

15 December 2010

Dear Councillor

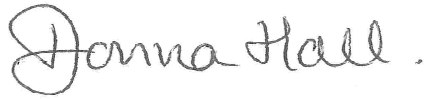
**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 14TH DECEMBER  
2010**

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

**Addendum (Pages 1 - 8)**

Report of the Director of Partnerships, Planning and Policy (enclosed).

Yours sincerely



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Chief Executive

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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	14 December 2010	

**ADDENDUM**

**Item no. 4a 10/00131/FULMAJ. Retrospective application for continued use of land for recreational paintball games, retention of ancillary structures and car parking (resubmission of withdrawn application 09/00525/FUL)**

The reason for refusal proposed is:

*The proposed development would be located within the Green Belt. The development site is also set within an accessible area with several public footpaths with views into the site. The development on site incorporates buildings within the definition of the Town & County Planning Act 1990 used in association with the use applied for and these buildings represent inappropriate development within the Green Belt (para 3.4 PPG2) and do not represent essential facilities as defined within para 3.5 of PPG2. The proposal is not therefore considered to be in accordance with Planning Policy Guidance note 2 and reiterated by Chorley Borough Local Plan Review Policy DC1 in terms of material change in the use of the land due to the facilities associated with the use. It is not considered that the applicant has put forward a case for very special circumstances that outweighs the total harm to the Green Belt to justify permitting the proposal. It is also considered contrary to PPG17 in that the facilities associated with the development are above what are considered essential.*

In relation to ecology the applicant has now submitted an ecology report done prior to the establishment of the facility. The site is not designated for its scientific interest (i.e. it is not a Biological Heritage site, there are not Tree Preservation Orders etc) and therefore mitigation measures can be dealt with via an appropriately worded condition.

In relation to issues regarding parking and how on-road parking on Wigan Road has the potential to cause a hazard it is considered this could be controlled through a planning condition, limiting the number of participants at the site to a level commensurate with the size of the carpark. This is not therefore a reason for refusal.

The agent has responded to the officer's report as set out below:

- The site operated and is intended to operate at weekends and generally on one other day during the week. On average, this equated to 3 days per week, although during school holiday periods a greater number of operational days occur. The applicant would be willing to accept a condition limiting the number of operation days to a maximum of 200 per year.

- The highway authority comments that visibility at the access is satisfactory, that car parking provision is adequate and that it has no highway related objection.
- [In response to the comments of the Town Council] for a recreational use to be appropriate development in the Green Belt in terms of the definition in PPG2 does not depend on it involving a sport recognised by Sport England. Sport England have recorded that there is a substantial and growing level of participation in this particular form of outdoor recreation.
- The use of land for recreational purposes is wholly consistent with Green Belt policy as set out in PPG2 and the adopted Local Plan which explains that a specific objective is to provide opportunities for outdoor sport and recreation near urban areas. In an appeal decision concerning a similar facility by the same operator in Wakefield, the Inspector commented that that the use of the appeal site for paintball activity is appropriate development in the Green Belt. By providing opportunities for outdoor recreation near urban areas it serves a national objective for the use of land in the Green Belt. The ancillary structures and operations associated with the use are low key, or rustic appearance and necessary to enable the proper operation of the outdoor recreational activity. The are not inappropriate in a Green Belt policy sense.
- The average number of players attending each day since it opened has been 128. The reference to 365 participants in the report is not made clear, nor is the date to which it purports to relate. The site operator's records show that this figure has not been reached at the site on any day since it opened. The majority of players (50.4%) are children (11-17 years old). Particularly on Saturdays and midweek games during the holidays, this can rise significantly. The majority of these children are dropped at and collected from the centre by their parents. Other groups, particularly school and youth outings, arrive by minibus. Both these methods of transport reduce the requirement for car parking spaces. Marshalls direct and supervise parking. The experience of the operator, and the comments of the highway authority, is that the parking arrangements are satisfactory.
- Netting screens are frequently used as the operator's sites and are effectively invisible from more than a few metres against a backdrop of vegetation. Such netting screens could be constructed on the inner edge of the vegetated buffer strips around game areas so as would be invisible to walkers on the footpath, or elsewhere outside the site.
- It is not the case that no ecological surveys were carried out. A des study and Phase 1 extended habitat survey were carried out at the site prior to the establishment of the facility. These studies revealed no significant nature conservation interest at the site and concluded that the proposed use would not cause unacceptable harm in this respect. In light of the fact that that the site is not identified for any nature conservation interest or designated in that sense, it was not thought necessary to include the report of these studies with the application [a copy has now been provided to the Council].

**Item 4 (c) Outline application for residential development of up to 300 dwellings (comprising 2, 2.5 & 3 storey's) with details of access and highways works and indicative proposals for open space, landscape and associated works on land south of Cuerden Farm and Woodcocks Farm and Land north of Caton Drive, Wigan Road, Clayton-le-Woods.**

A letter has been received (13 December 2010) in relation to the second reason for refusal, which is where it has not been demonstrated that the affordable housing is capable of proper management Policy HS5 (c). Letters of support have been

received from Contour Housing, dated 15 June 2010 and 13 December 2010. With regard to the letter dated 15 June 2010 it should be noted that the Council received an email, after the letter was submitted, stating 'I would like to withdraw this letter of support on behalf of Contour Housing' and that this letter should be disregarded. However, given the updated letter of 13 December 2010 and subsequent telephone conversation with the Project Manager at Contour Housing it can now be demonstrated that the affordable housing is of capable management by a Registered Social Landlord and the second reason for refusal removed accordingly.

The applicant has also raised the issue that report does not include reference to the applicant's case. It is considered that the main issues have been highlighted and whilst there is no particular section referenced as the 'applicant's case' the application proposal has been presented throughout the report. Also see para. 6.22 where the applicant proposes contributing as part of Section 106. Financial contributions should only overcome harm and make an unacceptable application acceptable not act as a positive overriding consideration. The Section 106 contribution has therefore been given due weight.

Two further letters of objection have been received. The issues raised have been raised before and highlighted in the representations section of the report.

A letter has been received from the NHS Central Lancashire in relation to local GP practices, where they confirm that the Buckshaw Village Surgery and the surgery at 652 Preston Road both have spare capacity to take on some of the new residents as patients.

By way of summary the members are asked to note the following, which should be read alongside the committee report.

The site falls to be determined as safeguarded land, where Policy DC3 of the Local Plan Review applies. By definition the development is considered inappropriate where significant weight can be applied. This means that greater weight is attached to the Local Plan Review because the site is identified as safeguarded land and this has not been changed by PPS3.

The very special circumstances identified by the applicant are considered to be the need for market housing and the lack of a five year supply of deliverable housing sites and the need for affordable housing. Chorley has a supply of sites as identified in the SHLAA, which is outlined in paras. 6.8.2 and 6.8.3 of the report. There has not been any evidence provided that this site would be sequentially preferred for development and this will be looked at through the Development Plan Process. It is not considered that there is a need for the site to be developed, as there is an adequate supply of sites, therefore very special circumstances have not been demonstrated.

Since the adoption of the Local Plan Review, Planning Policy Statement (PPS) 3: Housing was published, where it states in paragraph 68 that when making planning decisions for housing developments, after 1 April 2007, then PPS3 should be a material consideration. This includes consideration of a 5 year supply of deliverable sites for housing (dealt with above) and having regard for the criteria as outlined in paragraph 69 of PPS3.

When looking at the development against the criteria in para. 69 it is considered that as the application is in outline then there is the opportunity that it could deliver high quality housing, at the reserved matters stage. The other criteria in paragraph 69

include for a good mix of housing, which this development could achieve through the reserved matters and suitable conditions. It is considered that the site is suitable for housing as it part of the criteria for identifying safeguarded land in PPS2, and can be used effectively and efficiently, which would be looked at during the reserved matters stage. The last criteria is in relation to the housing objectives and spatial vision for the area, where it is not considered to fulfil these criteria as it safeguarded land and not required to be developed to meet the housing need at this time. Therefore the proposal does not comply with PPS3.

**Item 4 (d) Demolition of redundant mill building and construction of 55 apartments and communal facilities together with 6 two storey cottages and associated surface car parking (retirement living) at Euxton Mill, Dawber's Lane, Euxton**

In relation to the refuse store and recycling area, the neighbouring residents raised concerns about the potential noise when people use it at unsociable hours. The applicants have discussed, with the residents, that they will completely enclose the area and it will be lined internally with sound insulating materials. The doors will face east towards the new development, not towards their property. These changes should lessen the impact of the area on our lives, so we now have no objection to it. However, they still have reservations about the siting of the cottages on the east part of the site and they are still concerned about road safety, but they accept that the applicants have probably done all they can. They continue to urge the planning authorities to introduce speed limits, traffic islands or possibly road safety cameras on the bend to discourage reckless driving.

**Item no. 4e 10/00745/FULMAJ: Planning application for 87 no. detached dwellings together with associated works (replan of part of site approved by Planning Permission ref. 09/00739/FULMAJ)- Group 4N Land 150m West Of Sibbering's Farm, Dawson Lane, Whittle-Le-Woods**

Following comments from the Ecologist condition 10 has been amended as follows:

The development hereby permitted shall be carried out in accordance with the approved habitat creation and management plan and the proposed landscaping should comprise only native plant communities appropriate to the area and should enhance habitat connectivity, in accordance with guidance given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage (Appendix 10).

*Reason: To ensure that the retained and re-established habitats that contribute to the Biodiversity Action Plan targets are suitably established and managed.*

One neighbour letter has been received raising concerns about placing a TPO on the proposed trees along the boundary. It is not possible to place a TPO on the trees until they have been planted and are established however condition 4 requires the trees detailed on the landscaping scheme to be planted and replaced if necessary for a period of 10 years from completion of the development. This time period will enable the trees to establish then a TPO may be warranted and necessary.

**Item no. 4g 10/00833/FULMAJ Erection of 25 no. two-storey dwellings and associated infrastructure (including 20% affordable dwellings). Land To The North Of Northenden Road With Access Off Moss Bank, Coppull.**

A letter has been received from a neighbour on Moss Bank in relation to ground contamination on the site. They understand that soil samples taken show it as contaminated and they wonder why they are still applying therefore to build. The Council's Contaminated Land Officer has viewed and commented on the application and requested a condition in relation to ground contamination. It is therefore considered that this issue has been covered by a condition.

In relation to hedges with neighbouring properties the proposed landscaping condition has been added to require the applicant to specifically details hedges to be retained on the boundaries with the properties on Mavis Drive, so the Council have control over this aspect.

An additional condition is proposed in relation to minimise disruption to nearby residents:

Prior to or within 1 week of commencement a scheme and programme for the development of the site shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall cover:

1. Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.
2. Construction operating hours including deliveries and site construction staff.

The approved scheme and programme shall be implemented in accordance with the approved details.

*Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.*

**Item no. 4h 10/00866/REMAJ: Reserved matters application for the erection of 70 dwellings (1.5 storey, 2.0 storey and 2.5 storey) with associated roads and open spaces.**

A further letter has been received from a local resident in relation to the amended plans, which raises the issue that they have not been notified that something will be done about the drains as soon as possible and not after the houses have been built. Also it raises the issue about not being able to tell what the boundary treatment is and about what is going to happen to the Leylandii hedge.

United Utilities have provided further comments:

'I can offer some assurance that the new development will actually provide betterment on the basis that previously the wastewater run-off from the site both (foul & surface) discharged into the public combined sewerage system located within Langton Brow.

The new development will be designed using a total separate drainage system with all surface water flows generated from the site now discharging directly into the adjacent watercourse namely Syd Brook of which, on completion of the development there will actually be a reduction in flows within the public sewerage system serving the immediate area.'

In relation to the boundary treatment, a condition has been added requesting the information to be submitted prior to commencement. Condition 5 which makes

reference to the request for boundary treatment details that bound the properties 7, 9 and 11 Shelly Drive and Langton Brow, as there is an intimate relationship with the existing properties then it is recommended that we consult the neighbours when the boundary details are received. If there are any objections that arise during this process then we will take the details back to the Chair of this committee for consideration.

**Item no. 4i 10/00888/OUTMAJ Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases. Vertex Training and Conference Centre, Little Carr Lane, Chorley.**

The applicant has chosen to sign a new s106 agreement rather than do a supplemental to the original one. The recommendation is therefore changed to reflect this:

*'It is recommended that this application is granted planning permission, subject to a Section 106 Agreement'.*

Amendments are proposed to conditions 10, 12, 13, 14 and 32.

There is an error in condition 10 in that it should refer to conditions three and four (rather than four and five) so this condition has been reworded to reflect this.

Conditions 12, 13 and 14 have been clarified by adding the text *'for that zone/phase'* to the wording of the conditions to make them clearer.

It is proposed to remove condition 32 in relation to bat surveys as they were submitted to the Council before the buildings on the site were demolished. This condition is therefore no longer needed.

**Item No. 4j : Proposed residential development of 14 dwellings and access road on the site of the former St Josephs Roman Catholic Primary School, Railway Road, Chorley, Lancashire**

The following conditions are proposed to be modified to take account of the retained hedgerows on the site: -

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 positioned as set out on the approved Tree Protection Plan dated 27<sup>th</sup> October 2010 and all hedgerows shall also be protected by the same type of fencing. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) 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 No. EP9 of the Chorley Borough Local Plan Review.*

The existing soil levels around the base of the trees and hedgerows to be retained shall not be altered.

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

The following condition is also added requiring the submission of a landscaping scheme: -



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.

*Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

The landscaping implementation condition is modified to take account of the hedgerow shown as being retained on the proposed site plan.

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, including the existing retained trees and hedgerows detailed on the approved landscaping scheme as well as newly planted trees and plants which within a period of 5 years from the completion of the development or during the course of construction works die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of matching size, stature and species unless an alternative is approved in writing by the Local Planning Authority following the submission and consideration of an updated landscaping scheme.

*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.*

The following condition is also recommended requiring a management plan for the open space on the site: -

Prior to the commencement of the development hereby permitted, a Management Plan detailing how the open space on the site adjacent to the garages will be managed and maintained shall have been submitted to and approved in writing by the Local Planning Authority. The open space on the site shall only thereafter be managed and maintained in accordance with the approved management plan.

*Reasons: To ensure the open space on the site is properly managed and maintained and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.*

**Item no. 4f 10/00746/FUL: Planning application to demolish existing derelict public house and erect 8 dwelling houses and associated car parking at the Royal Scot, Station Road, Coppull, Chorley.**

A consultee response has been received from the Parish Council raising no objection to this application.

An additional condition is proposed concerning the requirements of Policy SR1 of the "Chorley into 2016: Sustainable Resources Development Plan Document".

Policy SR1 states that all new dwellings will be required to meet Level 3 of the Code of Sustainable Homes by 2010, Level 4 by 2013 and Level 6 by 2016. Minimum energy efficiency standards for all other buildings should be 'very good' (or where possible, in urban areas, 'excellent') of the Building Research Establishment's Environmental Assessment Method (BREEAM).

As a requirement, proposals of 5 or more dwellings must meet the requirements of the following conditions to accord with Policy SR1.

1. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1<sup>st</sup> January 2010, Level 4 for all dwellings commenced from 1<sup>st</sup> January 2013 and Level 6 for all dwellings commenced from 1<sup>st</sup> January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

2. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*

3. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.*