

3 February 2009

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 3RD FEBRUARY 2009

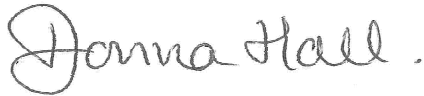
The following report was tabled at the above meeting of the Development Control Committee.

Agenda No Item

10. **Addendum (Pages 107 - 112)**

Report of Corporate Director (Business) circulated at the meeting

Yours sincerely



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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

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	03/02/09	

ADDENDUM

ITEM 4: 08/01170/OUTMAJ- Outline application for the erection of 71 dwellings including access and scale. Site Of Former Social And Athletic Club, Duke Street

Sport England: Following further discussions between Sport England and the Council's Leisure Services Section Sport England have removed their objection to the proposal. Sport England have confirmed the following:

The proposed improvements and contribution to Westway Playing Fields, set out within the Section 106 Agreement, would represent a significant investment in pitch team sports, particularly when issues of poor quality playing surfaces and changing accommodation at this site were raised by local clubs in the Council's 2002 playing pitch assessment. As such I am satisfied that this aspect would satisfy the better quality and suitable location requirements of Exception E4 of Sport England's playing fields policy and paragraph 15 iii of PPG 17.

Sport England's main concern related to the issue of the quantitative loss of playing field arising from the proposed development, given that the works identified related to existing, usable playing field land. Sport England have visited the Westway site and a sketch has been produced detailing the potential of the site. It is apparent that in order to achieve the additional pitch layouts being put forward at this site, works would have to be carried out to what is currently marginal land of the playing field, which due to the topography and levels would not currently be capable of forming a playing pitch. As such, the works to be funded through the commuted sum would in effect bring what is currently an unusable area of marginal land into use as playing field land which is capable of forming a new playing pitch.

As such Sport England now consider that the proposal would now be capable of satisfying Exception E4 of Sport England's playing fields policy. The withdrawal of this objection is subject to changes to the Section 106 Agreement which have been incorporated into the draft Section 106 Agreement for this site. Similarly, the proposed off site improvement works are considered to be acceptable in terms of Policy LT14 of the Local Plan.

Following receipt of Sports England comments the application now has the following recommendation:

Approve (subject to a Section 106 Agreement)

Refuse if Section 106 Agreement is not signed before 24th February 2008.

The conditions attached to the recommendation are set out below.

Following discussions between the applicants and Strategic Housing it has been agreed that 8 two bedroom units and 6 three bedroom units will be provided on site. This provision will form part of the Section 106 Agreements requirements and the location of the affordable units will be agreed on site as part of the reserved matters application.

Planning Policy have made the following comments:

- The proposal is contrary to Policy LT14. The proposal does not provide an equivalent or enhanced new facility development in a convenient location.
- Conditions are required to make sure that the proposals fully address the criteria of Policy SR1 of the Sustainable Resources DPD
- The record of community involvement conforms with guidance in the Statement of Community Involvement.

Conditions:

1. An application for approval of the reserved matters (namely siting, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

4. The application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.

5. The application for approval of reserved matters shall be accompanied by full details of the location and design of the on site affordable housing units, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To ensure the proper development of the site and in accordance with Policy Nos. HS5 of the Adopted Chorley Borough Local Plan Review.

6. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved 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, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

7. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. The details shall also demonstrate that the biodiversity resource within the application area will be enhanced as part of the proposals. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

Reason: In the interests of the amenity of the area and in accordance with Government advice contained in PPS9, Policy EM1 of the North West Regional Spatial Strategy and Policies No. GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

8. 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 sooner, 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

11. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Brindle Street have been completed in accordance with the details which have been 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: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

12. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

13. No direct vehicular access shall be provided from Brindle Street or Duke Street to each of the individual plots which front onto Duke Street and Brindle Street. The parking for the dwellinghouses which front onto Brindle Street and Duke Street shall be in the form of rear parking areas accessible from within the development site.

Reason: In the interest of highway safety and the visual amenities of the area. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

14. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos.EP9 of the Adopted Chorley Borough Local Plan Review.

15. Prior to the removal of trees on the site a bat roost search shall be undertaken to assess the presence of bats. In the event that bat roosts are identified the applicant shall contact Natural England for further advice prior to felling the tree/ trees were the roosts are identified.

Reason: To ensure the continued and future protection of bats and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

16. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

17. Due to the size of development and sensitive end-use, no development shall take place until:

- a) A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

- b) All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) The Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the area of land affected until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

19. The development hereby approved shall be carried out in accordance with the gas protection measures set out within the Gas Appraisal dated 9th December 2008, ref: 7353/1/NMW, submitted by Encia Consulting Ltd and the Geoenvironmental appraisal (ref: 7353/1, dated October 2007) submitted by Encia Consulting Ltd.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with Government advice contained in PPS23: Planning and Pollution Control

20. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage, collection of refuse and management of the open space, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company, or their successors, in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the site and in accordance with Policies GN5, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

21. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.

22. Prior to the commencement of the development full details of the bin storage facilities associated with the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

23. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

24. For the avoidance of doubt, notwithstanding the details on the submitted plans, the illustrative plan, reference 929:L8 dated 14th January 2009, relates to scale only. Full details of the layout are required with the submission of the reserved matters application.

Reason: To ensure the proper development of the site. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

ITEM 6: 08/01181/FUL - Demolition of existing outbuildings and extension of existing stable building to create Indoor Riding Arena at The Oaks, Blue Stone Lane, Mawdesley, Ormskirk, L40 2RJ

Since the report was written a letter has been received from Tim Stockdale a member of the Beijing Olympic Show jumping team. He states that Philippa Dobby has been a member of the England Team each year since the age of 10. Age 15 she was selected to represent Great Britain as a member of the Junior European Team in Switzerland and again age 17 in France. Her national titles include under 21 champion, age 16 and Hickstead Ladies Derby Winner.

To perform at this high level of competition takes a huge level of dedication and dogged determination. This is a partnership sport, where both rider and horse are athletes and need to be as physically fit and strong as each other. As Philippa moves into the next state in her career, competing for places on Nations Cup Teams and possible future Olympic selection, like any other athlete, without appropriate facilities, no matter how hard you work, or how carefully you plan, a disrupted training schedule can ruin months of preparation. An indoor facility would guarantee access to training for the horses. This would also provide a safe, secure environment in which to develop young horses for future years.

Philippa has real talent and is a serious prospect for show jumping in Great Britain, who deserves the chance to make this a reality in future years and appropriate facilities are an essential part of her progress towards that goal. I have no doubt that this young woman will prove your faith in her and she will be a Great Britain team member for the foreseeable future.

A further letter of support has been received from the next door neighbour at 1 Greystones as the plans will have no impact on them whatsoever. They state that Philippa Dobby is an aspiring young show jumper who without national funding is making her way in her chosen sport and every help should be given to a sports person with such dedication.

29 signed copies of a standard letter have been received in support of the application. This states that as an equestrian and local resident they are fully aware of the need to access training facilities and in the case of a full-time rider this must be doubly difficult, with many horses to maintain at high fitness levels. The cost and time involved in travelling and hiring venues is extremely high especially if funding is limited. As riding on public highways becomes more hazardous, private facilities become ever more important, safety being paramount for motorist, horse and rider.

10 signed copies of a further different standard letter have been received also in support of the application. This states that as neighbours they have no objection to the proposal and have been given the opportunity to view the site. Philippa Dobby is an aspiring young show jumper who without national funding is making her way in her chosen sport. Every help should be given to a sportsperson with such dedication.