

Chief Executive's Office

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Date: 21 June 2005

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Chief Executive:
Jeffrey W Davies MA LLM

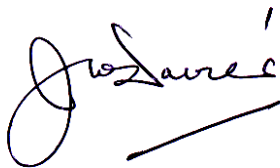
Dear Councillor

A meeting of the Development Control Committee is to be held in the Council Chamber, Town Hall, Chorley on Tuesday, 25th October, 2005 at 6.30 pm.

AGENDA

9. **Addendum** (Pages 1 - 6)

Yours sincerely



Chief Executive

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Distribution

1. Agenda and reports to all members of the Development Control Committee, (Councillor A Lowe (Chair), Councillor Parr (Vice-Chair), Councillors Birchall, Ball, Bedford, Bell, Brown, Brownlee, Caunce, Culshaw, Davies, D Dickinson, Edgerley, D Gee, T Gray, Heaton, Iddon, R Lees, Livesey, Malpas, Miss Molyneaux, Morgan, Russell, Mrs J Snape, Snow, S Smith and Whittaker) Director of Legal Services and Head of Planning Services for attendance.
2. Agenda and reports to all remaining Councillors and Chief Officers for information.

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Continued....

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

| C O M M I T T E E R E P O R T | | | |
|--------------------------------------|-------------------------------|------------|---------|
| REPORT OF | MEETING | DATE | ITEM NO |
| HEAD OF DEVELOPMENT AND REGENERATION | DEVELOPMENT CONTROL COMMITTEE | 25/10/2005 | |

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|-----------------|
| ADDENDUM |
|-----------------|

The following additional comments and observations are brought forward in respect of planning applications on the agenda for consideration of the Committee members at the meeting :

ITEM A.1 and A.2 - Reserved Matters Application for the erection of 43 dwellings, Parcel 13 Gillibrand North - 05/00556/REMAJ & 05/00557/REMAJ

Both applications are to be deferred at the request of the Head of Development and Regeneration.

ITEM A.3 – Outline application for residential development – 9/05/00796/FULMAJ

Condition no. 1 has been amended as follows: -

An application for the approval of the reserved matters must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

The Environment Agency has raised no objection to the application subject to the imposition of the following conditions covering potential on site contamination and surface water regulation: -

No development approved by this permission shall be commenced until a scheme for the provision and implementation, of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

Reason: To reduce the risk of flooding.

No development approved by this permission shall be commenced until a desk study has been undertaken and agreed by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the desk study identifies potential for on site contamination a detailed site investigation should be carried out to establish the degree of and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation

measures are necessary they will be implemented in accordance with the assessment and to the satisfaction of the Local Planning Authority.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health.

Comments on the application have now been received from the Head of Public Space Services regarding highway matters whereby it is advised that the access to the site needs to be afforded careful consideration, as a redundant lay-by is located in front of the site. It is suggested a pedestrian crossing point may be one way of improving the situation and providing a safe access point to the development. The applicant will be required to fund these works. An additional informative is therefore recommended which makes the applicant aware of this and the need for early discussion to resolve these issues prior to submitting the reserved matters application.

Please Note: Early discussion should be entered into with the Local Planning Authority prior to the submission of the reserved matters application to agree a point of access to the site from Botany Brow and details of any highway improvement works adjacent to the access, the funding for which shall be provided by the developer through an appropriate legal agreement if necessary.

The recommendation therefore remains as per the report on the main agenda.

ITEM A.5 – Proposed extension of caravan dealership and associated parking area for staff and customers - 9/05/00940/FULMAJ

At the time of preparing the original report the statutory consultation period had not expired. The statutory consultation period has now expired and no representations have been received as a result of public consultation.

Coppull Parish Council has commented on the application whereby no objections have been raised.

The Head of Environmental Services has asked that the comments made in relation to the withdrawn application (9/05/00573/FULMAJ) be taken into account in relation to this application as well. The previous comments were that the application raised no contamination issues and that there were no objections in terms of noise disturbance and lighting subject to the lighting being in accordance with the Institute of Lighting Engineers.

The Council's Landscape Assistant has confirmed that the proposed landscaping is acceptable.

The Head of Public Space Services has commented that the application site is outside of the core area hence LCC (Highways) comments should be referred to.

No additional comments have been received from LCC (Highways). However, No objection was raised to the withdrawn application and this application now proposes the provision of disabled parking bays and a dedicated cycle and motorcycle parking area hence it is acceptable to carry over the comments. Accordingly, there are no objections from LCC (Highways) to the application.

The Environment Agency have confirmed that they have nothing further to add to their previous comments whereby it is again recommended that a condition relating

to potential site contamination is attached to any planning permission. The additional condition reads as follows: -

No development approved by this permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

- A) *To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.*
- B) *To enable:*
 - *A risk assessment to be undertaken*
 - *Refinement of the conceptual model, and*
 - *The development of a Method Statement and Remediation Strategy*
- C) & D) *To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.*

The following condition has been added to tie the lighting to the car park and sales area to the permitted car park opening times set out in condition no. 4. The condition is as follows: -

The lighting to the car park shall only be turned on in conjunction with the permitted car park opening times and when the car park is not permitted to open the lighting shall remain turned off. The car park opening times are as follows: -

During March to October inclusive; Monday to Saturday between the hours of 7am and 7pm, Wednesdays between the hours of 7am and 9pm and Sundays between the hours of 10am and 6pm

During November to February inclusive; Monday to Saturday between the hours of 7am and 6pm and Sundays between the hours of 10am and 6pm

Reason: To safeguard the amenities of local residents and in accordance with Policy No. EP21A of the Adopted Chorley Borough Local Plan Review.

Having regard to the above, the recommendation remains as per the main report on the agenda.

ITEM B.1 05/00500/FUL – Land at The Old Rectory , High Street , Mawdesley – Construction of a tennis court and ancillary works

1 additional letter response received stating that the respondent is still objecting to the proposed development upon the basis of :

- 1) The movement of the court only 2.4 metres further away from the boundary of the churchyard does not overcome the previously lodged objection . The churchyard and the church are at the heart of spiritual , social and heritage of the village . The siting of the proposed tennis court is not compatible with this.

1 additional letter received from the Rector of St. Peter , Mawdsley stating that he and the churchwardens of the PCC of St. Peter have seen the revised plans and that they are happy with the position and have no objection to the application proceeding .

ITEM B.4 05/00881/FUL- 14 Bett Lane, Wheelton

Lancashire County Council's Highways section have no objection to the proposal.

ITEM B.5 05/00928/FUL – Land adjacent Euxton Park Golf Driving Range, Euxton Lane, Euxton

Since the report was written a further eight letters of objection have been received from local residents. The grounds of objection remain as those outlined in the report.

Euxton Parish Council have expressed concern about the effect of noise on the amenity of residents and whether the fencing and landscaping will be adequate to muffle or deaden sound and prevent it from travelling. They also have concerns about the lighting and number of Karts operating at any one time.

Astley Village Parish Council object on the estimated noise levels of the Karts on the residents of the area.

Cllr Perks (as a ward Councillor for Astley and Buckshaw) wishes the following comments to be taken into consideration: He is concerned about Highway Safety. Euxton Lane has seen a number of serious accidents over past months, several not far from the site access point. Traffic generated to the site in my opinion would warrant a right turn lane to avoid traffic stacking back to the Westway roundabout. He is also not satisfied that a full environmental assessment has been undertaken on the noise levels that would be generated by 6 Go-Karts operating in the site. One engine tried out does not satisfy residents or myself. He would like the Committee to visit the site and have an environmental assessment carried out involving the likely number of Go-Karts before any decision is made. Finally, as the report state that the proposal is considered to represent inappropriate development in the Green Belt, he queries how the Council can justify allowing such an application in light of this policy, particularly as this policy was quoted in the recommendations for refusal of the previous application. He therefore wishes to object to the proposals.

In response to Cllr Perks' comments I am satisfied that the noise assessment carried out by Environmental Services is adequate and that subject to the imposition of

appropriate conditions, the level of impact on neighbour amenity would be reduced to an acceptable level. I have forwarded his comments onto Public Space Services (Engineering and Transportation) who have responded that the traffic using this access would not be in sufficient numbers to justify a dedicated right turn lane. Although it is indeed considered that the proposals do represent inappropriate development in the Green Belt, such proposals may be granted consent, providing the applicant can demonstrate that very special circumstances exist. For the reasons outlined in the report, it is considered that very special circumstances do exist to justify the proposal.

The Head of Public Space Services (Highways and Transportation) has not made any further comments on this application, however, commented on the previous application that access onto Euxton Lane would have to be improved to allow vehicles to enter and exit at the same time, with a 6m radius, 5m wide and hardsurfaced. Having checked site, the present entrance is 5.6 m wide and surfaced for some distance into the site. It is considered, given the likely increase in level of traffic caused by the Go-Kart track and the condition of the present access, that no further improvements are required.

Environmental Services have further advised that a closing time of 20:00 is considered to be appropriate in the Astley Village area.

The applicant has provided additional information to confirm that the lighting will be 70 watt and that the type of Karts to be raced would be 200cc with only a 6 horsepower output, equipped with silencers and catalytic converters. He also requests that the opening hours are increased till 21:00 and that the adjacent Golf driving range remains open until 21:30.

The recommendation remains the same, with the addition of the following condition:

Condition 5 has been amended so that it forms two separate conditions.

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