

4 March 2014

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 4TH MARCH 2014

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.

Agenda No Item

11. **Addendum Development Control Committee 4 March (Pages 3 - 14)**

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

Yours sincerely



Gary Hall
Chief Executive

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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 Partnerships, Planning and Policy	Development Control Committee	4 th March 2014

ADDENDUM

ITEM 4a-13/01042/FUL – Go Ape Rivington Lane Rivington

The recommendation remains as per the original report.

Further communications have been received from Mr Dootson, Chairman of the Friends of Lever Park:

- a) 25 February - Mr Dootson states they find it incredible that the application is recommended for approval when the applicant has not provided the information the Council stipulated was necessary for a previous application to proceed and this gives the impression that different standards are being used to proceed with the applicants wish to extend the high wire course, and may gives the public an impression that favour is being shown to the applicant.

Mr Dootson also comments on the letter that was sent out informing the public of the Development Control Committee meeting. This letter states that additional information may be presented up to and including the date of the meeting from the residents, consultees and applicant. The above recommendation may therefore be subject to change at the Development Control Committee meeting or that new information will be presented to members. Mr Dootson argues that surely legislation states that a time period must be allowed for the public to make comment against any further information provided by the applicant, to make judgment without allowing time for public comment can only be viewed as again possibly showing favour to the applicant.

Response: The Head of Planning has responded to Mr Dootson stating the objection point with regards to the need for a tree survey to a specific British Standard is covered in the committee report whereby that the information required to determine an application must be fit for purpose and proportionate, and that the officer holds the view that the information provided is sufficient upon which to determine this application. In terms of the information requested in the letter for the previous withdrawn application, when compared to this application, the information for this application has enabled the trees to be identified, the works to be detailed and photos were submitted. Any favouritism towards the applicant in this regard is strongly refuted.

With regard to the second point where Mr Dootson appears to seek a "cut-off" date by which no further information can be taken into account, and to allow any public comments to be made in accordance with this cut-off date, the Head of Planning has responded that the letter the Council send out seeks to make it clear that until the actual decision is made, any further information may be taken into account. This might apply not only to a late objection or further information from the applicant, but also a statutory consultee, new legislation, or a change to national policy. The Council is required to take account of all information available to it, before it issues a decision. To do otherwise would make any

decision vulnerable to challenge. The purpose of the letter is therefore to ensure fairness by advising people that further information may be taken into account, and indeed the recommendation may change, and therefore interested parties can decide whether they wish to attend or speak to the committee on those terms. Any further information will be reported on the addendum, for all to see. It is open to officers to make an appropriate and proportionate judgement on whether to notify interested parties of any further information submitted after the committee report is published, and to recommend that further consultation is undertaken, and indeed for the committee to decide to do so. It is therefore refuted that this aspect of the Council's practice demonstrates favour to the applicant.

b) 25 February – 28 February

Further email communications from Mr Dootson were received, and can be summarised as follows:

- Are we not correct in believing the zip wire and landing zone in planning application 13/01042 is located in the exact same position as the one referred to within application 10/00426 which was withdrawn, the trees have not moved so we would expect the same information would be requested. Considering that the landing zone and zip wire are in an identical position in both applications, can you please explain to the public as to what has changed not to warrant a tree survey.
- Tree 42 is central to both applications and the fact that this particular tree will be supporting a zip line which in turn will be supporting children and adults, do you not think that tree 42 should be subject to a tree survey to ascertain as to whether it is fit for purpose?
- One only needs to go on site and view all other supporting trees, and it will be evident that tree 42 will raise serious concerns, this tree only measures 14.6 cms in diameter compared to all others that measure a minimum of 35 cms diameter (which was the applicants figure given in their supporting statement).
- We believe that anything that involves public use should be subject to inspection by qualified personnel to ascertain as to whether public safety is at risk, we would therefore respectfully request an official explanation as to why a tree report by an independent arboriculturist is not required for tree number 42.

Response: The Head of Service responded to advise that these particular points of objection had previously been made and are addressed in the committee report & in the forthcoming addendum. The letter for the previous application has no reference to a tree survey, but refers to tree works, a tree plan detailing those works and photos, and noted that the case officer and tree officer are satisfied that the information provided for this application is fit for purpose and proportionate to this application.

The question of fitness for purpose in relation to Tree 42 for the operation of the Go Ape course is also addressed in the committee report, and in this regard, health and safety regulation is not a matter for planning control. Tree 42 does indeed measure less than 35cms – there is no requirement in planning terms to utilise trees of a certain diameter, and in this application, tree 42 is proposed to be supported by wires with a means of enclosure. Again, this issue is addressed in the committee report.

The MP's office were copied into the email exchange, and asked Mr Dootson if he was confident that his comments would be taken into account at committee. Mr Dootson responded and detailed the following further points:

- We've always been confident that our comments will be taken to the committee, but we have concerns as to whether the comments regarding the worthiness of tree number 42 will be fully understood.
- It seems strange that the Councils Tree Officer in his letter of comment made no reference what so ever about the condition or size of tree 42, why would the tree officer's comment not mention anything that would make reference to the size of tree 42. Go-Apes submitted comment actually says that tree 42 is small so why hasn't the Tree Officer for the Council mentioned this in his report.
- Go-Ape also in their submitted comment use the word "Operational Standard" which we interpret as being "All trees used on the high wire course will be a minimum of 35 cms diameter at chest height", then they say tree 42 is small but will be supported by cables and anchor points. This clearly indicates that operational standards are not being adhered to, they conveniently mention that tree 42 will have support cables, but they fail to mention that all other anchor trees within the course have support cables and these trees are of operational standard (their words).
- We have grave concerns over the use of tree 42 regarding public safety, even the applicant admits it is small. We have a situation whereby the applicant admits that tree 42 is small, therefore not of operational standard as suggested by us (not fit for purpose) in our letters of comment, but yet the Councils tree officer fails to make any mention of the size or condition of tree 42.
- The Head of Service states that Health and Safety is not a planning issue, on that basis would I be allowed to build property on footings well below the accepted minimum.... of course not, otherwise the property may crumble and injure the public. So what's the difference, why should they be allowed to use a tree that measures well below the minimum size of operational standard to support a high wire course, to do so may cause failure and the possible fatality of a member of the public.
- We can't believe that the safety of the public is not being considered with the proposed use of tree 42, it is small, it is in poor condition, its not even upright, in fact if it was in the way of something else it would be removed because of its condition

Response: There is no requirement for trees to be of a certain size in order for this application to be acceptable, and this objection point is addressed in the committee report/addendum. The example referred to actually supports the point made, in that footings are controlled by Building Regulations, and not the planning system. Whilst concern for public safety is appreciated, the safe operation of the course remains the responsibility of Go Ape.

- c) 28 February – 3 March - Further email communications from Mr Dootson were received, and responded to by the Head of Service. The matters raised refer to the numbering systems used by Go Ape to identify/record trees, and the availability of tree inspection report, summarised as follows:
- Mr Dootson is seeking copies of any reports of any annual tree inspections made by Go Ape to ascertain the condition or fitness for purpose of Tree 42, based upon the applicant's supporting statement in a previous application (08/005533), which said: "*A further annual independent, tree inspection will also be put in place in addition to regular in-house inspections throughout the year*". Mr Dootson states that he has tried to obtain such reports in the past,

but was unsuccessful. He also questions why Go Ape would use a reference in this application to Tree 42, which he believes is a “fictitious” number rather than Altus 00040 as referred to in previous submissions, which is the name on the label attached on site to the same tree number 42 used to identify the tree in this application.

Response: Planning permissions for Go Ape do not require them to provide any reports about such inspections. While the planning service cannot explain the actions of Go Ape in selecting numbering systems, the fact of the matter remains that sufficient information has been made available to identify the tree in question.

- Further comments were made by Mr Dootson, in which he remains unsatisfied, noting that the response provided by the Head of Service does not help, in that he wishes to be provided with annual tree inspection reports. Mr Dootson notes that if planning permissions do not require Go Ape to provide annual inspection reports, then why did the Council write to Go Ape in 2010 quoting the applicant’s supporting statement with particular interest in a tree plan; and he asks “Would a detailed tree plan not involve inspection?”. He holds the view that this contradicts the view of the Head of Service; and notes his continuing concern as to why a reference to Altus 00040 has not been used in this application; that this particular tree is not fit purpose; and that the use of the alternate number means that the tree will therefore never be subject to an annual inspection.

Response: The Head of Service acknowledged that she cannot help any further in regard to annual inspection reports, and noted that Mr Dootson had asked UU and Go Ape for the information. She re-iterated that the Council cannot provide an explanation why the different tree reference systems are used, and that the Council remains satisfied that it has sufficient information upon which to make a recommendation on this application; and that it remains the case that Go Ape is not required to provide any information to the local planning authority about annual tree inspection.

- Mr Dootson further responded that there appears to be an issue in obtaining such information from Go Ape, and seeks more positive co-operation from the Council in obtaining that information.

Response: There is no planning power upon which to insist that Go Ape provide the local planning authority with the information sought. Mr Dootson had emailed Go Ape & United Utilities, asking for the information.

28 Letter to Chief Executive of Chorley Council, 28 February –Mr Dootson wrote to Gary Hall to raise concerns about the planning authority not requesting a tree survey; and *“to place on record that in our opinion a tree survey should be done by an independent arboriculturist to ascertain as to whether tree number 42 is capable of supporting a high wire zip course, and we will have no hesitation in supporting any individual who wishes to bring any action against the Council in respect of injuries sustained, brought about by the failure of tree 42. The failure of tree 42 to support a zip wire could cause serious injury, and therefore a tree survey should be completed as per British Standards before any decision is taken on application 13/01042/FUL. If any accident should happen, blame cannot be solely directed at the applicant because the Council had been notified of concerns before any planning decision had been taken.”*

Response: The Chief Executive has responded to note that his concerns will be reported to the Development Control Committee on Tuesday 4 March; that he

has already been advised already about the position of the Council in regard to whether a tree survey is necessary for this application, and you have also been advised that this particular concern is addressed in both the Committee report and will also be addressed in the addendum. The Council's position is that a tree survey is not required, and that the safe operation of the course is a matter for Go Ape.

ITEM 4b-13/01149/ADV – Go Ape Rivington Lane Rivington

The recommendation remains as per the original report.

ITEM 4c-14/00021/FUL – Logwood Stables Brinscall Mill Road Wheelton

The recommendation remains as per the original report

1 further letter of objection has been distributed to members of the Development Control Committee a copy of which is attached to this addendum.

Further information has been provided by the agent for the application in respect of the justification for the lights:

- The camera's installed do have inbuilt IR built lighting but this covers a single focal point and not a spread of light required to cover the full areas around the building and arena. With the aforementioned said the lighting is essential to ensure full coverage & clarity is achieved.
 - The lighting and CCTV were actually installed at the same time.
 - As per the Insurance companies correspondence there is a requirement, to gain insurance for the site and horses, to have sufficient security lighting and cameras installed.
 - PIR sensors are an industry standard security device. By design these devices are not configurable for sensitivity but only for the length of time & light level for which they operate.
 - PIR sensors work on temperature which ultimately breaks the IR Beam. This is only the same as for your security light in your garden or the sensors used in alarm systems.
 - The applicant is continually monitoring the sensitivity of the set up for the security cameras & security lights to ensure firstly the system clearly captures (clarity) any incidents and secondly as the system sends to the monitoring system incident alerts.
-

ITEM 4d-13/01226/TPO – Camelot Theme Park Park Hall Road Charnock Richard

The recommendation remains as per the original report

2 further letters of objection has been received setting out the following issues:

- If they are overgrown, or causing obstruction they can be pruned accordingly.
- This is just proving the developers are just interested how many houses they can fit on the area
- The trees provide homes for wildlife and shelter.

- the felling of healthy trees covered by TPO2 to enable a sub-station to be removed is clearly part and parcel of the overall development proposed in application 14/00071/OUTMAJ and should NOT be dealt with separately
- the trees are completely healthy

1 representation has been received raising the following queries:

- Who will determine the application?
- Which councillors (if this is the case) put this forward for recommendation?
- What rights do Chorley Council workers have to make these sorts of recommendations and what do they base these on?

The agent for the application has provided the following further clarification in respect of the proposed tree removal:

Looking at the objections received to this application, there appears to be confusion as the nature of the application and the reasons behind it. For clarity, this application is not related to submission of our Outline Planning Application for residential redevelopment at Camelot (Chorley planning ref 14/00071/OUTMAJ) and is required to decommission the existing substation and remove apparatus which is now redundant and which is prone to vandalism and theft. There have been a number of incidents involving theft of live copper cables which, notwithstanding the seriousness of the actual crime and associated inconvenience, is an extremely serious safety concern as those carrying out such crimes do so without regard to the safety of themselves or others – leaving live exposed cables is very dangerous. The decommissioning of the power installations will remove this risk.

The removal of the substation is to be carried out by Aptus Utilities Ltd who has assessed the operations and subsequent requirement to remove trees to gain access to the facility. They state:

The substation is located down a steep embankment which has neither a wide enough access nor a hard standing road for a HIAB vehicle to access the location adjacent the substation to lift the plant for removal.

Instead the only way to remove the plant from the substation which will be to manually roll the plant out via casters to a plate outside the substation and then lift the plant via a crane sited at the top of the bank and load it onto a HIAB.

Due the location of the substation and the trees, the 8 Number trees identified during the site visit need to be removed to allow the crane arm access from the road down to the substation.

The substation plant needs to be removed as leaving it unused in the substation will result in a continued risk from vandals and thieves getting hurt mistaking live equipment for dead equipment and ultimately an environmental risk of the plant being damaged or deteriorating and allowing contamination of the surrounding area due to leaking fluids.

ITEM 4e-14/00029/FUL – Park Lea, 19 Harrington Road, Chorley

The recommendation remains as per the original report, subject to the receipt of no further comments to be received from neighbouring properties and satisfactory findings of a coal mining risk assessment.

The applicant has provided an arboricultural survey of the application site, and has amended the proposals in light of the findings of that survey.

In order to ensure that the proposed replacement dwelling does not encroach upon the root protection area required for the large mature beech tree located adjacent to the north east site boundary, within the grounds of no. 22 Harrington Road (the tree is protected by a tree preservation order). The plans have been amended to reduce the size of the footprint of the proposed dwelling, by reducing in length the projection on the northern part of the dwelling that is to form the master bedroom, by 2m. This would have the effect of increasing the distance between the proposed dwelling and no. 22 from 10m to 12m.

The applicant has also confirmed that the foundations and parking area (which will be within the root protection area) will be constructed in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction*.

Paragraph 10 of the report should conclude that no objections have been received from the occupiers of no. 22.

As a result of the amended plans being received, neighbouring residents have been re-consulted. The extended consultation period expires on the 5th of March.

One letter of objection has been received from the occupants of no. 22. They make the following comments:

- the big impact for us is the huge increase in perceived size from where we spend 80% of our time ie our living room which has the main window looking out directly onto the front elevation of No19;
- Currently we really only see the roof section which slopes away from us and we don't feel overlooked. However with the proposed new house we will be looking out onto a full height gable end (and associated large window) which will not only be nearly 2m higher but will be 3.5m closer to us
- The combined effect of increased height plus vertical wall as opposed to sloping roof plus reduced separation means we are very concerned about the visual impact and loss of light to our main living area.

The window that the objector refers to wraps around a corner of the front of their property and faces both west towards no. 19 and south, towards Harrington Road. Following receipt of the amended plans, the northerly part of the proposed replacement dwelling would be 1.5m closer than at present (not 3.5m as the objector states) and the remainder, including that part adjacent to the window referred to would be 8.1m from the side elevation of no. 22; the same as at present. It is accepted that the new design of the dwelling, with a gabled rather than hipped roof and higher ridge height than at present, would increase the overheating impact upon the occupants of no. 22. Given the dual aspect of the window that would be affected; the orientation of the properties; the distances between the properties and the fact that the replacement dwelling would not be a full two storey dwelling, it is not considered that a refusal could be sustained on these grounds.

The application property is in an area that is considered to be at high risk from coal mining activity. The applicant has commissioned a coal mining risk assessment, and its findings are awaited.

The following conditions have been amended (*include reason*):

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

Title	Drawing Reference	Received date
Existing location plan	071 001	16 January 2014
Proposed location plan	071 002	16 January 2014
Existing floor plans	071 003	16 January 2014
Existing elevations	071 004	16 January 2014
Proposed floor plans	071 005 A	26 February 2014
Proposed elevations	071 006 A	26 February 2014
Proposed elevations	071 007 A	26 February 2014
Proposed site plan - Trees	071 008	26 February 2014
Topographical survey SSL	15432:200:1:1	16 January 2014

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

ITEM 4f-14/00069/FUL – Land 37M North West To The Rear of 23 Park Road Coppull

The recommendation remains as per the original report

Two letters of objection have been received setting out the following issues:

- We are very concerned about the existing trees along the fence line between the site and no. 19 (particularly the Oak Tree), and would like to ensure they will be protected, as we cannot tell from the existing plans.
- I do not object to the building works but I am extremely concerned about the 3 trees that are located on my boundary. One of the trees is an oak tree many years old;
- I would be very unhappy to see any of these trees removed from both an environmental issue and also to allow privacy into my property. I would appreciate some clarity on the situation.

The site plan provided with the application does not show that any trees are to be removed along the southern boundary of the site, the same as previously approved (12/01146/FUL). The oak tree in question is shown as located outside of the site boundary, and as such is outside the control of the applicant and could not be felled without the consent of the adjacent landowner. The two sycamore trees are not shown on the plan and are located within the garden of no. 19. The Council's Tree Officer confirmed during the course of the previous application that no trees affected by the proposals are worthy of protection. The applicant has been made aware of the neighbours' concerns.

The following conditions have been added:

All windows in first floor of the east elevation of plot 3 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure

glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

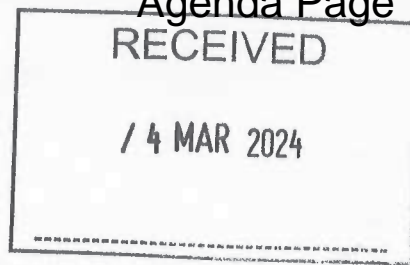
**ITEM 4g-13/01105/REMMAJ – Land North Of Duke Street Including QS Fashions
And Bounded By Pall Mall And Bolton Street Chorley**

The recommendation remains as per the original report.

**ITEM 4h-13/01108/REMMAJ – Land North Of Duke Street Including QS Fashions
And Bounded By Pall Mall And Bolton Street Chorley**

The recommendation remains as per the original report.

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Logwood Mill Farm
Brinscall Mill Road
Heapey
Chorley PR6 8TD

3rd March 2014

Objection to Planning Application 14/00021/FUL

Dear Development Control Committee Member

We are writing in relation to the above planning application from Mr Steve Watson for the retrospective application "*for the inclusion of security lighting to new stable block*". This application is being referred to the Development Control Committee on Tuesday 4th March 2014. We live at the neighbouring address.

- Firstly we would question the validity of the planning application- we (and our neighbours) have witnessed the lighting being used permanently to illuminate the large riding arena. We would suggest that this is not subtle intermittent security lighting appropriate for the green belt area, this is floodlighting aimed at the extended use of the large horse riding facility during hours of darkness, which is not acceptable.
- We do not object to security lighting but do object to the scale of the lighting (brightness and number of lights) that has been installed in the green belt area. We would suggest that the applicant could use infra-red CCTV for security which would negate the need for the security lighting - we have this installed at our property and the quality at night is quite acceptable for security purposes.
- We have not witnessed the specific electrical installation but given the permanency of the lighting that we have witnessed, it would suggest that the floodlights are attached to a switch that enables permanent lighting as opposed to being attached only to a security sensor to detect movement for intermittent lighting only. Our concern is that even if permission is passed with conditional use (e.g. lights on timers attached to sensors), what control is there to stop the applicant from over-riding the system and using the lights to floodlight the large riding arena at night.
- The plan is showing 2 lights on the side of the field and two on the side of the large riding arena and 2 on the front of the stables. The light on the corner of the front of the stable is actually positioned at 90° to light up the large adjacent riding arena rather than the area in front of the stables. This would suggest that this has been designed for illuminating the large riding arena rather than for security of the front of the stables.
- The light at the front of the stable block, above the entrance face directly to our house and represent significant light pollution directly into our home. Again we would suggest that the height of these lights is lowered to stop them shining over our rear wall (which is over 6 feet in height)
- There are already a number of other horse riding facilities within the area, which do not rely on such lighting schemes. They have previously applied and been refused permission for similar schemes for using bright white floodlights within the green belt area.

Yours Sincerely

Mr. & Mrs. John Shacklady

FOR TOMORROW'S DEVELOPMENT
CONTROL COMMITTEE 4-MAR

Councillor Jean Crosswell

Town Hall

Market Street

Chortley

PR7 1PP

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