

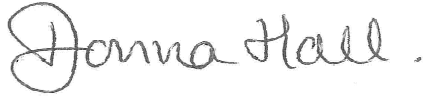
24 June 2010

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 22 JUNE 2010

The attached Addendum Sheet was circulated at the Development Control Committee meeting on Tuesday, 22 June 2010.

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 آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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COMMITTEE REPORT			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	22 June 2010	

ADDENDUM

ITEM 1: 10/00252/OUTMAJ – The Legacy, Rainbow House, Salt Pit Lane, Mawdesley, Ormskirk, L40 2QX

Outline application for the erection of an activity centre building for therapy and recreation. The erection of free standing lodges (11 No) for the provision of holidays, short breaks, respite for brain injured/disabled children and young people and their siblings. The erection of a unit for the rehabilitation of children and young people with acquired brain injuries. Relocation of the wheel chair park and associated infrastructure works including:- car parking and roadways, servicing, drainage and landscaping

The applicant has offered to amend the application, to remove the activity centre building for therapy and recreation (except the hydrotherapy pool) and reduce the number of lodges from 11 to 6 and accept a planning condition that they are approved for a temporary period to allow monitoring. The description would therefore read:

'Outline application for the erection of a hydrotherapy pool, free standing lodges (6 in number) for the provision of holidays, short breaks, respite for brain injured/disabled children and young people with acquired brain injuries. Relocation of wheel chair park and associated infrastructure works including: carparking and roadways, serving, drainage and landscaping'.

With regard to the hydrotherapy pool, the siting of it could be discussed as part of a reserved matters application.

They request a deferment of the application by members. The agent has sent the following in relation to the application:

The significant changes made to the application are surely reason enough to justify a deferral and would be fair for everyone involved.

My [the agent's] letter to the Council last week formally amended the description of the application. The committee report refers, of course, to the proposals before those substantive and highly significant changes were made. If a decision is taken on the basis of the report this would not allow members to consider the amended application with the benefit of consultations and your advice on it.

There are in any event some additional factors concerning the content of the committee report which I would respectfully request to be considered.

The matters which are of concern are as follows:

1. *There is no reference to the pre application meetings held with officers when various options were discussed;*
2. *There is no reference to the changes the Applicant made to the application in the light of advice offered by officers as a consequence (I know that this does not bind the Council but is surely material);*
3. *There is no reference to community engagement including the exhibition held last summer or the meeting held at the Parish Council last September (2009) where the Applicant and one of my partners volunteered to assist. On the other hand the objections are fully reported.*
4. *There is no reference to the comprehensive and sensitive Design and Access Statement and little about the conclusions of the full Landscape Assessment. These show the very careful approach taken because the site is in the Green Belt;*
5. *There is no reference to the Transport Assessment;*

6. *There is no comments on the statement attributed to the Parish Council that a 'commercial use' is involved – this could accidentally mislead members or others into thinking that one is proposed – we do not understand what is meant;*
7. *Please bear in mind that the various supporting documents were requested by officers during the pre application discussions. It is reasonable to assume that they would be reported.*

A deferral of the application would enable officers to address these matters in a future report on the amended application.

I agent would ask that everyone remembers that The Legacy exists with the benefit of planning permission and is wholly within the Green Belt. The issue is whether the additional facilities are acceptable as exceptions to Green Belt policy bearing in mind their functional relationship with The Legacy as a legitimate use in the Green Belt despite being 'inappropriate' by definition.

I do hope that members will be able to defer the application for the reasons cited in my letter and here.

Lancashire County Council Ecologist: Further ecological information has been provided by the applicant following the previous comments made by the LCC Ecologist. The Ecologist states that this has satisfactorily addressed the outstanding issues previously raised by them, subject to conditions if the application is approved.

Local residents have carried out their own traffic survey and provided the results. They state that this provides evidence that the estimated figures provided by the applicant's own traffic assessment are significantly understated and do not portray a true picture of the traffic impact.

A letter of support has been received. They state the centre does a lot of good work and the number of objections received are minimal compared to the amount of help the children will receive if the cabins are permitted.

Three further letters of objection have been received. Their reasons for objection are the same as those outlined in the main report.

The applicant has provided additional information on the operation of the centre:

Originally only disabled children attended the centre. It only started taking mainstream children after OFSTED status was gained as it is a requirement to take mainstream children. This started with siblings and some local children to promote inclusion. The Legacy would prefer just to take disabled children as that is the purpose of the centre. It is a Government requirement to take any child. If this is not met it would lose its nursery voucher funding and OFSTED status which is important to its educational setting. In terms of ratio there are 4 disabled children to every 1 mainstream child.

ITEM 2: 10/00267/FULMAJ– Pole Green Nursery, Church Lane, Charnock Richard, Chorley, PR7 5NH

An additional condition is proposed regarding outside storage to protect the visual amenity of the Green Belt:

No materials or equipment (other than plants, shrubs or trees) shall be stored on the north part of the site (as defined by the area in pink on drawing no. P0577/01 Rev B) other than inside the buildings unless otherwise agree to in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the Green Belt and in accordance with PPG2 Policy No. DC1 of the Adopted Chorley Borough Local Plan Review.

ITEM 3: 10/00255/FUL - 1-3 Park Road Chorley Lancashire PR7 1QS

Change of use of first and second floor of gymnasium to 4 no. one bedroom residential units with access from existing side door and internal alterations to existing gymnasium

The following additional conditions are recommended to protect the amenities of future occupiers of the apartments as there is a nightclub opposite the site and to ensure the relationship between the apartments and the offices to the north is acceptable: -

The proposed first and second floor windows in the west facing elevation of the existing building that will serve the bedrooms of the apartments on the first and second floor shall be fitted with Pilkington Privacy Level 3 obscure glazing (or a glass from an alternative manufacturer with the same level of

obscurity) and shall be non-opening. Obscure glazed non-opening windows shall be retained and maintained as such at all times thereafter.

Reason: To ensure a suitable relationship is maintained between the apartments and the adjacent offices and in accordance with Policy No. EP20 of the Chorley Borough Local Plan Review.

The development hereby permitted shall not commence until a Noise Survey and mitigation measures (if deemed necessary as a result of the Noise Survey) has been carried out by a suitably qualified professional person and submitted to and approved in writing by the Local Planning Authority. The Noise Survey should look at the relationship between the apartments and the nightclub to the south and the potential for noise disturbance to potential occupiers of the apartments and whether or not the existing windows and wall construction are suitable to ensure noise levels are within acceptable levels. If the outcome of the Noise Survey is that noise levels would be unacceptable for occupiers of the apartments, mitigation measures should be proposed and implemented prior to the first occupation of the apartments and maintained as such at all times thereafter.

Reasons: To protect the amenities of the future occupiers of the apartments and in accordance with Policy Nos. EP20 and HS4 of the Chorley Borough Local Plan Review.

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