

11 June 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 11TH JUNE 2013

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that provides an update of events that have taken place since the agenda was printed.

Addendum (Pages 1 - 12)

Report of the Director of Partnerships, Planning and Policy (enclosed).

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
E-mail: cathryn.filbin@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

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

This page is intentionally left blank

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	11 June 2013

ADDENDUM

ITEM 4a-12/00643/FUL – Land 170M West Of Oak View Leyland Lane Ulnes Walton address

The recommendation remains as per the original report.

The following additional information has been provided by the agent:

A plan has been provided showing the full extent of the applicant's landholding (attached).

They state the proposed lagoon is sited strategically to maintain a proximity to the source of slurry origin and to maximise efficiencies in the spreading of slurry via the umbilical method (by being located centrally). The siting also respects the two public rights of way directly to the west and takes advantage of the screening effect provided by existing trees and hedgerows to the east and south.

The slurry will be pumped in a pipe from the farm buildings to the slurry lagoon (it will be filled at lower level so as not to agitate the surface). The spreading of the slurry via the umbilical method simply comprises a pipe connected to the slurry lagoon at one end and the tractor at the other. In addition to the benefits of maximised operational efficiencies, umbilical spreading reduces vehicle / tanker manoeuvres (which has obvious sustainability benefits) that can have detrimental effects on soil / ground compaction and damage to field access areas.

The applicant has no intention of considering alternative locations. The evidence base / statutory authorities conclude that the location is suitable and that any potential for adverse amenity impacts can be mitigated by appropriate management processes. Any planning consent would be subject to conditions to this effect and there is the added layer of protection of the Environmental Protection Act 1990. There are no issues which necessitate re-siting to be considered. Therefore, the planning application should be judged on the basis as it is currently presented, not on whether other parties consider that there are alternative locations that they consider more suitable.

They state it should be noted that it has taken a great deal of time and expense (on both the applicants and Council's side) to assess the planning application comprehensively and to get it to this stage. The applicant is eager to make progress on the matter so that the business can operate more effectively within the context of the relevant good practice and statutory guidelines.

A further letter has been received from Dr Ross of Rosehill on Leyland Lane:

Dr Ross refers to paragraphs 37 and 66 of the report on the agenda that states the Council looked to commission a report on flies but were advised by Barbara Bell of ADAS such a report would be of limited value as issues with flies and slurry lagoons are rare.

Dr Ross refers to a report also carried out by Barbara Bell for the Council in relation to the Euxton fly problem in 2008/9 in which Ms Bell states *'there is considerable potential for fly breeding with a slurry lagoon'*. As a result they are concerned the Committee are not being presented with the full picture.

The Council have contact Barbara Bell in relation to this issue and she has stated that the comments she made in the Euxton report were specific to the slurry lagoon at Culbeck Farm and the way that it was managed. She has confirmed that in her experience slurry lagoons do not generally cause problems with flies as long as they are managed in accordance with the guidance.

It is considered that the management of the lagoon is the subject of a planning condition and therefore the recommendation remains as per the original report.

ITEM 4b-12/01150/FUL – Play Area South Of 44 Canal Walk Chorley

This application has been withdrawn.

ITEM 4c-13/00218/FUL – Rectory Farm Town Road Croston

It is recommended that the application is deferred to a future Development Control Committee meeting to allow ecology surveys to take place.

The application was deferred at the previous committee to allow further ecology surveys to take place. Although one survey has taken place further nocturnal surveys need to be undertaken to inform any necessary mitigation measures, the last of which will hopefully take place during July. It is not considered that the Council would be meeting its duty under the Habitats Regulations without this information. A further deferral of the application is therefore recommended to the earliest committee once the further surveys have been undertaken.

ITEM 4d-13/00178/FULMAJ – Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens Myles Standish Way

The recommendation remains as per the original report

The agent for the application has made the following comments:

Significant alterations have been made to the scheme throughout the process to accommodate Mr Peters requests. It is considered that the final layout/ levels have been sympathetically designed and would not result in significant detrimental harm.

The following consultee responses have been received:

The **Environment Agency** has not raised any objections to the application subject to the imposition of the following conditions: -

- The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated February 2013) and FRA addendum letter dated 25 April 2013. The mitigation measures detailed within the amended FRA shall be fully implemented prior to occupation of the development hereby approved and subject to the following modifications.

Reasons: To prevent flooding both on and off site by ensuring the satisfactory storage of/disposal of surface water from the site.

- Prior to commencement of development, a surface water drainage strategy (hereafter drainage strategy) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The drainage strategy shall be based on a hydro geological assessment of the site and attenuate surface water up to a 1:100 critical storm event plus an allowance for climate change. The discharge rate for surface water shall be limited to no greater than five litres per second (per hectare) or the existing site run off rate; whichever is lowest. The development shall be carried out in accordance with a drainage strategy and in accordance with a timing/phasing arrangement embodied within the scheme or as otherwise agreed in writing with the LPA.

Reasons: To prevent flooding both on and off site by ensuring the satisfactory storage of/disposal of surface water from the site.

Following receipt of the Environment Agencies comments conditions 1 and 9 detailed on the original committee report have been replaced with the above conditions.

The following conditions have been amended for clarity and to accommodate an amended layout plan (the agent for the application has confirmed that the only amendment to the layout plan when compared to the previous layout is the inclusion of a 3m wide combined footway/ cycleway to satisfy LCC highway comments. No alterations have been made to unit size/orientation/ plot levels etc.):

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Ref	Revision	Received date
Planning Site Layout	SK01	G (30-05-2013)	11/06/2013
Location Plan	-	-	25/02/2013
Proposed plans and elevations Type A	P-1001	-	25/02/2013
Proposed plans and elevations Type B	P-1002	-	25/02/2013
Proposed plans and elevations Type C	P-1003	-	25/02/2013
Proposed plans and elevations Type D	P-1004	-	25/02/2013
Proposed plans and elevations Type E	P-1005	-	25/02/2013
Proposed plans and	P-1006	-	25/02/2013

elevations Type F			
Proposed plans and elevations Type G	P-1007	-	25/02/2013
Proposed plans and elevations Type H	P-1008	-	25/02/2013
Proposed plans and elevations Type H-Special	P-1009	-	25/02/2013
Proposed plans and elevations Type J	P-1010	-	25/02/2013
Proposed plans and elevations Type K	P-1011	-	25/02/2013
Proposed plans and elevations Type L	P-1012	-	25/02/2013
Garage Type A	P-1013	-	25/02/2013
Garage Type B	P-1014	-	25/02/2013
Garage Type C	P-1015	-	25/02/2013
Garage Type D	P-1016	-	25/02/2013

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

- 17) Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating.

Reason: In the interests of minimising the environmental impact of the development and in accordance with the National Planning Policy Framework and Policy No. 27 of the Adopted Central Lancashire Core Strategy.

- 19) The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan titled: 'Planning Site Layout'; Drawing number SK01; Revision G (30-05-2013); Received 11th June 2013.

Reason: To protect the appearance of the locality and in the interests of the amenities of neighbouring properties and in accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no extensions shall be undertaken to the dwellings hereby permitted.

Reason: To protect the appearance of the locality and the amenity of the future occupiers of the approved dwellings and those surrounding the site. In accordance with the National Planning Policy Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

The original report has been amended as follows:

The Committee report states that *LCC Highways have requested a contribution of £130,620 to investigate and fund operation of an additional bus service in the area. The applicant is currently considering this information and will respond before the application is heard at Development Control Planning Committee. Any additional comments will be reported on the Addendum.*

Following the receipt of this request the applicant's highway consultants wrote to LCC raising the following points:

- The site has an extant outline planning permission (LPA ref 08/01044/OUTMAJ) for the redevelopment of the site to provide a mixed use development incorporating around 200 houses and 116,000ft² of B1 employment use (office units) following the demolition of the existing buildings.
- At the time of consideration of the outline application, a specific and precise negotiation and exchange of correspondence was undertaken between our predecessor Company, acting as the applicant's consultant, and your colleague Mr Andrew Whitlam to agree an appropriate level of financial contribution.
- The negotiation recognised the contribution which the previous site uses had already made to delivery of the Eaves Green Link Road and associated facilities. In this regard, as part of the initial consent substantial infrastructure was provided in terms of roads, footways and cycleway, United Utilities transferred land to Chorley Borough Council to facilitate the Eaves Green Link Road (Myles Standish Way) and a payment of £250,000 was made to the Borough Council to provide a new access onto the link road.
- The conclusion of the negotiation was that it was agreed with your authority that no contribution arising from the employment uses in the proposed application would be required and that a contribution of £362,000, should be attracted from solely the residential uses in the application.
- Our in principle view is therefore that a contribution should only now be sought from the conversion of the employment consent on this site to a residential consent, if a calculation of contributions arising from the employment use is less than a calculation arising from a residential use.
- We have prepared an assessment of the level of employment contribution which confirms that in accordance with the document "Planning Obligations in Lancashire Policy" at page 34, using the table entitled "Developer contribution for transport", based on an accessibility score of 21 and based on a commercial floor area of 10,800m², a financial contribution of £274,320 (10,800m²/1000m² x £25,400) would be required.
- Given the suggested contribution which would now arise in relation to the proposed residential use, which would replace the employment use, this would suggest an overpayment has already been made of £143,700.
- Given that the residential proposals will fully replace the existing commercial (B1 office units) with 70 houses and this cannot be regarded as a new development on a greenfield site, this would give rise to a lower level of contribution than has already been paid specifically in relation to this application site. The financial contribution cannot be reasonably requested and paid again.

Given the level of sustainable transport contributions already secured from this site it appears that any additional contributions cannot reasonably be

requested. Members are requested to delegate negotiations in respect of the S106 to officers in consultation with the Chair and Vice Chair.

Site Access Arrangement

- This existing junction arrangement will also cater for refuse, delivery and removal vehicles ingressing and egressing the site from Myles Standish Road. To ensure the site access arrangement is in line with MfS and MfS2 an area of white lined carriageway hatching has been provided from the traffic island to the first internal junction.
- The amendments suggested in your comments have been incorporated in to the proposed masterplan by the architect and the revised layout.

ITEM 4e-13/00397/FUL – Land 40M South West Of 17 Buttermere Avenue Chorley

The recommendation remains as per the original report

The following consultee responses have been received:

Lancashire County Council (Highways) have made the following comments:

- There are no highway objections to the proposed development
- The applicant's proposed number of parking spaces is commensurate with the scale of development
- A minimum number of 10 cycles should be accommodated.
- The applicant makes no provision for parking of motorcycles, but, this will be required for parking at least two motorcycles with infrastructure for locking to.
- It is noted that no gates are proposed to the vehicle access. The applicant should be aware that, should this be required in future, the gateposts will be required to be set 5m back from the edge of the carriageway. The gates will also be required to open inwards, so as to allow vehicles to pull clear of the carriageway when entering the site and to assist visibility.
- I have no highway safety concerns regarding the proposed pedestrian accesses; however, as rightly pointed out in the applicant's Design and Access Statement these need to be sufficiently wide as to facilitate ease of access for disabled users.

The cycle and motorcycle parking issue raised above will be addressed by the following condition:

Before the development hereby permitted is first occupied, provision for cycle parking and motorcycle parking, in accordance with details first agreed in writing with the Local Planning Authority, shall have been provided in all respects and made available for use, and shall thereafter be retained.

Reason: To ensure adequate on site provision for cycle and motorcycle parking. In accordance with Policy TR18 of the Adopted Chorley borough local Plan Review and Policy 3 of the Adopted Central Lancashire Core Strategy

ITEM 4g-13/00364/FUL – Land 40M South Of Euxton Youth Club Laurel Avenue Euxton

The recommendation remains as per the original report

1 e-mail has been received raising the following concerns:

- The car park will be close to our property and will therefore cause us some disturbance with noise (cars coming and going)
- The street is already congested at school times and parking for parents dropping off/picking up children can cause problems for services such as fire/ambulances etc. When the new houses are built this problem will only increase. We have often been unable to access our drive because of people parking in front of the drive.
- The turning bay in front of our houses is not for parking, but for turning only. Only last week a fire engine was unable to turn because of cars parking there.
- As there will be no gate or barrier, our concern is that this car park will also be used by others at night, which can lead to problems with noise. Note: Before the nursery erected the fence we had cars parked up the side of house which caused us some disturbance.
- While we do not object in principle to the car park, we would ask that a barrier be in place at night to prevent further disturbances.

In response to these concerns a further condition has been attached to the recommendation to ensure that the spaces do not create noise and disturbance to the neighbouring residents through use outside of the playschools opening hours. The houses have planning permission and are not subject to consideration as part of this application.

The following condition has been attached:

Prior to the use of the car parking spaces hereby permitted a collapsible parking post shall be erected at the end of parking bay 3. The parking post shall be maintained in an upright, locked position between the hours of 4pm and 8am Monday to Friday and at all times during Saturday and Sunday. *Reason: To ensure the spaces are not utilised outside of the playschools operating hours in the interest of the amenities of the neighbouring residents. In accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.*

ITEM 5 – Enforcement Report-Yew Tree House Farm, Coppull Hall Lane, Coppull

Since the report was drafted further representations have been received which raise the following matters:-

- The applicants have a purpose built factory in Skelmersdale so why do they need another factory in Coppull.
- Chorley Borough Council have spent thousands of pounds fighting 2 families in Hut Lane who have illegally erected caravans, storage units and stables on green belt land. But a certificate of lawfulness for a FACTORY on green belt land seems to be quite acceptable.
- The 40 ton wagons have churned up all the narrow country lanes in the area and it is no longer safe to walk, cycle or ride along these lanes. One girl was thrown from her horse on Green Lane because it was frightened by one of the HGV's. Local

people have been walking, cycling and riding along these lanes a lot longer than Woodcocks have been processing milk. The milk tankers belonging to Woodcocks, along with some of the 40 ton wagons, continue to use Jolly Tar Lane even though there is a 7.5 ton weight limit. The tanker drivers have been told by Woodcocks to use this route (I have spoken to one of their drivers).

The comments made do not raise any issues in relation to the lawfulness of the application.

And a further representation raising the following issues:

-
- Firstly, Woodcocks were predominantly dairy farmers until they sold off their herd and imported milk for processing, creating a huge intensification in milk processing at the farm. Woodcocks then erected buildings (EN63, EN632, EN633 and EN634 in your report) without planning permission to accommodate this new venture.
 - Secondly, the volume of traffic from the farm along country roads also intensified and Woodcocks began tarmacking areas of road outside the farm for their personal use and also filled in grass verges along the route of the lorries - all without permission.
 - Thirdly, Woodcocks are supposed to have been processing milk for a ten year period between 1999 and 2009. Where is the evidence to show the weekly volume of milk processed in 1999? How have Woodcocks arrived at a weekly figure of 495,000 litres which is what they claim they will limit the processing to (allegedly a third of the 1,500,000 litres they claim were previously processed)?
-

The Enforcement Notices issued by the Council have been complied with.

Works carried out within the highway are subject to control by Lancashire County Highways who have carried out repairs to the highway as a result of damage caused by HGVs.

The evidence submitted demonstrates that milk processing has taken place in excess of ten years. The report is clear that increases in levels of milk processed using existing facilities would not constitute a material change in use.

In addition a letter has also been received from a solicitor acting on behalf of a number of residents living close to the site which raises an issue regarding comments made to one of the residents by a Council officer with respect to the issue of intensification.

Following a response to the letter a further email has been received which is reproduced below

- Thank you for your e-mail. I have now had sight of the Development Control Committee Agenda (pages 101 to 104) which deals with the above application.

- Your e-mail below does not address the point in my letter (statement by Mr Paul Whittingham) that there is evidence to suggest that those who have made the recommendation to the Committee to grant the Certificate have chosen to disregard a material fact, namely intensification. If that is indeed the case, the recommendation

is unsound and any decisions made on the basis of that recommendation will be similarly unsound.

-The report in the Agenda mentions that representations have been made about intensification. However, what it does not do is set out in detail the specifics of the use 10 years ago in comparison with that that would exist under the proposed 495,000 litres per week certificate that is proposed. This is highly material information and goes to the heart of the representations that have been made by numerous nearby residents; that 10 years ago the farm was predominantly a milk producer with some limited milk processing and that prior to the move to Skelmersdale, the farm was wholly a milk processor on an industrial scale with no milk production.

-With a permission to process 495,000 litres per week, the farm would still have a substantial milk processing operation substantially different in character to that which existed 10 years ago. It is noted that the farm has apparently indicated that it intends to recommence milk production. However, with respect, in its statement dated 27 November 2009 submitted with respect to its original application, it indicated that it intended to increase its herd (from 32 cows 70 heifers) to 200 but what in fact happened is that milk production has ceased as per paragraph 17 of the case officer's report.

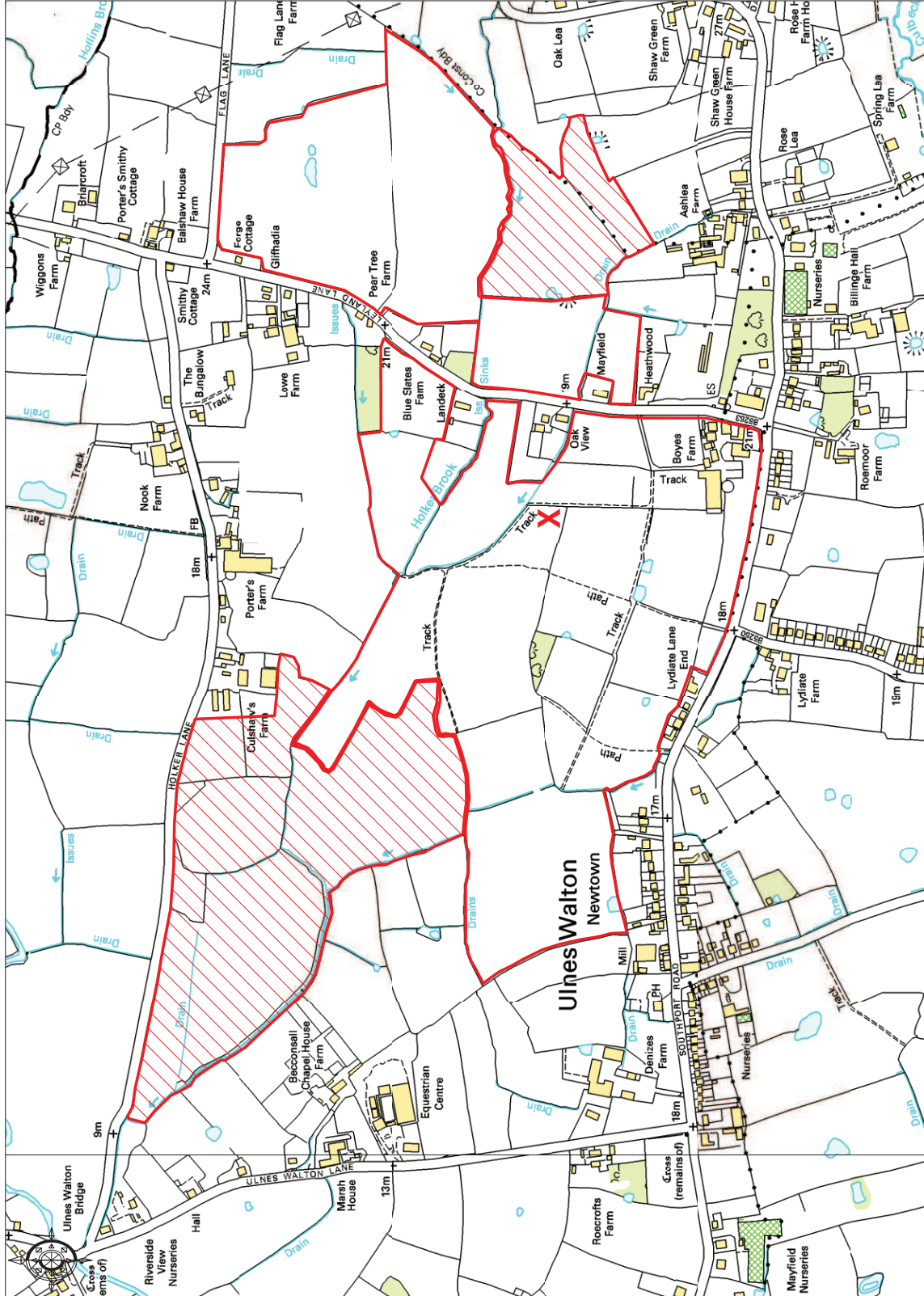
- The case officer places considerable weight on the reduction between the extremely high unlawful production that was taking place prior to the enforcement action (which is stated as being 1,500,000 litres per week) and the proposed operation of 495,000 litres per week. Whilst the difference between those two is significant and the improvement obviously welcome to those nearby, this does not detract from the position that a 495,000 litres per week milk processor with no milk production is a significantly different operation to that which existed 10 years ago.

A local resident via their solicitor raised on the 4 June their view that no action had been taken by the Council with regards to enforcement action.

Members authorised enforcement notices based on physical unauthorised works and the unauthorised change of use of a building, specifically at that time the Council decided not to take action against the intensification of use because of the legal advice that the use itself could not be attacked. The reference to intensification therefore was in the context of a past decision to take enforcement action and this is outlined in the report and not this decision which will be considered at committee which explains the background to previous enforcement action and the issue of intensification.

The figure that the applicant has put forward 495K litres per week is a figure that represents the point in time at which the significant and exponential increases occurred thereby creating the material change of use by reason of the change in character and hence if they had applied for 1.5 million litres a week then officers would have made reference to intensification of use. The site has not been operating at this level for a period of 10 years but the legal advice is based on the fact that increases in production do not in themselves constitute a material change of use and the change in character occurred when extra storage capacity for raw milk and product occurred that required the 24 hour working, more delivery tankers and more HGV's to take away the product.

Boyes Farm, Leyland Lane, Ulnes Walton, Leyland, PR26 8LB



Ordinance Survey © Crown Copyright 2013. All rights reserved. Licence number 100020449. Plotted Scale - 1:10000

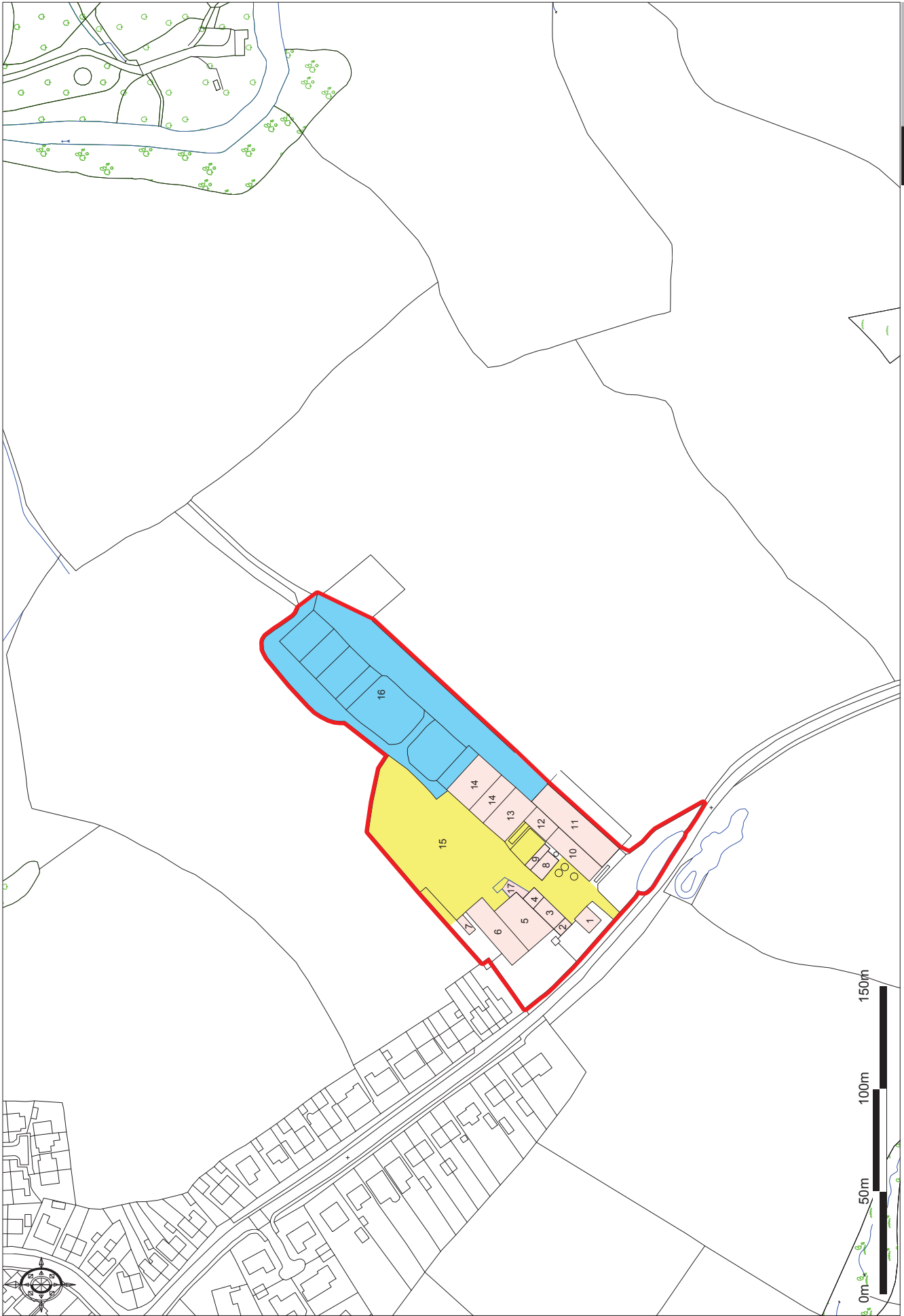


LeaHough
 CHARTERED SURVEYORS

Yew Tree House Farm, Coppull Hall Lane, Coppull, Chorley

Building No	Description
no.1 (coloured pink)	Farmhouse (including farm office)
no.2 (coloured pink)	Milk processing Laboratory
no.3 (coloured pink)	Part of tradition barn used for storage area associated with domestic garage and agriculture
no.4 (coloured pink)	Agricultural storage
no.5 (coloured pink)	Agricultural storage and workshop
no.6 (coloured pink)	Agricultural building
no.7 (coloured pink)	Timber stable
no.8 (coloured pink)	Milk processing, distribution and storage
no.9 (coloured pink)	Milking parlour and dairy
no.10 (coloured pink)	Milk processing, distribution and storage
no.11 (coloured pink)	Agricultural building
no.12 (coloured pink)	Milk processing, distribution and storage
no.13 (coloured pink)	Storage of packaging material associated with the processing, distribution and storage of milk
no.14 (coloured pink)	Agricultural building
no.15 (coloured yellow)	Yard area for agriculture and for parking and manoeuvring of vehicles associated with the processing, distribution and storage of milk only and expressly excluding the permanent siting of any structure or wagon for the storage of milk
no.16 (coloured blue)	Agriculture
no.17 (coloured pink)	Position of chillers associated with the processing, distribution and storage of milk

Yew Tree House Farm, Coppull Hall Lane, Coppull, Chorley, PR7 4LR



Ordinance Survey © Crown Copyright 2013. All rights reserved. Licence number 100020449. Plotted Scale - 1:2500

