details of the refuse storage and collection requirements can be obtained from the Council's Waste Management Section:

waste.management@chorley.gov.uk

28. Additional Plans

For certain proposals, including new housing schemes, the following plans will be required to enable a full assessment of the proposals. The inclusion of these plans can also reduce the number of prior commencement conditions attached to a planning approval:

- Materials plan- detailing the proposed external facing materials and the proposed hard-surfacing materials (please be advised that the Council will require either the use of permeable materials on a permeable base for the construction of driveways or provision for drainage facilities within the site to ensure that surface water does not drain onto the highway.)
- Boundary treatment plan- detailing the proposed walls, fencing etc to be erected on the site along with plans detailing the height and appearance of these boundary treatments. (Please note that for new housing schemes adequate boundary treatment will be required to create private garden space within the cartilage of the dwelling).
- Landscape plan- including full details of all existing trees and those to be removed, all existing and/ or proposed ground cover planting, size, species, density and position of proposed trees and details of all existing and proposed hardstanding/parking areas.
- Street scene plans- detailing the proposed scheme within the existing street scene and plans of proposed street scenes within the development

29. Access Ramp Details

Applications which include a new external access ramp shall include floor plans detailing the position and gradient of the ramp along with a plan detailing any handrails/ barriers and anti-skating measures.

30. Flues & Ventilation extraction details

For all applications which involve the sale or preparation of cooked food, launderettes and other uses which require air conditioning or extraction and filtration equipment shall be accompanied by full details of the proposed equipment. The details shall include the manufacturers specifications, plans detailing the location of the equipment and the dimensions of the proposed equipment.

31. Shopfront Details

Applications for new shopfronts shall be accompanied by a section plan detailing the projection of any signage, canopies and roller shutters along with elevational plans detailing the existing and proposed shopfront.

32. Telecommunications Development

Applications incorporating telecommunications shall be accompanied by:

- Standard application forms
- Layout Plan (scale 1:100/1:200) detailing the position of the structure
- Elevation Plan (scale 1:50/ 1:100) detailing height and design of the structure
- Section through structure (scale 1:10/1:20) detailing width of structure
- Elevation and layout plan (scale 1:100/1:200) of associated equipment
- Certificate/ Statement confirming compliance with ICNIRP and diagram indicating beam of greatest intensity
- Existing and proposed coverage maps
- Details of alternative sites rejected (including existing masts, structures and other buildings) with justification for rejecting them.

33. Lighting Assessment

Planning applications which include new external lighting shall be accompanied by a Lighting Assessment.

A lighting scheme should include the following:

- Plans detailing the location of the lighting
- Specific Site survey – including District Ambient Brightness Category
- Calculations – determining Glare, Intensity and Spill and recommendations to control these
- Risk assessment – in relation to crime and disorder and impact on light sensitive premises
- Schedule of installation
- Equipment design – must be identified & used to determine aim, glare and overspill
- Measured luminance of the proposed scheme
- Hours of illumination

34. Sequential Test and Impact Assessment

A sequential assessment will be required for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Applications for main town centre uses should be located in town centres, then in edge of centre locations and only if suitable sites are not available will out of centre sites be considered.

The assessment shall demonstrate:

- that sites have been assessed for their availability, suitability and viability.

- that all in-centre options have been thoroughly assessed before less central sites are considered
- that there are no town centre sites to accommodate a proposed development, (in these circumstances preference will be given to edge of centre locations which are well connected to the centre by means of easy pedestrian access)

For proposals on the edge of existing centre developers shall demonstrate flexibility in terms of:

- scale: reducing the floorspace of their development;
- format: more innovative site layouts and store configurations such as multi- storey developments with smaller footprints;
- car parking provision; reduced or reconfigured car parking areas; and
- the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites.

PLEASE NOTE: This sequential approach will not be applied to applications for small-scale rural offices or other small-scale rural development.

Applications for retail, office and leisure development outside of town centres, which are not in accordance with an up-to-date Local Plan, will be required to be supported by an impact assessment if the development is over 2,500 sq m.

The assessment shall include:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

35. Air Quality Assessment

Regard must be had for the Chorley Council Air Quality Review and Assessments and local monitoring data. Where a proposed development meets the following criterion an Air Quality Assessment will be required:

- The development is in or near an Air Quality Management Area;
- There is a cumulative significant impact of traffic generation (an increase of traffic flow of 5%); or
- This is a significant number (>300 spaces) of additional parking, or
- coach and lorry parking is to be provided; or
- there is already a recognised congestion or air quality problem in the area; or
- there will potentially be significant emissions to the air from sources other than traffic; or
- there is the introduction of new exposure to sensitive receptors from an existing source.

36. Demolition of Buildings

Following the Court of Appeal Judgement *SAVE Britain's Heritage v SSCLG*, the demolition of buildings is now classed as 'development'. As such, the submission of an application to the Local Planning Authority is required to ascertain whether the authority requires prior approval of the method of demolition.

Applications for prior approval shall be accompanied by:

- Details of the method of demolition
- Details of the proposed restoration of the site
- Bat surveys or the confirmation from a licenced Ecologist that the demolition will not adversely impact on protected species
- Confirmation from an accredited archaeologist/ Lancashire County Council Archaeology section that the demolition will not adversely impact on any items of archaeological significance at / adjacent to the site.

37. Agricultural applications

Applications for new agricultural buildings/ horticultural enterprises/ agricultural workers dwellings will be required to be accompanied by the following information:

- Full details of the all the land which forms part of the agricultural holding
- Full details of the business enterprise
- Full details of the employees of the business
- Financial details directly linked to the proposed development
- Full details of existing farm buildings and their uses

The Council have produced a pro-forma document which can be found at Appendix B which must be completed and attached to any application for new agricultural or horticultural buildings or agricultural workers dwellings (including prior notification applications).

38. S73 Applications

Applications for removal/ variation of condition(s) (submitted under S73 of the Town and Country Planning Act 1990) will be required to be accompanied by the following information:

- A supporting statement which specifically details all of the amendments proposed and where relevant a list of the substituted plans
- A copy of the proposed plan(s) with the amendments clearly identified on the plan(s).

National Planning Practice Guidance provides further information on Flexible options for planning permissions.

39. S96A Minor Non-material amendments

Applications for minor non-material amendments under S96A of the Town and Country Planning Act 1990 will be required to be accompanied by the following information:

- A supporting statement which specifically details all of the amendments proposed and where relevant a list of the substituted plans

- A copy of the originally approved plan(s) and a copy of the amended plan(s) with the amendments clearly identified on the plan(s).

National Planning Practice Guidance provides further information on Flexible options for planning permissions

40. Applications made under Section 106BA of the Town and Country Planning Act 1990

Applications to modify or discharge of a section 106 planning obligation relating to affordable housing on grounds of economic viability shall be accompanied by:

- A covering letter including the address or location of the land to which the obligation relates and the nature of the applicant's interest in the land.
- A status report on the progress of the development.
- A copy of the original Section 106 agreement
- Evidence that the affordable housing element of the existing Section 106 agreement means that the scheme is unviable in the form of relevant viability evidence.
- The proposal for the maximum level of affordable housing consistent with viability and the optimum mix of provision. This should clearly identify the nature and form of the proposed change.
- Evidence that all signatories to the Section 106 agreement have been notified of the application or where it is not possible for all of the signatories to be notified, evidence that the application has been published in the local area.

Section 2 of the 'Section 106 affordable housing requirements' guidance (published April 2013) explains the 'Viability Test'. This is that *"the evidence indicates that the current cost of building out the entire site (at today's prices) is at a level that would enable the developer to sell all the market units on the site (in today's market) at a rate of build out evidenced by the developer, and make a competitive return to a willing developer and a willing landowner"*.

Section 2 confirms that a viable level of affordable housing provision in the alternative should be proposed and this may include adjustments to the mix and provision for phasing.

The submission of clear, up-to-date and appropriate evidence in support of the application, usually in the form of an open book review of the original viability appraisal, that (if any), is the most recently agreed by the local planning authority and the developer, is required.

41. Mineral Resource Assessment

Proposals located with a mineral safeguarding area should be accompanied by a minerals resource assessment. This is to ensure sufficient information is available on mineral resources to enable Chorley Borough Council to determine the applications conformity to Joint Lancashire Minerals and Waste Local Plan Policy M2 – Safeguarding Minerals.

The mineral resource assessment should specify whether there are minerals present and, if so, whether it is practicable or sustainable to extract them. Information could be provided on:

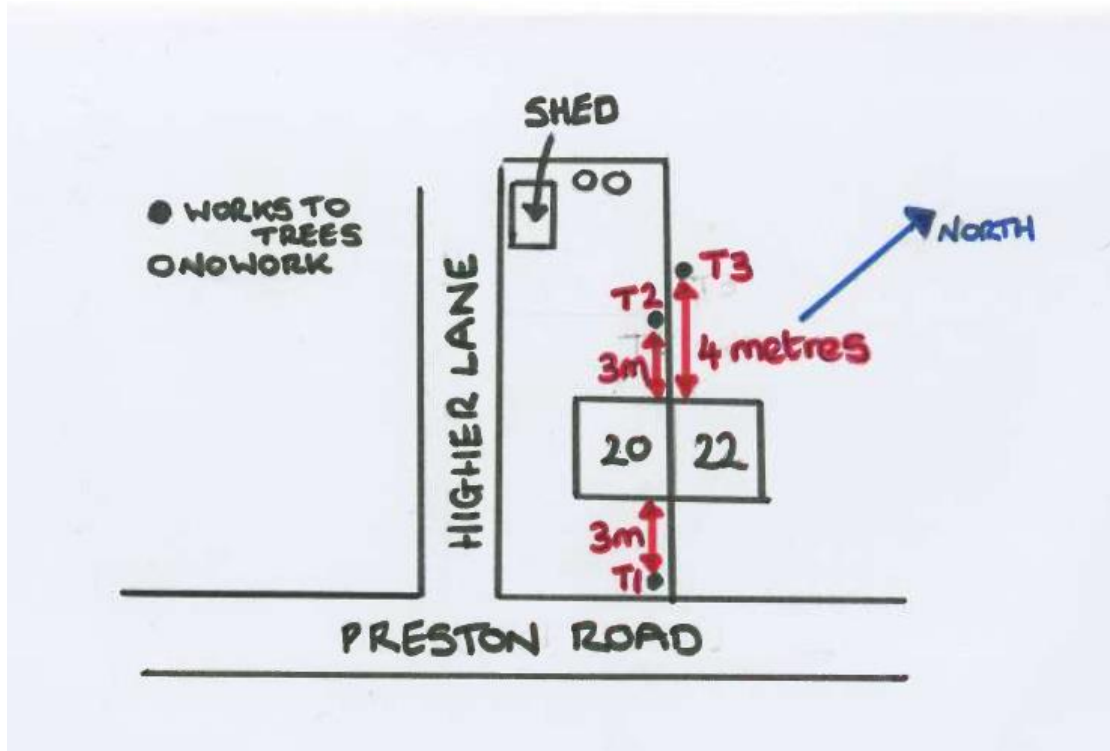
- the depth of overburden,
- the quantity and quality of any mineral present,
- the height of the water table,
- the proximity and nature of any surrounding land uses,
- the size of the site.

The level of detail should be appropriate to the scale and nature of the proposed development. Details of whether a site is located within a mineral safeguarding area can be downloaded at:

<https://www.lancashire.gov.uk/council/planning/local-planning-policy-for-minerals-and-waste/>

Appendix A

Example sketch plan for applications which works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area



Appendix B

Additional information required for new agricultural buildings/ horticultural enterprises/
agricultural workers dwelling



**ADDITIONAL INFORMATION
REQUIRED FOR NEW
AGRICULTURAL BUILDINGS,
HORTICULTURAL ENTERPRISES
AND AGRICULTURAL WORKERS
DWELLINGS**

Applicant Name	
Application Site	
Proposed Development	
Planning History (Previous Applications)	

Land

Land	Total Area in Hectares	Agricultural Land Classification
Owned		
Rented		
Short-term		

Land Use (In hectares) : Pasture_____ Meadow_____ Crop

Enterprise

Dairy (Pedigree/ Commercial)

Type	Number	Milk Quota
Dairy Cows		
In-calf heifers		
Bulling heifers		
Calving		
Young Stock		

Beef Breeding

Type	Number
Suckler Cows	
Calving	
Heifers	
Calves	

Beef Rearing

Type	Number	Age	Age at Purchase	Age at Sale
Store Cattle				
Calves				
Bulls				

Sheep (Pedigree/ Commercial)

Type	Number
Breeding ewes	
Lambs	
Store Sheep	

Other Stock

Type	Number

Details of other site operations (e.g. storage of hay etc.)

Labour and Accommodation

Name	Age	Basis Full-time/ part- time/ casual	Hours of Work	Main Duties	Address and length of time at address

Property	Number	Address(es)	Number of years
----------	--------	-------------	-----------------

			in ownership
Existing dwellings			
Other properties (incl occupiers)			
Previously owned properties			
Available properties in the locality			

(Continue on separate sheet if necessary)**Agricultural Machinery**

Existing

Type	Size	Details of storage/ garaging

Proposed

Type	Size	Details of storage/ garaging	Justification of need

Proposed Development Justification

Need

Siting

Design

Future Plans

Financial Details

Existing Buildings (details of existing buildings and their uses)

Appendix C

Timetable for works involving protected species, habitats and vegetation

Part 1 Local Requirements For Protected Species

If the application involves any of the development proposals shown in Table 1 (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The Survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The Assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternatives designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

Exceptions for When a Full Species Survey and Assessment may not be Required:

- a) Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
- b) If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- c) If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,
 - (i) demonstrate that there will be no significant affect on any protected species present and

- (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above *e.g.* those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

TABLE 1

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
<p>Proposed development which includes conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</p> <ul style="list-style-type: none"> • agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams; • buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; • pre-1960 detached buildings and structures within 200m of woodland and/or water; • pre-1914 buildings within 400m of woodland and/or water; • pre-1914 buildings with gable ends or slate roofs, regardless of location; • located within, or immediately adjacent to woodland and/or immediately adjacent to water; • Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost 	•	•	•							

assessment (see Chapter 8 for details) the site appears to be particularly suited to bats.										
<p>Development affecting built structures:</p> <ul style="list-style-type: none"> tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; unused industrial chimneys that are unlined and brick/stone construction; bridge structures, aqueducts and viaducts (especially over water and wet ground). 	•									
<p>Floodlighting of:</p> <ul style="list-style-type: none"> churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water; any building meeting the criteria listed in (1) above. 	•	•	•							
<p>Felling, removal or lopping of:</p> <ul style="list-style-type: none"> woodland; field hedgerows and/or lines of trees with connectivity to woodland or water bodies; old and veteran trees that are more than 100 years old; mature trees with obvious holes, cracks or cavities, or which are covered with mature ivy (including large dead trees). 	•		•				•			•

Proposals affecting water bodies: <ul style="list-style-type: none"> in or within 200m of rivers, streams, canals, lakes, reed beds or other aquatic habitats. 	•		•		•	•			•	•
Proposals located in or immediately adjacent to: <ul style="list-style-type: none"> quarries or gravel pits; natural cliff faces and rock outcrops with crevices or caves and swallets. 	• •		• •					• •		
Proposals for wind farm developments of multiple wind turbines and single wind turbines	•									
Proposed development affecting any type of buildings, structures, feature or location where protected species are known to be present	•	•	•	•	•	•	•	•	•	•
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants

Part 2 Local Requirements for Designated Sites and Priority Habitats

If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 2 a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables. The Survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological or geological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The Assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternatives designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

Regional and Local Sites and Priority Habitats: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the Local Planning Authority's ecologist (where employed), or ecological advisor and/or the local Wildlife Trust that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

Table 2

<p>1. Designated Sites</p> <p>Nationally designated sites</p> <p>Regionally/ Locally designated sites</p>	<p>Sites of Special Scientific Interest (SSSI)</p> <p>Historic Parks and Gardens</p> <p>Biological Heritage Site (BHS)</p> <p>Geological Heritage Site</p> <p>Ancient Woodland</p> <p>Ancient Woodland buffer zone</p>
<p>2. Priority Habitats</p> <hr/> <p>Arable field margins</p> <hr/> <p>Traditional orchards</p> <hr/> <p>Hedgerows</p> <hr/> <p>Aquifer-fed naturally fluctuating water bodies</p> <hr/> <p>Eutrophic standing waters</p> <hr/> <p>Mesotrophic lakes</p> <hr/> <p>Oligotrophic and dystrophic lakes</p> <hr/> <p>Ponds</p> <hr/> <p>Rivers</p> <hr/> <p>Lowland calcareous grassland</p> <hr/> <p>Lowland dry acid grassland</p> <hr/> <p>Lowland meadows</p> <hr/> <p>Purple moor-grass and rush pastures</p> <hr/> <p>Upland calcareous grassland</p> <hr/> <p>Upland hay meadows</p> <hr/> <p>Lowland heathland</p> <hr/> <p>Mountain heaths and willow scrub</p> <hr/> <p>Upland heathland</p> <hr/> <p>Calaminarian grasslands</p> <hr/> <p>Inland rock outcrop and scree habitats</p> <hr/> <p>Limestone pavements</p> <hr/> <p>Open mosaic habitats on previously developed land</p> <hr/> <p>Blanket bog</p> <hr/> <p>Lowland fens</p> <hr/> <p>Lowland raised bog</p> <hr/> <p>Reedbeds</p> <hr/> <p>Upland flushes, fens and swamps</p> <hr/> <p>Lowland beech and yew woodland</p> <hr/> <p>Lowland mixed deciduous woodland</p> <hr/> <p>Upland mixed ashwoods</p> <hr/> <p>Upland oakwood</p> <hr/> <p>Wet woodland</p> <hr/> <p>Wood-pasture and parkland</p>	

Table 3 Ecological Survey Seasons

Optimal Time 

Extending Into 

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/ Commuting)												
Birds (Breeding)												
Birds (Over-Wintering)												
Great Crested Newts			TERRESTRIAL									
			AQUATIC									
Otters												
Reptiles												
Water Voles												
White Clawed Crayfish												

Habitats/ Vegetation			WOODS			
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Points to note regarding surveys are as follows:

- For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Table 3
- Surveys conducted outside of optimal times (Table 3) may be unreliable. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work may be required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.
- Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise, bat surveys carried out in wet or cold weather may not yield accurate results.
- Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- Local Biological / Environmental Records Centre may have useful existing information and records.
- Competent ecologists should carry out any surveys. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England). Surveys should follow published national or local methodologies.

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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Planning and Development	Planning Committee	8 November 2022

ADDENDUM

ITEM 3a - 22/00838/FUL – Seven Stars Inn, 84-86 Eaves Lane

The recommendation remains as per the original report.

Two further objections have been received which raise the same concerns as listed in the committee report.

An email has also been received from the legal representative of the adjoining landowner who is disputing the applicant’s right of access to the side alley. The email reiterates that the landowner does not believe the applicant has a right of access over the land as the right is restricted to the use of the site as a pub. Given this continued dispute, it is considered necessary to include the condition below to ensure the building is not occupied for the approved use without having access to the rear yard area.

The following additional condition is recommended:

No.	Condition
1.	<p>Pedestrian access to the rear of the property is to be gained via the side-alley, located to the south of no. 84 - 86 Eaves Lane, as shown on approved drawing ref. S-08. Prior to any works taking place to facilitate the conversion of the building to a house in multiple occupation hereby approved a right of access over the land required to gain access to the rear of the property shall have been secured.</p> <p><i>Reason: To ensure access can be gained to the bin and cycle storage areas to the rear of the property.</i></p>

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