

11 August 2015

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 11TH AUGUST 2015

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

Agenda No Item

6 **Addendum (Pages 3 - 22)**

Report of the Director of Public Protection, Streetscene and Community (enclosed).

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 and Community	Development Control Committee	11 August 2015

<p>ADDENDUM – UPDATED</p> <p>THE UPDATED INFORMATION IS IN RED TYPE</p>

ITEM 3a- 15/00375/FULMAJ - Market Walk Extension, Union Street, Chorley

This item has been removed from the agenda

ITEM 3b – 15/00141/FUL – Woods Fold Saw Mill, Dole Lane, Abbey Village

The recommendation remains as per the original report.

The following condition has been added:

9. The development hereby permitted shall not commence unless and until the applicant has first submitted to and received written approval from the local planning authority for a scheme for the control of emissions from the building in order to comply with the Waste Incineration Directive (WID).

Reason: To safeguard the health of residents and visitors to the area and to comply with the Waste Incineration Directive produced by the Department for the Environment, Food and Rural Affairs (DEFRA) 2011.

The following condition has been amended:

5. The development hereby permitted is only for the use of timber drying and for the conversion of untreated timber waste material (produced only at the Woods Fold site) into biomass fuel and for no use within use class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment.

Reason: A change of use of the premises would have an unacceptable impact on neighbour amenity and the character and appearance of the area.

Four further letters of objection have been received. These cite the same grounds for objection as the previously recorded respondents, namely:

- Harm to amenity caused by additional traffic, noise, pollution.
- Inappropriate development in the Green Belt
- Harm to the appearance and character of the area

One correspondent raised specific concerns about the emission of 'volatile compounds' from the proposed timber drying process. Particular concern was expressed for the impact of emissions upon the health of children attending Abbey Village primary school. Following an exchange of emails and the supply by the agent of further information relating specifically to this issue and that of emissions from the biomass boiler

itself, condition number 9 has been added and condition 5 amended as shown above. This correspondent has now pronounced himself happy that these have satisfactorily addressed his concerns.

The Council's Environmental Health officers retain their original stance that the proposal poses no threat to the health of residents or visitors to the area.

A second correspondent has queried the information supplied as to the number of current vehicle movements from the site. The agent has confirmed the number of vehicle movements as being between 20 and 25 per week currently. Recent fluctuations to this pattern are the result of annual holidays and stocktaking procedures. The correspondent has acknowledged the supply of this additional confirmation.

The agent has supplied on 10 August 2015 a 'Technical Letter' produced by an industry expert, Dr Andy Pitman of BM TRADA, High Wycombe. These technical consultants were asked to review and investigate emissions from drying timber at both normal and enhanced temperatures. The conclusion arrived at by the report is that, "These emissions are at a level that do not present a risk to those involved in wood drying and work adjacent to kilns."

Questions continue to be raised by residents as to the actual number of 38 tonne vehicles leaving the site with waste material. Whilst the agent continues to maintain that 25 such vehicles per week leave the site each week currently, albeit only carrying approximately 7 tonnes of waste timber and sawdust - the density of the waste chippings and sawdust is such that this amount of material could reasonably be expected to fill these wagons – there is no documented evidence provided to prove this.

ITEM 3c – 15/00482/FULMAJ – Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens, Myles Standish Way

The recommendation remains as per the original report

Greater Manchester Ecology Unit has provided the following comments:

It would appear that some harm has been caused to the woodland strip at the eastern edge of the (current) application site by previous ground clearance works.

Assuming that compensation for losses and/or mitigation has not been previously agreed as part of the wider scheme I would support the proposals in the most recent ecology survey to seek compensation for this loss and /or mitigation for future harm to ground flora, as follows -

"the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site should be translocated to an appropriate location as agreed with the LPA. This would include removing all the plants, bulbs, the top soil and subsoil to a suitable location following an approved Method Statement. The area of habitat to be translocated will be identified and marked out by a suitably qualified ecologist prior to translocation".

Translocation of the woodland groundflora aims to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures.

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 has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.

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. It is not considered that the proposals will impact on protected species and the ecological impact identified above can be addressed by condition.

2 further representations have been received setting out the following issues:

- Unfortunately the resident will be away on holiday on the day of Committee
- Rowland Homes haven't listened to the concerns raised.
- The meeting should be deferred so Rowland Homes could have a re-look at the plans and consult the neighbours.
- There are 7 properties on Duxbury Gardens that are being affected and at least 5 have raised objections.
- Will be thoroughly disappointed if these plans go forward as they are after the original consultations

The original report has been amended as follows:

Para 31 set out that the originally submitted plans detailed 0.9m high fences to delineate rear gardens. However the plans have now been amended to include 1.8m high fences which will ensure that private rear gardens are provided.

Paragraphs 66-70 of the original Committee report set out the CIL liability for the site. In this regard the agent for the application has raised the point that the floorspace calculations relating to the approved scheme for the site (13/00178/FULMAJ) is below that which was approved. The discrepancy in this respect appears to come in relation to house types E, F and J. The floorspace in respect of these house types does not appear to include the integral garages associated with them. As such, allowing for the integral garages, the following differences are identified:

House Type	Council Calculation	Rowland Calculation
Type E	94.4	113.5
Type F	103.7	122.7
Type J	117.1	135.8

The agent considers that the difference in CIL liable floorspace between the extant approval and the application proposal is 191.23sqm which equates to a CIL contribution requirement of £12,429.95 and has provided schedules of the floor areas proposed in this regard.

Taking into account the comments received paragraphs 68-70 of the original report are amended as follows:

The previous approval on this site (13/00178/FULMAJ) incorporated the following floor space:

House type/ garage	Size (m ²)	Number	Total floor space
Type A	67.9	13	882.7
Type B	80.4	8	643.2
Type C	87.5	8	700
Type D	80.7	6	484.2
Type E	113.5	1	113.5
Type F	122.7	12	1472.4
Type G	119.7	2	239.4
Type H	116.8	5	584
Type Hs	116.8	3	350.4
Type J	135.8	3	407.4
Type K	131.3	9	1181.7
Single Garage	18	12	216
Double Garage	36	5	180
Total		70	7454.9

In respect of the proposed scheme the following floorspace is proposed:

House type/ garage	Size (m ²)	Number	Total floor space
Type A2	70.62	13	918.06
Type A3	84.84	8	678.72
Type BU	74.24	4	296.96
Type E	77.96	4	311.84
Type C	88.46	6	530.76
Type BOW	117.82	8	942.56
Type R	128.97	7	902.79
Type BR	117.17	3	351.51
Type BEL	146.81	4	587.24
Type REY	131.39	2	262.78
Type M	156.20	1	156.20
Type M (attached garage)	186.12	2	372.24
Type H	142.91	3	428.73
Type B	116.06	4	464.24
Type B	115.13	1	115.13
Single Garage	18	17	306
Double Garage	35.10	3	105.3
Total		70	7731.06

The proposed development incorporates 276.16m² of additional floorspace and as such the CIL liability associated with this development equates to £17,950.40 although if the affordable housing exemption is applied this may be reduced to take into account additional floorspace in respect of the affordable units. (There is 70.88m² of additional affordable housing floorspace which could reduce the CIL levy by £4,607.2).

Given the above and to reflect the amendments to the layout set out within the original Committee report the following conditions have been amended/ added:

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

Title	Plot	Drawing Reference	Received date
Location Plan		R074/1000 Rev B	11 th August 2015
A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18 th May 2015

A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19 th May 2015
A3-3 Block Plans	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19 th May 2015
A3-3 Block Elevations	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19 th May 2015
Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18 th May 2015
Reynold Elevations	1, 10	HT130/P/111 Rev A	18 th May 2015
Hatton House Type	6, 58, 62	HT139/P/111 Rev C	18 th May 2015
Belgrave House Type	13, 36, 37, 38	HT146/P/115	18 th May 2015
Bonington Floor Plans (with bay)	11, 35, 54, 55	HT147/P/110-11 Rev I	18 th May 2015
Bonington Elevations (with bay)	11, 35, 54, 55	HT147/P/112-11 Rev A	18 th May 2015
Bonington Floor Plans (without bay)	17	HT147/P/113	18 th May 2015
Bonington Elevations (without bay)	17	HT147/P/202-38	18 th May 2015
Charleston House Type	7, 12, 33, 34, 35, 60, 63	HT166/P/111 Rev A	18 th May 2015
Brantwood House Type	4, 14, 68	HT167/P/100	18 th May 2015
Materials Schedule Plan		R074/3 Rev A	5 th August 2015
Detached Double Garage	1, 10, 36, 70,	P/DG/1	18 th May 2015
Single Detached Garage	4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 54, 55, 60, 67, 68	P/SG/1	18 th May 2015
Tree Protection drawing		P.532.15.02 Rev A	7 th August 2015
Proposed Site Levels (western)		J3432.EX02 Rev B	18 th May 2015
Proposed Site Levels (eastern)		J3432.EX03 Rev A	18 th May 2015
1.8M High close board timber fence		SD.1 Rev A	18 th May 2015
1.8m high screen wall		S.O.46	18 th May 2015
Planning layout		R074/1 Rev B	5 th August 2015
Bowes House Type	2, 5, 9, 49, 50, 56, 57, 61,	HT104/P/111 Rev B	18 th May 2015
Burlington House Type	46, 47, 64, 65	HT105/P/111 Rev C	18 th May 2015
Marlborough floor plans	51, 59, 70	HT107/P/110	18 th May 2015
Marlborough Elevations	51, 59, 70	HT107/P/112 Rev A	18 th May 2015
Marlborough floor plans	70	HT107/P/210	18 th May 2015
Marlborough Elevations	70	HT107/P/212 Rev A	18 th May 2015
Bonington Elevations (without bay)			18 th May 2015
Elmbridge House Type	8, 16, 66, 67	HT148/P/111	18 th May 2015
Renishaw house type	3, 15, 39, 48, 52, 53, 69,	HT149/P/202 Rev A	18 th May 2015
A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18 th May 2015
A2- 3 Elevations	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-2	18 th May 2015
A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18 th May 2015
Planting Plan		P.532.15.01 Rev B	7 th August 2015
Planting Schedules		P.532.15.01 Rev B	7 th August 2015
Proposed Site Sections		J3432 EX13	21 st July 2015
Fencing Layout		RO74/2 Rev A	5 th August 2015
900 high post & rail fence detail		SD.21	18 th May 2015

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

5) No development shall take place until a Construction Method Statement has been 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:

- the parking of vehicles of site operatives and visitors
- hours of operation (including deliveries) during construction
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: in the interests of highway safety and to protect the amenities of the nearby residents

6) 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 2015.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.

20) No dwelling shall be occupied until all fences and walls shown in the approved 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.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

27) Prior to the commencement of the development a Method Statement detailing the translocation of the remaining ancient woodland groundflora and associated woodland soils beneath the trees at the eastern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. The translocation shall include removing all the plants, bulbs, the top soil and subsoil and the submitted Method Statement shall include full details of the proposed timescale for relocation. Following approval of the Method Statement the area of habitat to be translocated shall be clearly identified and marked out by a suitably qualified ecologist prior to translocation.

Reason: to preserve the remaining biodiversity of the site in a situation where it will be protected from further developmental pressures and to mitigate from future harm

ITEM 3d – 15/00503/FUL – Euxton Park Golf Centre

This application has been withdrawn.

ITEM 3e – 15/00517/FUL – Unit 1, 60A Westhoughton Road Adlington

The beginning of the report on the agenda states the application is recommended for refusal. This is incorrect, the application is recommended for approval subject to conditions as per the conclusion at paragraph 19.

The following conditions and notes are proposed:

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Drawing Reference	Received date
15/00517/FUL Location	N/A	24 th July 2015

Plan		
Proposed Plan	N/A	27 th May 2015

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

3. The car parking provision shown on the approved location plan shall be retained at all times for use by the swim school hereby approved.

Reason: To ensure the provision of adequate car parking on site and in the interest of highway safety.

Please Note: Swimming pool contents must be allowed to de-chlorinate by standing for at least two days prior to being discharged.

The swimming pool water may be discharged to foul sewer with permission from United Utilities.

In the absence of a foul sewer there are three options for the disposal of swimming pool drain down/ back wash water:

- 1) If the chemical content of the backwash water is reduced to zero, it could be discharged at an appropriate rate through a sewage treatment plant; or
- 2) If the chemical content of the backwash water is reduced to zero, it could be used to irrigate a suitable piece of land; or
- 3) The backwash water must be stored and tinkered away for suitable disposal off site.
- 4) It is the responsibility of the owner to ensure that the swimming pool drain down and backwash does not cause an environmental problem or pollution of inland freshwater, coastal waters and territorial waters. The owner irresponsible for the quality of the discharge of effluent associated with any disposal via a sewage treatment plant.

ITEM 3f- 15/00485/FUL – Gillivervet, Garwood Equine Centre, Bolton Road, Anderton, Chorley, PR6 9HN

The recommendation remains as per the original report

The following conditions are proposed:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Drawing Reference	Received date
Proposed Plans	LF/ML/3027	18 th May 2015
Location Plan	Garwood, Bolton Rd, Anderton, PR6 9HN	18 th May 2015

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

3. Notwithstanding the materials shown on the approved plans the building hereby permitted shall be clad in box profile sheeting in juniper green (BS: 12B29).

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The building hereby permitted shall only be used in connection with the equine centre. If the building hereby permitted is not brought into use or the use of it ceases for a period of one year within 10 years of its substantial completion, it shall be removed from the land and the land shall be restored to its former condition.

Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need and in the interests of the visual amenity of the Green Belt.

5. The highest part of the building hereby permitted shall not exceed the highest part of the existing building immediately East-southeast.

Reason: To ensure the building is not constructed at a higher level than the existing building.

ITEM 3g 15/00577/FULMAJ - Chorley Rugby Union Club, Chancery Road, Astley Village Chorley, Pr7 1xp

The recommendation remains to approve the application as per the original report but added to this is that it is recommended for approval subject to a supplemental Section 106 agreement. This is to tie the application into the obligations of the original Section 106 for the site.

The following conditions are proposed:

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Title	Drawing Reference	Received date
Planning Layout	JB/CRC/PL1 Rev J	19 th June 2015
Materials Schedule – May 2013	CRC-MS-01 Rev C	6 th July 2015
Location Plan	CRC/LP1 -15	11 th June 2015
The Hatfield	HAT	19 th June 2015
The Roseberry	ROS	19 th June 2015
The Cranthorne	CRA	19 th June 2015
The Cherryburn	CHR	19 th June 2015
The Winster	WIN	19 th June 2015
The Barrington	BAR	19 th June 2015
They Newby	NEW	19 th June 2015
Plot Divisional Fence	SDF11-08	19 th June 2015
1.8m High Timber Screen Fence	SDF05	19 th June 2015
Tree Survey and Root Protection Areas	4411.01	19 th June 2015
1800mm Wall with Brick Pillars	PR.S.D.24/2	19 th June 2015
Highways & Drainage Layout	3983/1 Rev C	19 th June 2015
Fencing Layout	EW/CRC/FL1	7 th August 2015
Landscape Proposal	4411.03 Rev A	7 th August 2015

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

3. The external facing materials, detailed in the Materials Schedule (Ref: May 2013 –CRC-MS-01 Rev C), shall be used to construct the dwellings hereby permitted and no others substituted.

Reason: To ensure that the materials used are visually appropriate to the locality.

4. The integral garages hereby approved on plots 6, 9 and 44 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 unless off street parking can be provided within the curtilage of the property in accordance with the Council's parking standards in force at that time.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking.

5. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which may create a potential hazard to road users.

6. The development shall only be carried out in accordance with the foul and surface water drainage details submitted with the application. No dwelling shall be occupied until the foul and surface water drainage works have been completed to serve the plot in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

7. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) ref: 3983/1 Rev C or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

8. The parking spaces and garaging and associated manoeuvring facilities shown on the plans for the properties hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of each plot; the parking spaces shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 1995).

Reason: To ensure provision of adequate off-street parking facilities within the site.

9. No dwelling shall be occupied until all fences and walls shown in the approved 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.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, 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..

Reason: In the interest of the appearance of the locality.

11. No dwelling shall be occupied until all fences and walls shown in the approved 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.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

12. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

13. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

ITEM 3h-15/00556/OUT – Hole House Farm, Chorley Road, Heath Charnock

The recommendation has changed as follows:

Permit outline planning permission subject to a Section 106 Agreement

The original report has been amended as follows:

Paragraphs 27 and 28 relate to Public Open Space and state that in accordance with guidance contained within the NPPG there is *no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance*. However since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Adlington in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a deficit of provision in Adlington in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study; therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural and semi-natural greenspace that are identified as being low quality and/or low value in the Open Space Study; therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Harrison Road, Adlington (HW5.3). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £700
Equipped play area	= £670
Parks/Gardens	= £0
Natural/semi-natural	= £0

Allotments	= £75
Playing Pitches	= £7,995
Total	=£9,440

ITEM 3i 15/00577/FULMAJ - Land Opposite Chancery Road, West Way, Astley Village, Chorley**The recommendation has been amended to approve full planning permission as the noise impacts can be addressed by condition**

The Council's Regulatory Officer has commented that the submitted noise assessment is reasonably thorough, uses standards that they would expect to undertake the assessment and is fairly clear.

The report accepts that, unregulated, there could be an issue with noise being 'noticeable and intrusive' and being 'clearly perceptible'. The report accounts for this accordingly. There could be a question over the statistical significance of the data within the report but the author raises this and explains the possible 'uncertainty' that could arise – the explanations are reasonable and assist in accepting the findings of the report.

The report talks about scaffolding poles being stacked on the site to a height of 3 metres and refers to a 2 metre high concrete fence but it is unclear whether this relates to the proposed site or the site in Westhoughton. The report then goes on to recommend mitigation measures to include a 2 metre high acoustic barrier as well as white noise reversing alarms on vehicles.

There is however concern that if normal working practices involves the stacking of scaffolding poles to a height of 3 metres, then this could cause an issue, particularly if the height of the acoustic barrier is only 2 metres (especially when the poles are moved about). It is accepted though that this would depend where the scaffolding poles are located on the site in relation to the nearest noise sensitive dwellings.

Stacking heights of the poles in relation to the barrier, and/or the location of poles is the main issue for consideration, especially when the poles are moved about.

The Regulatory Officer advises that the recommendations of the report be accepted as highlighted above as a minimum.

However it would be reasonable to consider whether the acoustic fence could be extended to 3 metres or whether the stacks of scaffolding poles could be reduced to 2 metres high. The applicant's agent has been asked to respond to this.

In response to the comments made above the agent for the application has confirmed that his client is willing to accept an amendment to condition 20 as follows:

All material/ scaffolding equipment stored outside shall not exceed a maximum height of 2m

Reason: in the interests of maintaining the visual amenities of this Green Belt location and in the interests of minimising the noise impacts of the outside storage area

The additional following conditions have also been added to the recommendation:

The external storage area for the scaffolding business, hereby approved, shall be managed in accordance with the recommendations contained within the submitted NOISE FROM SCAFFOLDING OPERATION report (dated 29th July 2015) including all vehicles operating on or from the site shall be fitted with "white noise" reversing alarms. The outside storage area shall be managed in accordance with the recommendations of the report at all times hereafter.

Reason: to ensure that vehicular movements on site, particularly those in the early morning, do not result in an adverse noise impact on the surrounding residents

Prior to the first use of the open storage area, associated with the scaffolding company, hereby approved full details of the 2 metre high acoustic fence/ barrier to be erected the boundary of the storage area 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 plans.

Reason: To protect the amenities of the neighbouring residents in respect of potential noise impacts

An additional plan has been received to address some of the recommended prior commencement conditions. As such the following conditions have been amended:

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

Title	Building	Drawing Reference	Received date
Site Location Plan		1514/01	25th April 2015
Proposed Site Plan		1514/02 Rev A	2nd July 2015
Proposed Floor Plan	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/04	29th April 2015
Proposed Sections	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/05	29th April 2015
Proposed Elevations	Chorley Group- Vehicle storage, maintenance workshop and office building	1514/03	23rd April 2015
Proposed Floor Plans	Speedier Scaffolding- Purpose built office and storage building	1412/11 Rev A	23rd April 2015
Proposed Elevations (north and east)	Speedier Scaffolding- Purpose built office and storage building	1412/12	23rd April 2015
Proposed Elevations (south and west)	Speedier Scaffolding- Purpose built office and storage building	1412/12	23rd April 2015
Conditions 4, 6 & 7 Discharge Plan		1514/10	11th August 2015

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

4. Neither building hereby approved shall be occupied until all fences and walls shown in the approved details 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.

Reason: To ensure a visually satisfactory form of development

6. The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted.
Reason: To ensure that the materials used are visually appropriate to the locality.

7. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

ITEM 3k – 15/00428/COU – 161 Spendmore Lane, Coppull

The recommendation has changed as follows:

Permit full planning permission subject to a Section 106 Agreement

Since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

A contribution of £140 towards new provision in the settlement of Coppull.

Provision for children/young people

A contribution of £134 towards improving the quality/value of the following site as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site - 1370.1 – Tansley Ave

Natural and Semi-Natural Greenspace

A contribution of £557 towards improving the quality/value of the following sites as identified in the Central Lancashire Open Space Study, Final Open Space Audit Report, May 2012:

Site 1728 – Reservoir Mill Lane

Site 1372 – Tanyard Close

Allotments

A contribution of £15 towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:

HW5.2 - Land at Sylvester's Farm, Euxton

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

TOTAL = £2445

A further condition has also been added:

No part of the development shall be occupied or brought into use until the car parking areas shown on the approved plan have been provided in full and are available for use. The car parking areas shall thereafter be kept available for the parking of cars at all times.

Reason: In the interest of highway safety.

ITEM 3I-15/00462/FUL – 5 The Orchard, Croston

A further letter of objection has been received from a neighbouring resident, and they have asked for it to be made clear that three letters of objection have been received (two from one address and one from another).

Further to paragraph 11 of the original report a site visit has been carried out and the distance between the site boundary with no. 7 and the gable of no. 5 has been checked on suite. The distance is 12.7m and amended plans were received on the 10th of August 2014 to reflect this difference. The objectors have been provided with a copy of these plans; however they have expressed concern that they have not had time to fully consider the revised plans.

The revised plans have maintained the separation distances between the proposed dwelling and the side elevation of no. 7 at a minimum of 3.2m, and reduced the distance between the east facing gable of the proposed dwelling and no. 5 The Orchard by 0.3m.

The recommendation has changed as follows:

Permit full planning permission subject to a Section 106 Agreement

Since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

A contribution of £140 towards new provision in the settlement of Croston.

Provision for children/young people

A contribution of £134 towards new provision in the settlement of Croston.

Allotments

A contribution of £15 towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:

HW5.4 - Land East of Station Road, Croston

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

TOTAL= £1888

It is also recommended that the following condition be amended:

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

Title	Drawing Reference	Received date
Proposed site plan and location plan	20140807-01 D	10 August 2015
Proposed floor and roof plans	20140807-02 C	13 May 2015
Proposed elevations	20140807-03 C	13 May 2015

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

ITEM 3m - 15/00571/FUL – Tinklers House, Hoggs Lane, Chorley

Paragraphs 29, 30 and 31 relate to Public Open Space and state that in accordance with guidance contained within the NPPG there is *no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance*. However since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

There is currently a surplus of provision in the Chorley East ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the ward is therefore not required from this development. However there are areas of amenity greenspace within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (sites 1481 – Flag Lane, 1520 – Adj 26 and 36 Redwood Drive, 1521 – Adj 77 Redwood Drive, 1528 – Amber Drive, 1543 – Cowling Brow). A contribution towards improvements to these sites is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

There is currently a surplus of provision in the Chorley East ward in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people. A contribution towards new provision in the ward is therefore not required from this development. However, there is an area of provision for children/young people within the accessibility catchment that is identified as being low quality in the Open Space Study (site 1529 – Amber Drive). A contribution towards improvements to this site is therefore required from this development. The amount required is £134 per dwelling.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development.

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is also within the accessibility catchment (10 minutes' drive time) of proposed new allotment sites at Land at Sylvesters Farm, Euxton (HW5.2) and Harrison Road, Adlington (HW5.3). A contribution towards improving existing allotment provision or new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £140
Equipped play area	= £134
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £1,888

ITEM 3n - 15/00601/FUL – Two Corners Residential Care Home, 179 Preston Road, Whittle-Le-Woods

Paragraphs 42, 43 and 44 relate to Public Open Space and state that in accordance with guidance contained within the NPPG there is *no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance*. However since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population.

There is currently a surplus of provision in Whittle-le-Woods in relation to this standard and the site is within the accessibility catchment (800m) of an area of amenity greenspace. A contribution towards new provision in the settlement is therefore not required from this development. However there is an area of amenity greenspace within the accessibility catchment that is identified as being low quality and low value in the Open Space Study (site 1535 – Rear of Delph Way/Cross Keys Drive). A contribution towards improvements to this site is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population.

There is currently a surplus of provision in Whittle-le-Woods in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development.

There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development.

There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development.

The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Sylvesters Farm, Euxton (HW5.2). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £140
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £1,754

ITEM 3o-15/00656/FUL – Ricmarlo, Preston Nook, Eccleston

The recommendation has changed as follows:

Permit full planning permission subject to a Section 106 Agreement

The original report has been amended as follows:

Paragraphs 25 and 26 relate to Public Open Space and state that in accordance with guidance contained within the NPPG there is *no evidence at this time, which is directly related to the development, to seek a contribution towards public open space contrary to the national guidance*. However since writing the report the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.

As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

Emerging Local Plan Policy HS4A sets a standard of 0.73 hectares per 1,000 population. There is currently a deficit of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore required from this development. The amount required is £140 per dwelling.

Provision for children/young people

Emerging Local Plan Policy HS4A sets a standard of 0.08 hectares per 1,000 population. There is currently a surplus of provision in Ecclestone in relation to this standard, a contribution towards new provision in the settlement is therefore not required from this development. The site is also not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study. A contribution towards improvements is therefore also not required from this development.

Parks and Gardens

There is no requirement to provide a new park or garden on-site within this development. There are no parks/gardens within the accessibility catchment (1,000m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Natural and Semi-Natural Greenspace

There is no requirement to provide new natural/semi natural greenspace on-site within this development. There are no areas of natural/semi-natural greenspace within the accessibility catchment (800m) of this site identified as being low quality and/or low value in the Open Space Study therefore a contribution towards improving existing provision is not required.

Allotments

There is no requirement to provide allotment provision on site within this development. The site is within the accessibility catchment (10 minutes' drive time) of a proposed new allotment site at Station Road, Croston (HW5.4). A contribution towards new allotment provision is therefore required from this development. The amount required is £15 per dwelling.

Playing Pitches

A Playing Pitch Strategy was published in June 2012 which identifies a Borough wide deficit of playing pitches but states that the majority of this deficit can be met by improving existing pitches. A financial contribution towards the improvement of existing playing pitches is therefore required from this development. The Playing Pitch Strategy includes an Action Plan which identifies sites that need improvements. The amount required is £1,599 per dwelling.

THE TOTAL FINANCIAL CONTRIBUTION REQUIRED FROM THIS DEVELOPMENT IS AS FOLLOWS:

Amenity greenspace	= £140
Equipped play area	= £0
Parks/Gardens	= £0
Natural/semi-natural	= £0
Allotments	= £15
Playing Pitches	= £1,599
Total	= £1,754

Item 4 - PLANNING APPEALS

Members are advised that the appeals detailed below have also been lodged

1. Appeal by Inglenorth(Contracting) Ltd against the Development Control Committee decision to refuse outline planning permission for the erection of 3 no. dwellings on land between Wheatsheaf Hotel and 2

Chapel Lane, Coppull (Planning Application: 14/00332/OUT, Inspectorate Reference: APP/D2320/W/15/3129426). Inspectorate letter received 18 July 2015.

2. Appeal by Thomas Mawdsley Building Contractors against the delegated decision to refuse full planning permission retrospectively for a change of use from agricultural barn to an office, storage and entertainment venue (sui generis) at Swifts House Farm, Bentley Lane, Heskin, Chorley (Planning Application: 14/00540/COU, Inspectorate Reference: APP/D2320/D/15/3062048). Inspectorate letter received 21 July 2015.

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