

5 August 2014

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 5TH AUGUST 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.

<b>Agenda No</b>	<b>Item</b>
9	<b><u>Addendum</u> (Pages 3 - 20)</b>

Yours sincerely



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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director Public Protection, Streetscene & Community	Development Control Committee	5 <sup>th</sup> August 2014

ADDENDUM
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**ITEM 3b - 14/00022/OUTMAJ – Goodyear Business Park, Gorsey Lane  
Mawdesley**

**The recommendation remains as per the original report**

Additional representations

1 No. further letter has been received from a local resident who has stated that they are 'absolutely flabbergasted by the recommendation of the Council to approve this application in spite of the hundreds of constructive objections to the application by residents of the village and also that large scale development such as this is specifically not required in Mawdesley by the Local Plan'

1 No. further letter of objection has been received re-iterating an earlier objection made on the grounds that the proposed development will increase the risk of flooding in Mawdesley. Comment is made that the Environment Agency has raised an objection to the proposal.

Members are advised that whilst the Environment Agency did raise an initial objection to the proposal, this has been withdrawn as detailed in the main report.

1 No. further letter of support has been received commenting that the provision of affordable housing would benefit Mawdesley.

It is noted that the applicant has sent an email the Chair of the Committee and has provided a 'fact sheet' which provides an overview of the submitted plans. This 'fact sheet' summarises the need for new homes, how the applicant has worked closely with the local community to shape their final plans, as well as the support demonstrated for residential development in Mawdesley.

It is noted that Mawdesley Residents Association, who have campaign against the proposal, have sent an email to Members of the Committee providing a link to their website and reiterating their objection to the proposal.

In particular they comment that The Mawdesley Residents Association, together with the 85% of respondents who registered their opposition to the application, are extremely disappointed with the decision of the Planning Officers to recommend granting conditional outline planning approval.

It is stated that Mawdesley is an attractive rural village surrounded by green belt land within Chorley Borough and has long been designated as suitable for small-scale infill development only.

The Mawdesley Residents Association comment that the proposed development is neither small-scale nor infill. In that context it is stated that ;  
The application is contrary to the Chorley Local Plan 2012-2026. Although not yet formally adopted, significant weight should be attached to the Inspector's Partial Report dated October 2013 which states unequivocally that the Goodyear site should not be allocated for residential development.  
The Planning Officers have based their decision to override the policy set out in the Chorley Local Plan upon two " exceptional reasons"; the provision of affordable housing and the ensuring of the long term viability for the furniture business located on the site. Both these claims are challenged:  
The needs for affordable housing in Mawdesley are based upon a study which is arguably flawed and since it was published in 2011, the forecast demand profile in the Parish for affordable housing has not materialised.  
The very act of downscaling the site in an attempt to protect the furniture business would reduce the future employment potential irrevocably. This would come at a time when the general economy is improving and existing business parks in the Village are fully utilised. Expansion of employment opportunities in rural areas is a key issue.

The Mawdesley Residents Association has requested that the application is refused.

#### Ecological matters

The LCC Ecologist has now had the opportunity to assess the additional information submitted by the applicant's own ecologist with regard to the potential impacts of the proposed development on great crested newts (European Protected Species). It is agreed that a medium population of great crested newts has been recorded where great crested newts were recorded in pond 2 and 12. Accordingly the LCC Ecologist has confirmed that a licence from Natural England will be required before any works are undertaken to ensure that the proposal does not result in adverse impacts on great crested newts or their habitat and therefore a potential breach in legislation.

Chorley Borough Council, as the local planning authority (LPA), are reminded by the LCC ecologist that planning permission should only be granted if the LPA are satisfied that Natural England would issue a licence and as such the LPA has a statutory responsibility to have regard to the requirements of the Habitats Directive in reaching a planning decision.

The LCC ecologist advises that Natural England's guidance indicates that smaller sites may be allowable if it can clearly be demonstrated that the receptor site will be of a higher habitat quality. It is acknowledged that there would be a slight increase in immediate terrestrial habitat given the removal of the buildings, although some concern is expressed that that the proposed great crested newt mitigation area would form part of the public open space and at this stage no details of how this land would be secured as mitigation land or managed in perpetuity have been provided. The LCC ecologist advises that it would need to be ensured that this area could specifically be managed as great crested newt mitigation land and not become amenity grassland and that potential recreational pressures could be mitigated. For example, the applicant's own ecologist has noted that public access can be controlled in the newt mitigation area by a combination of fencing and prickly native species planting. The LCC ecologist advises that this is appropriate but comments that the illustrative plan shows that a footpath crosses the centre of the proposed mitigation land. This would need to be re-routed and an appropriate condition is recommended.

In addition the LCC ecologist notes that the applicant's own ecologist has confirmed that prickly shrub planting and fencing could be provided to restrict access to pond 2 and its immediate surrounds. However, given, the small size of the mitigation area, the LCC ecologist considers that additional planting may shade the pond. Clearly this issue will need careful consideration when the landscape proposals are finalised at reserved matters stage to avoid the need for post development interference of immediate terrestrial habitat which may in itself result in a medium scale impact.

The LCC ecologist notes that there would be a significant loss of intermediate terrestrial habitat and advises that Natural England's mitigation guidelines indicate that the destruction of intermediate terrestrial habitat would result in a medium scale impact. She is concerned that given that there is limited immediate terrestrial habitat for the newts using ponds 2 and 12, it is possible that this intermediate habitat would be used by the newts given the lack of the immediate terrestrial habitat. The proposal would also mean that the newts would be potentially pushed further afield to find suitable habitat due to the reduction of habitat.

The LCC ecologist also comments that there is potential for isolation of habitat for the area of grassland located towards the north west of the site which would become inaccessible to the newts. Whilst the illustrative plan indicates that habitat connectivity is to be maintained into the wider countryside, there appears to be no control over the adjacent land to ensure that potential terrestrial habitat is maintained and this would therefore not address the loss of intermediate habitat and the potential conflict of management of the mitigation area.

The LCC ecologist comments that the applicant should not rely on the wider countryside to compensate for the loss of terrestrial habitat within the application site given that it is not secured as great crested newt habitat.

It is acknowledged that the detail of the management of the mitigation area can be addressed by condition but given the size of the mitigation area, which is also proposed as public open space, combined with the loss of intermediate habitat, the applicant would need to demonstrate that sufficient mitigation could be achieved and that recreational pressures could be adequately addressed prior to determination of the application.

In light of the advice received from the LCC ecologist, the LPA is satisfied that the applicant has submitted adequate information to demonstrate how the three 'derogation tests' have been addressed which includes appropriate mitigation proposals.

In particular, the great crested newt (GCN) mitigation scheme that has been submitted as part of the application for outline planning permission is considered to be adequate and the following comments are made:

- 1) Although the scheme presents a net loss of the *total extent* of vegetated habitat available to GCN throughout the red-line boundary, all of the habitat loss is at '*intermediate*' distance from Ponds 2 and 12, i.e. it is affecting land situated between 50m and 250m away from the ponds.

In recognition and as compensation for this loss, the scheme proposes an *increase* of both the *extent and quality* of the '*immediate*' habitat that is situated between 0m and 50m radius of Ponds 2 and 12.

This is pertinent because research published by English Nature (now Natural England) indicates that GCNs are most likely to be found within the first 50m of their breeding pond, provided the terrestrial habitat structure and composition is suitable for use.

Site-specific appraisal for the application site shows that currently the amount of *'immediate'* terrestrial habitat available to GCNs within the red-line boundary is very limited.

It is therefore accepted that where the proposal can increase the *extent and quality* of *'immediate'* habitat, this reasonably compensates for the proposed loss in the extent of intermediate habitat.

Clearly the habitat must be able to support an equivalent or greater population size of GCN to that which has been recorded during the survey work.

- 2) Habitat connectivity is another key requirement of mitigation schemes and the proposed layout provides widened strips of land that are outside of residential curtilages that will serve as connective dispersal corridors along the southern and eastern sides of the application site.
- 3) Appropriate management and protection of GCN mitigation land must be secure in perpetuity and it is important that the area of *'immediate'* habitat and the associated dispersal corridors can all be specifically be managed in a way that keeps the habitats optimal for GCNs. Additionally, potential recreational pressures will need to be mitigated and public access will need to be controlled.

Such practicalities are achievable through the imposition of conditions and the provisions of a Section 106 planning obligation. Precise details of layout and the locations of paths and fences etc. have not been specified at this stage as they are matters reserved for subsequent approval.

It is accepted however that the illustrative masterplan demonstrates that the proposal allows for provision of the necessary habitats in the appropriate places. At the outline planning stage, specifications and legal agreements as to how to structure and manage the habitats will focus on meeting the requirements of EPS licensing, i.e. ensuring that the habitats are going to be maintained in such condition that they support the favourable conservation status of the GCN population.

Natural England' standing advice indicates that if the proposed mitigation does not ensure no net of loss of habitats in terms of quantity and quality then further or more appropriate mitigation/compensation should be provided.

With respect to great crested newts the applicant's appointed ecologist has confirmed that the method statement produced is suitable to form the basis of a Natural England (NE) licence and is a format that they have used successfully and without any problems throughout the region on both large and small-scale planning applications. The ecologist considers that it provides the LPA with the required amount of information to allow them to safely discharge their obligations in respect of the Regulations. As detailed above, the mitigation measures demonstrate how the species will be managed during the development, shows the level of mitigation applied, and shows that the proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

In summary, whilst it is recognised that further details will be provided at the reserved matters stage in the future, it is considered that all of the information submitted

adequately demonstrates how protected species will continue to be protected and the population maintained as part of the development. As such, subject to conditions the proposals are considered to be acceptable in respect of Policy EP4 of the Adopted Chorley Borough Local Plan Review, Policy BNE11 of the emerging Local Plan and guidance contained within the Framework.

**The following conditions are recommended:**

No.	Condition												
1.	The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission. <i>Reason: To define the permission and in the interests of the proper development of the site.</i>												
2.	An application for approval of the reserved matters (namely appearance, layout, scale and landscaping of the site) for the residential dwellings and community / scout building, hereafter called the reserved matters, must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved. <i>Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>												
3.	The outline planning permission hereby approved relates to the erection of up to 56 residential units and a community / scout building. The application for reserved matters shall not exceed 56 residential units. <i>Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.</i>												
4.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="347 1346 1433 1487"> <thead> <tr> <th data-bbox="347 1346 724 1384">Title</th> <th data-bbox="724 1346 1161 1384">Drawing Reference</th> <th data-bbox="1161 1346 1433 1384">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="347 1384 724 1422">Site Location Plan</td> <td data-bbox="724 1384 1161 1422">GL/M_LP01</td> <td data-bbox="1161 1384 1433 1422">15 January 2014</td> </tr> <tr> <td data-bbox="347 1422 724 1460">Illustrative masterplan</td> <td data-bbox="724 1422 1161 1460">W1-0006-13-05D</td> <td data-bbox="1161 1422 1433 1460">13 June 2014</td> </tr> <tr> <td data-bbox="347 1460 724 1487">Proposed floor plans</td> <td data-bbox="724 1460 1161 1487">NW16_Mawddesley</td> <td data-bbox="1161 1460 1433 1487">15 January 2014</td> </tr> </tbody> </table> <p><i>Reason: To define the permission and in the interests of the proper development of the site.</i></p>	Title	Drawing Reference	Received date	Site Location Plan	GL/M_LP01	15 January 2014	Illustrative masterplan	W1-0006-13-05D	13 June 2014	Proposed floor plans	NW16_Mawddesley	15 January 2014
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5.	The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details. <i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i>												
6.	Before the development hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved												

	<p>details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
7.	<p>Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
8.	<p>Prior to the commencement of development, full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved materials.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
9.	<p>The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (Ref: BLH02_FRA, Rev 3.1; dated March 2014) and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. Limiting the surface water run-off generated by the annual critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site; by limiting surface water runoff to 26.6l/s for this event, and by limiting surface water runoff for the 1 in 100 year plus climate change event to 79.7l/s.</li> <li>2. Provision of compensatory flood storage to attenuate a volume of 1121.5 m3.</li> </ol> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><i>Reason: 1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and;</i>  <i>2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.</i></p>
10.	<p>Notwithstanding the details shown on the submitted plans, the private driveway/hardsurfacing areas to the front of the all the dwellinghouses shall be constructed using pervious paving subject to suitable ground conditions. Where ground conditions are not suitable for infiltration then underdrained pervious paving shall be utilised. Full details shall be submitted with each reserved matters application.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding.</i></p>
11.	<p>No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1</p>

	<p>in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.  <i>Reason: To prevent the increased risk of flooding, both on and off site.</i></p>
<p>12.</p>	<p>No development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.  <i>Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.</i></p>
<p>13.</p>	<p>No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <ol style="list-style-type: none"> <li>1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> <li>• all previous uses</li> <li>• potential contaminants associated with those uses</li> <li>• a conceptual model of the site indicating sources, pathways and receptors</li> <li>• potentially unacceptable risks arising from contamination at the site.</li> </ul> </li> <li>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</li> <li>3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li> </ol> <p>Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.  <i>Reason: To ensure the development does not pose a risk of pollution to controlled waters.</i></p>
<p>14.</p>	<p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and</p>

	<p>arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p><i>Reason: To ensure the development does not pose a risk of pollution to controlled waters.</i></p>
15.	<p>The development shall not be carried out other than in complete accordance with all the recommendations for ecological mitigation contained within section 4 of the Ecological Survey and Assessment submitted with this application, prepared by Ribble Ecology dated 28 November 2013 (ref:RB-13-38) and updated by letter dated 13 June 2014, unless any variation to this is otherwise first agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To provide long-term protection to natural habitats.</i></p>
16.	<p>If any plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) occur on the site, such as Himalayan balsam, Japanese knotweed, rhododendron and giant hogweed, then they shall be eradicated from the site and working methods shall be adopted to prevent their Spread in accordance with Environment Agency guidance and codes of practice.</p> <p><i>Reason: to ensure the eradication and control of any invasive species which are found on the site.</i></p>
17.	<p>Prior to the commencement of the development full details to measures to reduce dust and particulate matter resulting from the construction works shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall detail the mitigation measures to be employed at the site during the construction activities. The development thereafter shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority</p> <p><i>Reason: To reduce the amount of dust and particulate matter created as a part of the development of the site, in order to minimise the air quality impacts and to provide adequate mitigation measures to reduce dust production.</i></p>
18.	<p>All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
19.	<p>Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
20.	<p>No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level, has been issued by a Code for Sustainable Homes Assessor and submitted to the Local Planning Authority.</p> <p><i>Reason: In the interests of minimising the environmental impact of the development.</i></p>

<p>21.</p>	<p>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 unless otherwise agreed in writing by the Local Planning Authority. <i>Reason: In the interests of minimising the environmental impact of the development.</i></p>
<p>22.</p>	<p>Any application for approval of reserved matters pursuant to Condition 2 (above) shall include the submission for approval of a detailed arboricultural impact assessment and Tree Constraints Plan. The information shall include:</p> <ul style="list-style-type: none"> <li>• an individual tree assessment of all trees with a canopy of more than 750mm in diameter which gives full details of all existing trees</li> <li>• Detail those trees which are proposed to be.</li> <li>• The measures which will be implemented in order to secure their protection during the course of the development and retention thereafter.</li> </ul> <p>No development in any phase or sub-phase shall commence until the approved tree protection measures have been put in place and the development of the relevant Phase or Sub-Phase shall thereafter proceed in full accordance with the approved Tree Constraints Plan, unless otherwise agreed in writing by the Local Planning Authority. <i>Reason: To safeguard the trees to be retained and directly related to the visual impact assessment which has been undertaken when assessing the impacts of the development hereby approved.</i></p>
<p>23.</p>	<p>Prior to the commencement development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>• the parking of vehicles of site operatives and visitors</li> <li>• loading and unloading of plant and materials</li> <li>• storage of plant and materials used in constructing the development</li> <li>• the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate</li> <li>• wheel washing facilities</li> <li>• a scheme for recycling/disposing of waste resulting from demolition and construction works</li> </ul> <p><i>Reason: In the interests of highway safety and to protect the amenities of the nearby residents.</i></p>
<p>24.</p>	<p>Prior to the occupation of the first dwelling all the highway works shall be constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p>

	<i>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i>
25.	No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvements have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. <i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i>
26.	No part of the development hereby approved shall commence until a scheme for the construction of a controlled barrier on the boundary of the residential site and the remaining section of the Goodyear Business Park to prevent vehicular use of the New Street access by residents of the proposed development and reserve its use for only vehicles to the remaining section of the Goodyear Business Park, as a pedestrian/cyclist link between the site and New Street and for emergency purposes has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. <i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i>
27.	No part of the development hereby approved shall be occupied or opened for trading until the approved schemes referred to in Condition 2 have been constructed and completed in accordance with the scheme details. <i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i>
28.	Prior to the commencement development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established. <i>Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.</i>
29.	Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details. <i>Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.</i>
30.	The construction works and deliveries associated with the development hereby permitted shall not take place except between the hours of:

	<ul style="list-style-type: none"> <li>• 0800 hrs to 1800 hrs Monday to Friday</li> <li>• 0800 hrs to 1300 hrs on Saturdays.</li> </ul> <p>No construction activities shall take place on Sundays or Bank Holidays. These construction hours shall be adhered to during the development of the whole site unless otherwise agreed in writing by the Local Planning Authority.  <i>Reason: To safeguard the amenities of local resident/ businesses and to protect nearby noise sensitive buildings.</i></p>
<p>31.</p>	<p>Within 12 months of the date of this planning approval a Habitat Management Plan for the wildlife area indicated on the approved illustrative masterplan shall be submitted to and approved in writing by the local Planning Authority. As well as nature conservation management methods, the management plan shall address measures to control and off-set potential long-term impacts on habitats, including impacts that may result from recreational pressure, measures to protect, manage and maintain habitats for the benefit of biodiversity (including protected and priority species known/ likely to be present such as bats, birds, amphibians, badgers); mitigation for recreational/ operational impacts; detailed management objectives and prescriptions; timescales for implementation; measures of success; and proposals for monitoring, reporting and review. The management plan shall also include a monitoring scheme and periodic review of management prescriptions. The Management Plan shall cover a period of 25 years following the completion of the remediation and reclamation works. The Management Plan thereafter shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  <i>Reason: To ensure the satisfactory management, maintenance and retention of habitats.</i></p>
<p>32.</p>	<p>Prior to the commencement of the development details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate avoidance of light pollution of wildlife habitat, including retained and replacement bat roosts, bat foraging and commuting habitat. The lighting scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers. The approved mitigation measures shall be implemented in full and maintained in perpetuity.  <i>Reason: In the interests of ensuring the bat roosts are not adversely impacted upon through any proposed lighting.</i></p>
<p>33.</p>	<p>Prior to the commencement of the development an updated and fully detailed mitigation method statement for great crested newts and their habitat shall be submitted to and approved in writing by the Local Planning Authority . The approved mitigation measures shall be implemented in full (subject to any changes required by Natural England) and maintained in perpetuity.  <i>Reason: In the interests of maintaining the populations of Great Crested Newts at the site and to ensure their continued protection.</i></p>
<p>34.</p>	<p>Prior to the commencement of development to be carried out between 1st March and 31st August in any year, a detailed survey shall be carried out by an ecologist to check for nesting birds within the area relating to that phase of the proposed works. Where nests are found in any building, hedgerow, tree or other habitat to be removed or disturbed, a minimum 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the</p>

	Local Planning Authority. <i>Reason: To ensure that the development does not impact on nesting birds.</i>
35.	All planting, seeding or turfing comprised in the approved details of landscaping pursuant condition 2 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development within the relevant Phase or Sub-Phase, whichever is the earlier , and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.. <i>Reason: In the interest of the appearance of the locality.</i>
36.	The retail showroom hereby approved shall not operate outside the following hours: 09:00 to 17:00 – Monday to Saturday 10:00 to 17:00 – Sundays and Bank Holidays <i>Reason: To safeguard the amenities of the occupiers of nearby residential accommodation.</i>

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**ITEM 3e-14/00512/FULMAJ – Unit 7 And 9, Revolution Park, Buckshaw Avenue**

**The recommendation remains as per the original report**

The following consultee responses have been received:

**Lancashire County Council** have made the following comments:

On the original approval 47no lorry parking spaces are clearly indicated by the applicant in front of the single distribution unit and 142 car parking spaces are indicated. This adds up to 189no parking spaces.

If 189no parking spaces were approved for the single unit of 17,086m<sup>2</sup> GFA, then, the Highway Engineer cannot justify accepting a lower parking level of 143no spaces for the current proposal (the two units) with an increased total GFA of 17,680m<sup>2</sup>.

In response the agent for the application has confirmed that *the number of car parking spaces now proposed is 143 against 142 approved as part of the previous scheme. The difference between the two schemes is that the current proposal does not include any designated and formally marked out lorry parking spaces hence total parking (lorry and car) being reduced from 189 spaces to 143 spaces.*

*There is no policy requirement to provide lorry parking as part of B2/B8 proposals. The scale of development proposed and the operational characteristics of these DCs will mean that designated on site lorry parking (separate to the service bays) is not required. The absence of lorry parking would therefore not justify refusal of the planning application.*

*The proposed development will provide 17,418 sq m of floorspace (please reference to submission plan reference 5593/031). Car parking is therefore provided at a ratio of 1 space per 122 sq m. This represents a negligible like-for-like reduction in car*

*parking compared to the previous scheme which provided spaces at a ratio of 1 per 120 sq m. The level of car parking is therefore acceptable.*

In the case of these units it is considered that lorries will park at the service bays whilst goods are unloaded/ loaded and then move off the site as such the parking provision is acceptable.

The Highway Engineer has also commented that this section of Buckshaw Avenue is subject to 40mph (64kph) i.e. above 60kph. Paragraph 10.1.13 of Manual for Street 2 (Table 10.1) states that for speeds above 60kph the Absolute Minimum SSD values of 2 seconds @ 0.375g should be used. Based on these values therefore the required visibility distance to be 85m and for the proposal to be acceptable, an absolute minimum distance of 85m (from the centre of the approved access to the centre of the proposed), will be required.

In response the agent for the application has confirmed that the applicant’s transport consultant is liaising with LCC regarding their position and they remain hopeful of securing their agreement that the separation distance between the two site access points is acceptable before DC Committee. However, in the event that we do not achieve this, they have confirmed that they would be agreeable to a condition which stipulates that, notwithstanding the approved plans, details of the proposed access points off Buckshaw Avenue are to be approved before development commences.

It may be that the access point can be provided in the form shown on the submitted plans if, based on evidence (such as a traffic speed survey) which demonstrates that a 54m separation distance is in fact acceptable in this location without speed reduction measures, LCC are satisfied.

As this is an adopted highway and any new access point onto this road will be subject to a legal agreement with LCC this is considered to be an acceptable way forward.

**The following conditions have been added in respect of the above comments:**  
Notwithstanding the submitted plans prior to the commencement of the development full details of the new vehicular access point onto Buckshaw Avenue shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

*Reason: In the interests of highway safety and to ensure that a suitable distance is maintained between the proposed and existing vehicular access point*

**ITEM 3f-14/00560/FULMAJ – Formerly Burrows (Grass Machinery) Limited  
Wigan Road, Clayton-Le-Woods**

**The recommendation remains as per the original report**

**The following conditions have been added:**

**Suggested Conditions**

No.	Condition
1.	The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

	Reason: To define the permission and in the interests of the proper development of the site.
2.	The proposed development must be begun not later than 24 April 2016 from the date of this permission. Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004 and reflects the extant period that exists without the development being subject to CIL liability.
3.	Surface water run-off from the site shall be restricted to 31 L/S. Reason: In order that the proposed development does not contribute to an increased risk of flooding.
4.	Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details. Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding
5.	The integral/attached and detached garages hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995. Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.
6.	The development shall only be carried out in full accordance with the approved Ground Investigation Report and Remediation Validation Report (received 24th January 2013). Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with the National Planning Policy Framework.
7.	Due to the site history and in accordance with previously submitted REFA ground investigation report for this site, no development shall commence until remediation proposals to render the site capable of development have been submitted to the Local Planning Authority, and the Authority has given written approval to any remediation proposals, which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.  Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with the National Planning Policy Framework.
8.	Before the development hereby permitted is first commenced, full details of the position, height and appearance of fences, railings, walls and gates to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) of the two landscaped frontage areas on Wigan Road shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied or land used pursuant to this permission before all walls

	<p>and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p>Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in order to retain habitat connectivity for Species of Principal Importance, such as amphibians and hedgehogs.</p>
9.	<p>The development shall be implemented in accordance with the approved details of the colour, form and texture of all external facing materials to the proposed building(s) as detailed on 0003 RevB.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
10.	<p>Before the properties hereby permitted are first occupied, the driveways shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.</p> <p>Reason: To ensure adequate on site provision of car parking and manoeuvring areas.</p>
11.	<p>All dwellings are required to be constructed to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
12.	<p>Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
13.	<p>No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of minimising the environmental impact of the development.</p>
14.	<p>The proposed access from the site to Wigan Road shall be constructed to a (minimum) width of 5.50m. Raddi shall be 10m.</p> <p>Reason: To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.</p>
15.	<p>The existing access to the site shall be physically and permanently closed and the verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).</p> <p>Reason: To limit the number of access points to, and to maintain the proper construction of the highway.</p>
16.	<p>The dwellings shall not be commenced until all the off-site highway works have been constructed in accordance with the approved plans.</p> <p>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</p>
17.	<p>The development hereby permitted shall be carried out in full accordance with the Recommendations detailed in section 5 of the Ecological Appraisal (ERAP May 2014) submitted with this application.</p> <p>Reason: In order to avoid impacts on amphibians (which have been recorded in the area and may be on the site) and to enhance the pond habitat.</p>
18.	<p>Prior to the commencement of above ground development, full details of the Management Company to deal with the future management of the site and a management plan detailing the continued management/maintenance of: (1) the pond (positioned to the north-east of the application site); (2) the 2no. orchard areas to the front of plots 1 and 14 (respectively) and; (3) the gated access to the site shall be submitted to and approved in writing by the local planning authority.</p>

	<p>The details shall include:</p> <ul style="list-style-type: none"> <li>• Details of who will maintain the land;</li> <li>• Details of how the land will be maintained and kept (including grass, foliage, trees and litter);</li> <li>• Details of the regularity of maintenance;</li> <li>• Details access arrangements for emergency vehicles and refuse collection;</li> <li>• Contact details should issues of maintenance/access arise;</li> </ul> <p>The site shall therefore be maintained / managed in accordance with the approved details thereafter.</p> <p>Reason: To ensure continued maintenance of the land, to protect the appearance of the locality and to allow safe access/egress to the site. In the interests of the amenities of the local residents.</p>																				
19.	<p>During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.</p> <p>Reason: To safeguard the trees to be retained at the site.</p>																				
20.	<p>The development hereby permitted shall only be carried out in accordance with the approved landscaping details on the plan titled 'General Arrangements'; Drawing number: 4821_01; received: 18 July 2014. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons prior to the occupation of any dwellings or the completion of the development, whichever is the sooner, and any trees or plants, including the existing retained trees and plants detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.</p> <p>Reason: In the interest of the appearance of the locality.</p>																				
21.	<p>No development shall commence until the proposed ground and building slab levels have been submitted to and approved by the Local Planning Authority and thereafter the development shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>																				
22.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="368 1659 1353 2000"> <thead> <tr> <th data-bbox="368 1659 639 1742">Title</th> <th data-bbox="639 1659 898 1742">Drawing Reference</th> <th data-bbox="898 1659 1118 1742">Revision</th> <th data-bbox="1118 1659 1353 1742">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="368 1742 639 1827">Double/double garage</td> <td data-bbox="639 1742 898 1827">14-028 G06</td> <td data-bbox="898 1742 1118 1827"></td> <td data-bbox="1118 1742 1353 1827">19/05/2014</td> </tr> <tr> <td data-bbox="368 1827 639 1877">House Types</td> <td data-bbox="639 1827 898 1877">14-028</td> <td data-bbox="898 1827 1118 1877"></td> <td data-bbox="1118 1827 1353 1877">19/05/2014</td> </tr> <tr> <td data-bbox="368 1877 639 1962">Standard fencing details</td> <td data-bbox="639 1877 898 1962"></td> <td data-bbox="898 1877 1118 1962"></td> <td data-bbox="1118 1877 1353 1962">19/05/2014</td> </tr> <tr> <td data-bbox="368 1962 639 2000">Single garage</td> <td data-bbox="639 1962 898 2000">14-028 G03</td> <td data-bbox="898 1962 1118 2000"></td> <td data-bbox="1118 1962 1353 2000">19/05/2014</td> </tr> </tbody> </table>	Title	Drawing Reference	Revision	Received date	Double/double garage	14-028 G06		19/05/2014	House Types	14-028		19/05/2014	Standard fencing details			19/05/2014	Single garage	14-028 G03		19/05/2014
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Single garage	14-028 G03		19/05/2014																		

Planning Layout	14-028 0003	C	18/07/2014
Location plan	SLP01	-	19/05/2014
Materials Plan	14-028 0003	B	18/07/2014
Topographical land survey	S13/217	-	19/05/2014
Landscaping Plan	4821_01	-	18/07/2014
<i>Reason: For the avoidance of doubt and in the interests of proper planning</i>			

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**ITEM 3g- 14/00563/REMAJ – Land Bounded By Town Lane (To The North) And, Lucas Lane (To The East), Town Lane, Whittle-Le-Woods**

The recommendation remains as per the original report.

The original report has been amended as follows:

The third line of the Executive Summary of the report should refer to ‘the northeast corner of the site’ rather than the northwest.

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**ITEM 3j 14/00541/REM – Land North Of Lancaster Lane and Bounded By Wigan Road and Shady Lane, Lancaster Lane, Clayton-Le-Woods**

**The recommendation remains as per the original report**

**Condition no. 3 is amended to include the submitted landscaping plan and hardsurfacing plan.**

The approved plans are:

Plan reference number: Title: Date received:

111213 1250 Location Plan 13 May 2014

4225-DSL-01 Rev D Detail Site Layout 13 May 2014

4225-PPL-7 Rev B Phasing Plan 13 May 2014

4255-ML-05 Rev D Materials Layout 13 May 2014

409.02 Rev C Landscaping proposals Sheet 1 of 5 13 May 2014

CLW/ENG026 Rev A Highway Materials Layout 13 May 2014

4255-LDL-06 Rev B Land Disposal Layout 13 May 2014

4225-WML-02 Rev B Waste Management Layout 13 May 2014

4225 WML-10 Rev B Code for Sustainable Homes 13 May 2014

4255-BDL-04 Rev C Boundary Details Layout 13 May 2014

E4H141 (plans) The Canterbury 13 May 2014

E4H141 (elevations) The Canterbury 13 May 2014

E4H113-2 The Shrewsbury 13 May 2014

WE4H151-3 The Harrogate 13 May 2014

*Reason: To define the permission and in the interests of the proper development of the site.*

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