

3 September 2014

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - WEDNESDAY, 3RD  
SEPTEMBER 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>
8	<b><u>Addendum</u> (Pages 3 - 22)</b>

Yours sincerely



Gary Hall  
Chief Executive

Cathryn Filbin  
Democratic and Member Services Officer  
E-mail: [cathryn.filbin@chorley.gov.uk](mailto: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](http://chorley.gov.uk)

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COMMITTEE REPORT		
REPORT OF	MEETING	DATE
Director Public Protection, Streetscene & Community	Development Control Committee	3 September 2014

<b>ADDENDUM</b>
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**ITEM 3a-14/00641/FULMAJ – Charnock Richard Golf Club, Preston Road, Charnock Richard**

**The recommendation remains as per the original report. It is considered that a favourable conservation status of protected species can be maintained at this site subject to several conditions, as set out below, in accordance with the derogation test.**

**LCC Ecology** have made the following comments:

These proposals would result in impacts upon biodiversity including European Protected Species (great crested newt and nesting birds) and their habitat bird species and potentially hedgehog), Habitats of Principal Importance (ponds, hedgerows) and aged and/or veteran trees.

The application does not adequately demonstrate that the requirements of the policies, guidelines and legislation potential amendments to the design demonstrate that there will be no net loss of ecological interest, that beneficial biodiversity will be delivered and that habitat connectivity will be enhanced.

The development proposals need to demonstrate that the development would be located and designed in a way that would avoid ecological impacts and that mitigation/compensation measures were sufficient to fully off-set all unavoidable ecological impacts and deliver enhanced quantity and quality of biodiversity and habitat. It should also be demonstrated that habitat connectivity would be maintained and enhanced.

The proposal would result in a loss and potential degradation of Habitats of Principal Importance and habitats which support protected species and Species of Principal Importance. Such features of biodiversity value should be retained (and adequately protected) within the design of the development. Chorley Borough Council will need to be satisfied that the impacts on such habitats and associated species are unavoidable and that the need for, and benefits of, the development in that location clearly outweigh the impacts on such habitats and that appropriate mitigation and/or compensation is provided to offset the loss. It needs to be ensured that the proposed works include habitat re-establishment, enhancement and long-term management to benefit these habitats and species.

*In response the applicant's appointed Ecologist has confirmed that the development will result in the loss of the following habitats, please note that these are approximations:*

- *Amenity grassland – Approx 14ha*
- *Plantation – Approx 3.2ha*

- *Scrub – negligible losses*
- *Hedgerow – Approx 265m*
- *Scattered trees - Approx 20*
- *Swamp – 0.011ha*
- *Standing water - 4 ponds lost & 3 pond linked to drainage (Pond 7 is to be retained)*
- *Introduced shrub – negligible losses*

In order to demonstrate no net loss of ecological interest and delivery of beneficial biodiversity, the habitats to be lost, damaged, re-established, enhanced and brought into management need to be quantified and areas mapped.

*In response the applicant's appointed Ecologist has confirmed that the development will result in the enhancement of the mitigation/compensation area to the north, enhancement of the eastern and southern boundary and the site including internal landscaping. Please note that these areas are approximations:*

- *Amenity grassland (in the site) – Approx 13.42ha*
- *Native woodland planting & Trees (south/east/north) – Approx 2.81ha*
- *Semi-improved grassland – Approx 3.4ha (Aims to be a MG1 but diverse in sward on land to the north)*
- *Species Rich Grassland and Scrub within the site– Approx 3.07ha*
- *Hedgerow – 498m*
- *Marshy grassland – Approx 0.38ha*
- *Standing water – 7 new ponds and 7 new scrapes/ephemeral pools*
- *Hibernacula - 32*
- *Refuges - 34*

Works causing harm to a European protected species or its habitat would result in a breach of The Conservation of Habitats and Species Regulations 2010, unless a Natural England licence is issued prior to commencement of works. If such impacts are unavoidable, then Chorley Borough Council should not grant planning consent if there is any reason to believe that such a licence would not be issued. Chorley Borough Council therefore needs to have regard for the licensing tests. In summary, these are that:

1. The development is required for the purpose of
  - preserving public health or public safety,
  - for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
  - for preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.

### **Bats (European Protected Species)**

A number of trees were identified as having bat roost potential. Surveys were undertaken on the trees thought to be affected to facilitate development (T100, T121, T137, T141, T146). If any other trees are to be affected by facilitate development which have been identified as having bat roost potential, then further bat survey would be required prior to determination.

*In response the applicant's appointed Ecologist has confirmed that no other trees that contain bat roost potential, other than (T100, T121, T137, T141 or T146) shall be affected by the proposals.*

A single Common Pipistrelle was identified emerging from tree T100. This tree is of importance, and could potentially meet the Biological Heritage Site (BHS) site selection guidelines. As a bat roost is present, the bat report has confirmed that a licence from Natural England will be required.

The report confirms that this tree is to be removed on health and safety grounds and therefore it is not clear if this tree is to be removed to facilitate development. If the tree is to be removed to facilitate development, then Chorley Borough Council would need to consider the three tests (see above).

*The applicant's appointed Ecologist has confirmed that tree 100 needs to be removed on health and safety grounds and not to facilitate the development.*

The development proposal includes broad outline mitigation proposals for likely impacts on bats and their habitat. In the LCC Ecologist's opinion the mitigation proposals may be adequate to form the basis of a mitigation method statement to address the third test (above) in a licence application.

However prior to determination, it would need to be ensured that the replacement bat boxes are located appropriately. It would also need to be ensured that the bat boxes and connecting bat habitat would not be artificially illuminated. This can be addressed by condition.

The trees with bat roost potential should be retained within the design of the development. However if the loss is unavoidable, the ecology report has recommended that a best practice approach is undertaken through soft felling under the supervision of a licensed bat ecologist and that the works should be undertaken during September/October or April. This is appropriate and could be addressed by planning condition.

As there will be a potential loss of bat roosting opportunities, the report has recommended replacement bat roosting opportunities are provided within the application area (para 5.15 of the bat report). This would be appropriate and in line with the NPPF and could be addressed by planning condition.

Building B was identified as having negligible potential to support roosting bats and no evidence of roosting bats was identified using building A during the bat emergence surveys. The LCC Ecologist has no reason to dispute these findings.

However given that there may be some time between the survey undertaken and the proposed works and given that bats were recorded in the area, it is possible that they could start to roost between the survey undertaken and the proposed works. The Ecologist has therefore recommended that if the works have not been undertaken within 2 – 3 years of the survey date that a pre-works check should be undertaken immediately prior to works to ensure that the situation relating to bats remains the same.

Commuting and foraging activity was identified at the site which was concentrated around the pond, tree lines and hedgerows. The bat report acknowledges that the development will result in a loss of bat foraging habitat within the development. However referring to the ecology report, it would appear that there would be sufficient replacement foraging habitat for bats.

The LCC Ecologist has however recommended that a larger area of replacement woodland is provided and that the boundaries of the site are strengthened through additional planting.

*The applicant's appointed Ecologist has confirmed that a larger area of woodland shall be replaced within the northern mitigation area and the eastern and southern boundaries shall be strengthened with woodland/tree lined planting.*

The proposal includes the floodlighting of some of the pitches. Natural England's standing advice indicates that the use of lighting may affect bats, particularly if it is directed towards their entrance/exit points from roosts since it is likely to delay their exit from the roost, thereby reducing the time available for feeding. The flood lighting however will be restricted to avoid the core bat activity periods.

*The applicant's appointed Ecologist has confirmed that flood lighting shall not affect foraging or commuting bats and a planning condition is expected here.*

External lighting would need to be avoided near replacement roosts and the retained trees with bat roost potential. Wherever it is used the lamp column height should be kept to a minimum to avoid unnecessary spillage.

If there is any proposed external illumination on trees with bat roost potential (including trees with low bat roost potential) further bat survey may be required prior to determination of the application.

*The applicant's appointed Ecologist has confirmed that external lighting will be avoided near replacement roosts and retained trees with bat roost potential. External lighting within the site shall be minimised and of low level, following the Bat Conservation Trust (BCT) best practice outdoor lighting advice in their Landscape and urban design for bats and biodiversity, August 2012.*

### **Great Crested Newts (European Protected Species)**

A great crested newt survey has been undertaken where a medium population of great crested newt has been identified. The report has acknowledged that a Natural England mitigation licence will be required as the proposal will impact on great crested newt breeding and terrestrial habitat.

Two great crested newt ponds shall be affected (pond 1 shall be lost and pond 8 shall be retained but linked to the drainage system which may change the suitability of the pond to support great crested newt) and the proposal would result in a loss of suitable terrestrial habitat (e.g. rough grassland, hedgerow, pile of debris, scattered trees and scrub).

*The applicant's appointed Ecologist has confirmed that only two ponds are affected:*

- *Pond 1 – a single Great Crested Newt male was found during the survey and breeding was not confirmed this, not a confirmed breeding pond and shall be lost to development.*
- *Pond 8 – a suspected breeding pond will be retained, but mitigation has been designed as if this pond was lost to development and it shall be cleared of Great Crested Newts, as part of the mitigation.*

Whilst the proposal includes broad outline mitigation proposals, the LCC Ecologist considered that the following will need to be addressed, prior to the determination of this permission:

- Ponds be retained within the design of the development and that sufficient terrestrial habitat is provided around the ponds.
- Further details of the proposed mitigation
- Assurances that there is adequate habitat connectivity across the site (and between ponds) / sufficient terrestrial habitat to ensure that the population can be maintained at a favourable conservation status.

It does not appear that habitat connectivity has been adequately addressed both for great crested newts and other species (e.g. common toad, water vole). For example, the amphibian report (para 4.18 and 4.19) states that habitats around the site shall be enhanced to improved connectivity around the site by gap planting of hedgerows, creation of areas of rank grassland and the creation of refuge piles within hedgerows and that habitats within the site shall be managed wherever possible to enhance the site for amphibians in areas where there are no football pitches. However the illustrative plan indicates that the land surrounding the pitches would consist of training areas.

*The applicant's appointed Ecologist has confirmed that replacement ponds have been proposed to take into account the loss of pond 1 and although pond 8 is retained, the former scheme isolated it and the preferred conservation option was to relocate amphibians to the northern mitigation area, but retain the pond. Connectivity within the site has been enhanced. It is still the preferred option to relocate the newts/amphibians from pond 8 to the northern mitigation area.*

The only potential habitat connectivity appears to be the eastern boundary, however it appears that a path would be located along this boundary and no details have been provided on the width of this area nor has it been demonstrated that this would be sufficient. The assessment should also take into account potential operational impacts.

*The applicant's appointed ecologist has confirmed that internal landscaping has been redesigned which includes areas of terrestrial habitat around pond 8, which also increases connectivity around the site. This is detailed on the amended landscaping plans.*

Natural England's standing advice states that impacts on great crested newt can include fragmentation and isolation. Such impacts can be caused when development imposes barriers to newt dispersal. Isolation of great crested newts can result in population number declines and a decrease in genetic viability. Therefore the mitigation strategy should include measures to maintain habitat linkages.

The site would result in a high number of sports pitches located across the site. Natural England's standing advice acknowledges that habitat modification (e.g. changing rough grassland used by newts as terrestrial habitat into amenity grassland) could have a negative impact on the population. Therefore the mitigation strategy should ensure that there is no net loss in quantity and quality of habitat.

The great crested newt report states that pond 18 would be retained but would form part of the drainage system and therefore it is not known whether there would any adverse effects on the pond. It is not clear whether this is a typing error and is meant to refer pond 13. The LCC Ecologist has requested clarification on this matter as it may be that there are implications with regards to the proposed mitigation plan.

*The applicant's appointed Ecologist has confirmed that Pond 18 should be Pond 13, this was a typo error.*

The LCC Ecologist considers that in order to demonstrate that sufficient enhancement of the mitigation area, it would be appropriate that the mitigation area is amended to provide a greater area of marshy grassland, diverse grassland and woodland habitat. Details of additional habitat (retained, created and/or enhanced) across the development site should also be provided such as proposed hibernacula/refuges.

*In response the applicant's appointed Ecologist has confirmed that the mitigation area has been amended to include a greater area of marshy grassland, the creation of a diverse as possible grassland (By over sowing and plug planting) and an extended area of woodland planting. Further details across the development site has also been provided.*

Given potential recreational pressures (e.g. the introduction of fish, increased people and dogs etc), it will need to be ensured that the newt mitigation area does not form part of the public open space. One of the replacement ponds would be located along the footpath. The pond should be relocated or alternatively additional habitat provided within the mitigation area.

*In response the applicant's appointed Ecologist has confirmed that to take into account recreation pressures of the pond located adjacent to the public footpath, an additional pond is proposed within the mitigation area.*

Having considered the information submitted in the context of Natural England's standing advice and guidance, the LCC Ecologist considers that sufficient information has not been submitted to adequately address the third test.

### **Water voles**

Evidence of water vole has been established at pond 8 (latrines, burrows and feeding remains, runs and footprints) and the southern end of ditch T35 (one burrow). The report has confirmed that a small section of pond 8 (working area up to 6m, outfall approx. 2m) will be affected where ditch T24 meets the pond for the creation of a small outfall. Therefore there are implications with regards to water vole and mitigation will be required.

*The applicant's appointed Ecologist has confirmed that pond 8 is being retained and the works only affect a small area of this waterbody. If the inlet can be moved or extended away from the burrow at the southern end of T35, then it shall be to avoid impacts to existing burrows. If it cannot then the proposed mitigation shall be implemented, for which the Environment Agency has not raised any issues upon the mitigation.*

Impacts on water vole should first be avoided by amending the design of the development. If impacts cannot be avoided on water vole, then sufficient mitigation/compensation proposals would need to be provided.

Whilst broad mitigation proposals have been provided, the Ecologist has number of concerns, for example:

Pond 8 which supports water vole (great crested newt and common toad) has been identified as a Habitat of Principal Importance. The LCC Ecologist does not consider it appropriate that this pond should form part of the drainage system (or any of the



existing ponds) as this could result in potential ecological impacts such as increased pollution and potential changes in hydrology.

*The applicant's appointed Ecologist has confirmed that Pond 8 is already part of the site drainage system from areas of amenity grassland. The hydrological system has been designed to ensure that there are no changes in water levels and reedbed planting could also be implemented to address any increases in pollution.*

*The adjoining ditch to the north has been designed to minimise impacts and the shortest length of culvert has been selected. There will be a loss of a small section of drainage ditch, but replacement ditches shall be created within the northern mitigation zone which are greater in length and shall be of a better design for water vole. The northern mitigation zone has been designed to connect and improve habitats suitable for water vole.*

*The culvert shall be of a design that allows for a natural bed to form within the culverted section and shall be of sufficient height to allow water voles to pass through the culvert at all times.*

The proposal would include the removal of pond 7. Whilst no evidence of water vole was found in pond 7, it is possible that this pond could be used by water vole or that enhancements could be made to this pond, to make it more suitable and could provide alternative habitat in the case of flooding/pollution events etc. The Ecologist considers that this pond should therefore be retained within the design of the development.

*The applicant's appointed ecologist has confirmed that pond 7 shall be retained fully if possible, but if not it shall be retained in part.*

The proposed plan indicates that a section of this ditch would form a pipe under the pitch. The LCC Ecologist appreciates that there is currently a potential culvert along the drain however has raised concerns that no details have been provided on the length of the proposed pipe and whether this could create a potential barrier for water voles.

Where such a development takes place within a large and robust population with a relatively large amount of habitat the fragmentation effects would be expected to be low. However should the works be affecting a small and isolated colony, and the amount of habitat lost to development is relatively large in comparison to the amount of habitat available, the impact of fragmentation would be expected to be high. Given the potential loss of the adjacent pond and potential impacts associated with the pond forming part of the drainage scheme, the LCC Ecologist recommends that the culvert is avoided. If it can be demonstrated that the culvert cannot be avoided, then the applicant should demonstrate it would not form a significant barrier to water voles.

The illustrative plan indicates that the proposed pitch would be in close proximity to the ditch and pond. The LCC Ecologist has requested that the applicant demonstrate that the pond and ditches would have an appropriate semi-natural buffer strip to protect them from detrimental impacts. This should also include details of the proposed management of the buffers. The applicant would need to demonstrate that the ponds and drains (and associated species such as water vole) would be adequately protected both during the construction and operational phase of the development.

*The applicant's appointed Ecologist has confirmed that a semi-natural buffer strip shall be protected and buffer up to 5m from the top of the bank, where ever possible. This buffer shall be protected during the development by fencing and subject to suitable management long-term.*

*The exact duration of works is not known at this time, but all works shall follow best practice measures and be undertaken at a suitable time of year, following current guidance.*

Outline mitigation proposals are provided and the Environment Agency (the lead partner for water vole conservation in England) has not raised any issues in relation to this and therefore this advice can be relied upon. Given the small population present and the potential fragility of this population, it would appropriate that the mitigation is designed to avoid any existing burrows and that the works are designed so that the section of the pond with the least amount of water vole activity is affected. It would need to be ensured that during the mitigation scheme that sufficient habitat is retained to sustain the water voles. Any potential residual impacts should also be taken into account of the assessment and mitigation proposals.

Whilst no evidence was found at the other ponds and ditches, the ecology report acknowledges that there is potential for water vole. As recommended in the report, it would be appropriate that a pre-development survey is undertaken of the waterbodies to ensure the continued absence of water vole. If evidence of water vole is found at that time, further mitigation proposals should be submitted to the LPA. This could be addressed by planning condition.

*The applicant's appointed Ecologist has confirmed that a pre-development water vole survey shall be undertaken.*

### **Reptiles**

The ecology report acknowledges that areas of the site contain some potential habitat to support grass snake. Whilst the potential risk is relatively low, all native British reptiles are afforded legal protection against killing and injuring under the Wildlife and Countryside Act 1981 (as amended). Therefore the ecology report has acknowledged the need to for reasonable avoidance measures to avoid the potential killing and injuring of reptiles. Outline measures have been provided in the submitted phase I habitat report.

The detail and implementation of such measures could be addressed by planning condition. It would need to be ensured that if any reptiles were found that a sufficient receptor site was present prior to works. In this case, it appears that there would sufficient habitat within the mitigation area.

### **Badgers**

A badger survey has been undertaken where no signs of badger were recorded. The LCC Ecologist has no reason to dispute these findings. Given that the ecology report acknowledges that the site is suitable to support badger, it is possible that they may move into the area between the date of the survey undertaken and the proposed works. It would therefore be appropriate that a precautionary pre-works check for badgers is undertaken immediately prior to works to confirm the continued absence of badgers. If badgers are found at that time, proposals for mitigation will need to be approved and works may need to be carried out under licence. This could be dealt with by an appropriately worded planning condition.

**Breeding Birds**

As acknowledged in the ecology report, habitats on the site (e.g. trees, scrub, hedgerows, young woodland, ditches, existing buildings), have the potential to support nesting birds. Any loss of nesting habitat should be adequately compensated for through both replacement planting and replacement nesting opportunities (e.g. bird boxes and bird nesting opportunities within the fabric of the building if possible). It appears that there would be sufficient space within the application boundary combined with the mitigation area and that the detail could be dealt with by planning condition.

However, the extended phase I survey also acknowledges that Skylark, Lapwing, Reed Bunting, Linnets, Yellowhammer, Song Thrush and Grey Partridge may potentially use the site. The LCC Ecologist has requested clarification as to whether further assessment has been undertaken to inform the need for mitigation/compensation (particularly in relation to ground nesting birds, including Species of Principal Importance).

The ecology report acknowledges that swallows were observed nesting in building B and that this building is to be retained and that entry to the building by swallows shall also be retained.

If Chorley Borough Council is minded to approve the above application, it needs to be ensured that detrimental impacts on breeding birds are avoided. This could be addressed by planning condition.

*The applicant's appointed Ecologist has confirmed that the surveys were undertaken when breeding birds were present on site. Skylark, Lapwing, Linnets, Yellowhammer, Song Thrush and Grey Partridge were not observed whilst undertaking any of the ecological surveys at the site. It can be confirmed that the site is currently of negligible value for ground nesting birds. Reed bunting was observed on site but the creation of new ponds and scrapes will provide a net gain in habitat for this species.*

**Ponds**

The proposal will result in a total loss of 5 ponds (ponds 1, 5, 7, 17 and 37). In addition, ponds 8, 18 and 21 are proposed to be retained but linked to the drainage system and it is acknowledged in the ecology report it is unknown if there will be any adverse effects as a result.

A number of these ponds have been identified as Habitats of Principal Importance. In line with the mitigation hierarchy the ponds should be retained within the design of the development. In addition, any existing pond, particularly the Habitats of Principal Importance should not form part of the drainage system, given that this could result in adverse impacts on the ponds and associated species.

The LCC Ecologist has noted that adult Four-spotted chasers were identified at pond 7. This pond may therefore meet the Biological Heritage Sites guidelines for dragonflies (OD4). This pond should be retained and an adequate semi-natural habitat buffer should be retained around the pond.

*The applicant's appointed Ecologist has confirmed that an adult Four spotted chaser was identified in Pond 7, this could have commuted from outside the site, as no larvae to confirm breeding was found during the invertebrate surveys. Pond 7 shall be retained fully if possible, but if not it shall be retained in part. The newly created habitats should provide suitable habitat for this species, once established.*

*Several seasonal ponds/scrapes shall be created within the marsh grassland areas and adjacent to the new ponds to increase the proximity of habitat diversity. These are not shown on the landscape plan, but shall be located in suitable positions to increase niche habitats.*

However, if it can be demonstrated that impacts could not be avoided, mitigation and compensation would be required to offset the loss. The report recommends that pond losses shall be compensated for by providing a minimum of a replacement new pond for any pond that is lost and that in addition to this, several seasonal ponds/scrapes shall be created to offset the potential effects upon ponds 18 and 21. Whilst the LCC Ecologist considers that this is appropriate, it appears that only 6 ponds have been marked on the mitigation plan and one of these appears to be open to the public. The Ecologist has stated that it is not clear where the additional ponds and scrapes are to be located. Given the need to offset the loss of terrestrial habitat for amphibians, the LCC Ecologist has recommended that this is provided prior to determination of the application to ensure that it could be achieved.

Referring to the illustrative plan, it appears that pond 32 would become potentially isolated where a proposed road surrounds the site and several of the ponds would become potentially isolated. For example, pond 2 and 3 (both support great crested newts) appear to have a limited semi-natural habitat buffer. Whilst it is not clear what width the proposed buffer is, it does not appear that it would be sufficient quantity of connecting terrestrial habitat to support the pond and to protect it effectively from potential impacts eg any addition of fertilisers. It is also not clear that the ponds could be adequately protected during the construction and operational phase. It appears that there is an opportunity to provide additional amphibian habitat surrounding the ponds eg species rich grassland.

*The applicant's appointed Ecologist has confirmed that the road around Pond 32 shall be sensitively designed to avoid creating a barrier to wildlife. i.e. if kerbs are required then drop kerbs shall be used in conjunction with gully pots being off-set.*

*Land to the south of the site shall be enhanced to create green corridor for amphibians and other wildlife, to ensure connectivity between ponds 2 and 3 and the wider survey area.*

*All ecological features to be retained shall be protected during development by fencing to ensure that there are no adverse effects from the development. The site contains suitable drainage system that divert pitch runoff into the drainage system and not into ponds that are currently not linked into the sites drainage system.*

*Habitats around Great Crested Newt ponds shall be subject to enhancement and suitable management.*

*Natural Regeneration of ponds is usually preferred but, plants can be translocated from ponds that are lost to the newt ponds, as long as invasive species are absent.*

A number of plants were identified in the ponds, and there may be an opportunity to translocate some of the plants, where appropriate (depending on the presence of invasive species).

### **Hedgerows**

The proposed development would result in the loss of two species rich hedgerows which have been identified as a Habitat of Principal Importance. These hedgerows are tall and dense (up to 8m in height and 3m wide). The report has recommended

that all hedgerows should be replaced on a minimum like for like basis using native species and that there are opportunities to provide additional enhancement of the boundaries on site.

Given the tall and dense nature of these hedgerows, the LCC Ecologist has recommended that they should be replaced on a 2 for 1 basis.

*The applicant's appointed Ecologist has confirmed that hedgerows shall be replaced on a minimum of a 2 for 1 basis.*

### **Species of Principal Importance**

Species of Principal Importance have been recorded at the site or have potential to be present such as common toad, hedgehog and a range of bird species. It will need to be ensured that impacts on these species and their habitat are avoided or adequately mitigated or replacement habitat is provided for such species.

In order to retain habitat connectivity for protected species and Species of Principal Importance, such as hedgehogs and common toad, boundary treatments should not be flush to the ground, or suitably sized gaps should be left at strategic points.

*The applicant's appointed Ecologist has confirmed that the mitigation area and mitigation clearance measures have been designed to protect and conserve amphibians at the site. The majority of the ponds are large in size, as per Natural England guidelines for pond. In addition to this the new pond shall be designed specifically for common toad, with a deeper water depth minimum of 2m deep.*

### **Common Toad (Species of Principal Importance)**

Common toad, have been recorded in a number of the ponds surveyed. As acknowledged in the ecology report, the surveys have not been specifically undertaken for common toad and therefore the records are incidental of the great crested newt surveys.

It is therefore not known whether there is a significant population of toads in the area, whether breeding ponds are to be affected and whether key migration corridors are to be affected. However given that common toad were present in a number of ponds, it would suggest (in the absence of further information) that there is a metapopulation of toads in the area and therefore the proposal could potentially have a significant impact on this population.

In the absence of further information it is not known if the proposed mitigation would be sufficient for common toad (including timing of works/trapping programme). The LCC Ecologist considers that further information should be submitted to demonstrate that significant impacts on the common toad population could be avoided or adequately mitigated/compensated for.

*The applicant's appointed Ecologist has confirmed that the mitigation for great crested newt at this site is considered appropriate for common toad also, with the incorporation for a specifically designed pond.*

### **AGED AND VETERAN TREES**

A number of mature trees are present on site with features characteristic of veteran trees e.g. decay, deadwood, rot holes etc. The NPPF emphasizes the importance of aged or 'veteran' trees for biodiversity, and recommends that their loss is avoided. Trees which, because of their great age, size, or condition are of exceptional value for wildlife would be classed as aged or veteran trees.

It would there be appropriate (and in accordance with the requirements of policy) for the development to be designed to retain the existing features of biodiversity value (including mature trees).

It would need to be ensured that the retained trees are adequately protected during the construction and operational phase of the development.

If the loss can be demonstrated as unavoidable, Chorley Borough Council should be satisfied that adequate and appropriate replacement tree planting will be delivered to compensate for the impacts of the development.

*The applicant's appointed Ecologist has confirmed that the semi-mature trees located within the site cannot be retained due to localised pitch ground level changes. Boundary trees are being retained and protected, where ever possible. The enhancement works includes the planting of native woodland and trees which should replace tree losses within the site. Planting shall be native and of local provenance.*

### **INVASIVE & INJURIOUS WEEDS**

Himalayan Balsam (*Impatiens glandulifera*) and Canadian pondweed (*Elodea Canadensis*), both species listed in Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) have been identified on site and a potential Cotoneaster species which may also be listed (species hasn't been fully identified). The applicant has a legal duty in respect of all species listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) and must therefore adopt appropriate working methods to prevent the spread of any such species.

### **LIGHTING**

Planning decisions should limit the impact of pollution from artificial light on nature conservation (NPPF Para 125). Chorley Borough Council should be satisfied that there would be no artificial illumination of features with wildlife value (for example, ditches, ponds, trees, newt mitigation reserve, replacement planting).

### ***Case Officers response:***

Following the Supreme Court ruling (*Morge vs Hampshire County Council – Supreme Court ruling Jan 2011*) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

Natural England have not been consulted on the proposals as the need for Natural England licences in respect of this site has been established and Natural England typically do not comment on the likelihood of a licence being issued until full planning permission is granted. The ecologist at LCC has however commented in her professional opinion in respect of the likelihood of the licence being granted as set out above.

Following the high court decision (*R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009*) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

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

This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive

The Ecologist at LCC has not had an opportunity to comment on the response made by the applicant's appointed consultant however it is considered that the response demonstrates that all of the ecological impacts of the development can be addressed by the following conditions:

29. The development hereby approved shall be carried out in accordance with the mitigation measures contained within the Protected Species Survey Report (Bats) (dated July 2014). Prior to the commencement of the development full details of the bat roosts/ boxes shall be submitted to and approved in writing by the Local planning Authority. The approved bat boxes shall be installed prior to felling of any trees with bat roost potential. The bat boxes shall be maintained in perpetuity thereafter.

*Reason: in the interests of maintaining bats at the site.*

30. Any trees which are felled which have been identified as having bat roost potential (T100, T121, T137, T141 or T146) shall be undertaken through soft felling under the supervision of a licensed bat ecologist. The works shall be undertaken during September/October or April.

*Reason: in the interests of ensuring that bat roosts are not adversely affected by the proposed development.*

31. The mitigation proposals/ landscape proposals in respect of the ecological implications of the development shall be implemented in accordance with the timescale dictated by Natural England or prior to the commencement of the use hereby approved (whichever is the earlier) in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure that the identified ecological mitigation is provided on both the application site and the adjacent land within the applicant's control*

32. The development hereby approved shall be carried out in accordance with mitigation identified within the Protected Species Survey & Mitigation Report Water Vole (dated July 2014). Replacement ditches shall be created within the northern mitigation zone and the mitigation zone shall provide habitat connections and improve habitats suitable for water vole. The culvert on site shall allow for a natural bed to form within the culverted section of a sufficient height to allow water voles to pass through the culvert at all times.

*Reason: In the interests of maintaining a favourable status of water voles at the site.*

33. Prior to the commencement of the use of the site hereby approved full detail of the works to pond 7 shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be undertaken in accordance with the approved details.

*Reason: Pond 7 could be used by water vole and enhancements could be made to this pond, to make it more suitable to provide alternative habitat in the case of flooding/pollution events etc. Retention of all/ part of this pond would assist in maintaining water voles at this site.*

34. Any ponds and ditches close to the pitches hereby approved shall be separated from the approved pitches by a semi-natural buffer strip, 5m in width from the top of the bank. Prior to the commencement of the use of the site suitable long term management arrangements for these buffer areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed in accordance with the approved details.

*Reason: to ensure that ponds and drains (and associated species such as water vole) are adequately protected as part of the use of the site hereby approved .*

35. Immediately prior to the commencement of the development a pre-development survey for water voles shall be undertaken of the water bodies. If evidence of water vole is found at that time works on site shall cease and further mitigation proposals shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To avoid any impact on water voles*

36. In accordance with the submitted Extended Phase 1 Habitat Survey Report (dated January 2014) the identified avoidance measures shall be employed to avoid the potential killing and injuring of reptiles. If any reptiles are found on site a sufficient receptor site shall be provided within the mitigation area prior to the commencement of the development.

*Reason: To avoid any adverse impacts on reptiles*

37. Immediately prior to the commencement of the development a precautionary pre-works check for badgers shall be undertaken. If evidence of badgers are found at that time works on site shall cease and further mitigation proposals shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

*Reason: To avoid any impact on badgers*

38. Prior to the commencement of the development full details of the bird boxes and bird nesting opportunities shall be submitted to and approved in writing by the Local planning Authority. The approved bird boxes and bird nesting opportunities shall be installed as part of the construction of the buildings/ extension and in any event shall be in situ prior to the commencement of the use of the site hereby approved. The bird boxes and bird nesting opportunities shall be maintained in perpetuity thereafter.

*Reason: in the interests of maintaining breeding birds at the site.*

39. The development hereby approved shall be carried out in accordance with the mitigation measures contained within the Amphibian Survey Report dated (May 2014- Amended 15th July 2014). The Great Crested Newt mitigation area shall be maintained free from future development/threats and prior to the commencement of the development full details of the management, maintenance and monitoring of these areas shall be submitted to and approved in writing by the Local Planning Authority. The mitigation areas shall be managed and monitored in accordance with the approved details thereafter.

*Reason: in the interests of maintaining a favourable conservation status of Great Crested Newts at the site.*

The development has beneficial consequences of primary importance of the environment by utilising a former unused golf course for another outdoor sport use which is considered to be appropriate within the Green Belt. It is understood that the golf course went into administration and no alternative use of this established sport facility has been identified.



The Ecologist at LCC has not confirmed whether the third test of the derogation tests has been met or whether the suggested conditions are appropriate although she has confirmed that European Protected Species are present (bats and great crested newts) and licences from Natural England will be required. Therefore sufficient information would have need to have been submitted for the LPA to address the three tests, prior to determination of the application. Where mitigation/compensation measures are required these should be secured through the planning process via conditions or obligations.

It is considered that all of the issues can be addressed by condition as set out above and it is important to note that a number of the works proposed will be subject to the licencing arrangements by Natural England. As such it is considered that a favourable conservation status of the protected species will be maintained in accordance with the derogation tests.

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

- Visual impact
- Loss of privacy
- Loss of trees and ponds
- Noise and traffic pollution
- Flooding risk
- Loss of ability to maintain neighbouring property due to location of the fence
- The adjacent property is Barkers Farm not Barkers Bungalow

**Condition 2 has been amended as follows:**

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

Title	Drawing Reference	Received date
Former Golf club House INTERNAL REFURBISHMENT AND EXTENSION, PROPOSED ELEVATIONS	AE-20-01-001 Rev P2	10th June 2014
PROPOSED INDOOR PITCH AND JUNIOR ACADEMY INDICATIVE ELEVATIONS	AE-20-02-001 Rev P3	10th June 2014
EXISTING OS SITE PLAN	AL-01-002-Rev P3	18th July 2014
PROPOSED SITE MASTERPLAN	AL-01-003-Rev P3	18th July 2014
PROPOSED SITE PLAN INDICATIVE COLOUR RENDERED VERSION	AL-01-006-Rev P2	10th June 2014
PROPOSED SITE PLAN COLOUR RENDERED ENLARGED DETAIL SCALE	AL-01-007-Rev P2	10th June 2014
EXISTING TOPOGRAPHIC SURVEY AREA 1	AL-01-011- Rev P2	10th June 2014
EXISTING TOPOGRAPHIC SURVEY AREA 2	AL-01-012- Rev P2	10th June 2014
EXISTING TOPGRAPHIC SURVEY AREA 3	AL-01-013- Rev P3	18th July 2014
EXISTING TOPOGRAPHIC SURVEY AREA 4	AL-01-014- Rev P3	18th July 2014
FORMER GOLF CLUB BUILDINGS AND CAR PARK EXISTING SITE	AL-01-020- Rev P2	10th June 2014

PLAN		
FORMER GOLF CLUB HOUSE AND STORAGE BARN. EXISTING BUILDING PLANS AND ELEVATIONS	AL-01-030- Rev P2	10th June 2014
EXISTING GOLF CLUB HOUSE Proposed Extension & Internal Refurbishment, Floor and Roof Plans	AL-20-01-001- Rev P2	10th June 2014
PROPOSED INDOOR PITCH AND JUNIOR ACADEMY, FLOOR PLANS	AL-20-02-001- Rev P2	10th June 2014
PROPOSED INDOOR PITCH AND JUNIOR ACADEMY, ROOF PLAN	AL-20-02-002- Rev P2	10th June 2014
TOPOGRAPHICAL SURVEY WITH PROPOSED NEW FOOTBALL PITCHES	AL-20-02-003- Rev P3	18th July 2014
FORMER GOLF CLUB AREA EXTENSION AND ALTERATIONS, EXTERNAL WORKS PLAN	AL-90-01-001- Rev P2	10th June 2014
PROPOSED INDOOR PITCH AND JUNIOR ACADEMY	AL-90-02-001- Rev P2	10th June 2014
GOLF CLUB HOUSE REFURBISHMENT AND SENIOR ACADEMY- FIRST TEAM, SECTIONS	AS-20-01-001- Rev P2	11th June 2014
PROPOSED INDOOR PITCH AND JUNIOR ACADEMY, INDICATIVE CROSS SECTIONS	AS-20-02-001- Rev P2	11th June 2014
TOPOGRAPHICAL SURVEY OVERALL PLAN	AL-01-010- Rev P3	18th July 2014
DEMOUNTABLE SEATED SPECTATOR COVERS INDICATIVE DETAILS	AL-20-03-001- Rev P3	10th June 2014
LANDSCAPE PROPOSALS MITIGATION ZONE (SOFTWORKS LAYOUT)	03 Rev B	3rd September 2014
LANDSCAPE PROPOSALS (SOFTWORKS LAYOUT)	01 Rev D	3rd September 2014
Proposed SW Strategy	213-237 D01	10th June 2014
Planting Philosophy	02	10th June 2014
Proposed Tree Removal- Site Plan	MPT036.03.14	27th August 2014

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

**Condition 23** has been amended as follows:

Notwithstanding the submitted details prior to the commencement of the development full details of the lighting for the access roads, car parks and external walls of the buildings/ extension shall be submitted to and approved in writing by the Local planning Authority. The details shall include the proximity of the lighting to replacement bat roosts and retained trees with bat roost potential. Lighting shall follow the Bat Conservation Trust (BCT) best practice outdoor lighting advice in their Landscape and urban design for bats and biodiversity, August 2012. The development thereafter shall be carried out in accordance with the approved details.

*Reason: in the interest of providing suitable levels of lighting for the future users whilst taking into account the rural location, character of the area and potential impact of lighting on bats. To reduce the proliferation of lighting columns at the site which would adversely impact on the character of this rural area. A mixture of columns and low level bollard lighting would provide an adequate level of lighting whilst reducing light pollution. Also taking into account the security needs of the site and the associated CCTV motion activated building lights would reduce light pollution.*

**Condition 24** has been amended to be prior to use rather than prior to commencement as follows:

Prior to the commencement of the use of the facilities hereby approved an Interim Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed coach parking. For the first 12 months of operation the parking situation at the site shall be monitored and a Parking Management Plan shall be produced based upon actual experiences at the site. Within 12 months of the facilities being opened the Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented thereafter and reviewed where necessary in consultation with the Local Planning Authority.

*Reason: Based upon the parking provision at the site and in order for a plan to be developed which truly reflects the situation at the site. To identify the need for appropriate surfacing to meet Green Belt protection measures, to achieve sustainable drainage needs and to provide sufficiently convenient facilities so as to reduce the desire to park on the A49 or other local roads*

**Condition 25** has been amended as follows:

Notwithstanding the submitted details prior to the commencement of the development full details of the tree protection measures and pond/ditch protection measures shall be submitted to and approved in writing by the Local Planning Authority. During the construction period, trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards. The development thereafter shall be carried out in accordance with the approved measures.

*Reason: the submitted information includes details of tree protection measures however in the absence of comments from the Council's Tree Officer it is considered necessary to agree a schedule of tree protection on site with the Tree Officer prior to the commencement of the works in order to safeguard the trees to be retained. Also in the interests of ensuring that ponds and drains (and associated species such as water vole) are adequately protected during the construction phase of the development.*

**The following condition has been added:**

The facilities hereby approved shall only be accessed by parents/ guardians/ family members of the Academy members and employees/ players associated with Wigan Athletic Football Club when in use by the football club. No paying spectators/ members of the public will be able to access the facilities to watch matches/ training sessions.

*Reason: Based upon the information forwarded in support of the application which forms the basis of the assessment of the proposals and in the interests of noise and highway safety restricting movements to the predicted vehicular movements and in accordance with Club's Code of Conduct in respect of spectators at the facility and associated noise generation.*

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**ITEM 3c-14/00635/REMMAJ – Group 1 (Parcel H2), Euxton Lane, Euxton**

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

As detailed in the report the parking levels on the proposed layout were not in accordance with the Council's standards as set out in Policy ST4 of the emerging Local Plan 2012-2026. Amended plans have now been received increasing the number of off-road parking spaces for the properties on the site. All the properties now comply with the Council's parking standards that require two spaces for two or three bed properties and three spaces for properties with four or more bedrooms. On some plots a double garage is counted as one space and therefore a condition is proposed below requiring these garage to be kept free for parking.

The boundary treatments to the site have also been provided. As per the Design Code the site boundaries are left open where they are not necessary, such as where properties front on to the woodland. In limited areas where it is unavoidable for rear or side boundaries to bound with the woodland a hedge is proposed incorporating a stockproof fence. This will ensure that a secure boundary is created that is appropriate to the relationship of the site with the woodland.

**As a result of the above the conditions listed below have been amended or added:**

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

Plan Ref.	Received On:	Title:
CC/HHT01	9 <sup>th</sup> June 2014	The Hilliard House Type
CC/HGHT	9 <sup>th</sup> June 2014	The Hogarth
CC/LHT	9 <sup>th</sup> June 2014	The Lewis House Type
CC/DHT	9 <sup>th</sup> June 2014	The Danby House Type
CC/BGHT	9 <sup>th</sup> June 2014	The Burgess House Type
CC/CVHT	9 <sup>th</sup> June 2014	The Calvert House Type
CC/BHT	9 <sup>th</sup> June 2014	The Burton House Type
CC/HAHT	9 <sup>th</sup> June 2014	The Harley
PL/CONS-01	9 <sup>th</sup> June 2014	Typical Optional Conservatory
CC-BT-03	9 <sup>th</sup> June 2014	1800mm Brick Wall
CC-BT-02	9 <sup>th</sup> June 2014	1800mm Timber Screen Fence
CC-SGD/1 Rev A	9 <sup>th</sup> June 2014	Garage Details
JB/PL01/CC/G1-H2	29 <sup>th</sup> August 2014	Planning Layout

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

The integral or detached garages hereby approved on plots 1, 3, 11, 12, 19, 29, 37, 45, 51, 58 and 61 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.

*Reason: These plots rely on their double garages to meet the Council's parking standards, to ensure adequate off street parking provision is made/maintained and thereby avoid hazards and nuisance caused by on-street parking.*

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**ITEM 3g - 14/00480/FUL – Whittle-le-Woods Village Hall, Union Street, Whittle-Le-Woods**

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

1 further letter of objection has been received setting out the following issues:

- The Village Hall has bought the waste land to the rear of the building and is to put a car park on there soon. This will alleviate the problem of parking at the Hall. This planning is now not in the least bit necessary
- There has been several local objections with, as far as I can see on this website, NO-ONE expressing support for it.
- You will be reducing the local children's facilities and if the Village Hall is not paying for it you will be using so called scarce Council money for a car park which will be used by local residents and not Village Hall users. (They won't park on Union St as they do now for fear of cars backing out from these spaces and the real danger of their cars being damaged.)
- There seems to be a new gate for the children on the park with the exit directly on to the busy Chorley Old Road. Asking for trouble!!!!

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### **ITEM 3h-14/00783/FUL – Astley Park, Chorley**

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

*One letter of objection, originally submitted regarding concern for the potential impact on trees, has now been withdrawn.*

The following consultee responses have been received:

**Lancashire Gardens Trust** have stated that they have no objections to the proposed development.

**Lancashire County Council Archaeology** has commented that they have no objections to the proposed development.

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