

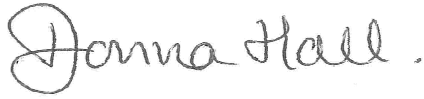
20 April 2011

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 19TH APRIL 2011**

The attached addendum was tabled at the above meeting of the Development Control Committee.

Yours sincerely



Donna Hall  
Chief Executive

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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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REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	19 April 2011

<b>ADDENDUM</b>
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**ITEM 4a- 11/00028/FULMAJ - Land 150 Metres South Of Filter Beds Cottage Bolton Road Anderton Lancashire**

**The recommendation remains as per the original report.**

In relation to the application submitted to Bolton Council for the clubhouse, this was heard at a Planning Committee meeting on 14<sup>th</sup> April 2011 following a site visit wherein the decision was made to approve the application for the clubhouse subject to the application with Chorley Council for the car park, access and pitches being approved

Members of Bolton Council also raised concerns about the potential for visitors to park on-street on Scholes Bank, to the west of 68 Scholes Bank which is in Chorley. Bolton Council Members therefore request that Chorley Council consider implementing a Traffic Regulation Order along this stretch of Scholes Bank for double yellow lines.

13 further letters of objections have been received setting out the following additional issues in relation to the amended plans:

- The football club have adequate grounds at Green Lane, Old Lords Crescent, Horwich which are owned by Rivington and Blackrod High School. The club also use Albany High School, Chorley and use other Schools pitches in the area. The new development would prejudice the dual use of these facilities.
- The development would be contrary to Policy Nos. LT14 and LT16 in that it would prejudice the dual use of school recreational facilities and it is of such a scale that it would detract from the character of the area
- An objection is raised due to the lack of notices place in the area notifying the public of the proposed changes
- The supporting documents submitted by the applicant are dated 2008 and 2009
- 68 Scholes Bank will be completely surrounded by a car park
- When 68 Scholes Bank was purchased, the purchasers where assured no change of use or development would be permitted on the land
- House prices will be lowered as will quality of life
- The pitches are presently underused
- Why does the car park have to be so large
- The pleasant rural outlook will be spoilt by the development
- Double yellow lines are needed along Scholes Bank
- The relocated entrance to the site now presents an even greater danger to because of traffic speeds

- It is requested in 2 objection letters that the Planning Committee visit the site before making a decision on the application
- Floodlighting would be horrendous and permission may be sought for this in the future
- There are already adequate facilities in the area
- Lighting proposed would infringe on the privacy of the occupier of 68 Scholes Bank
- There is Japanese Knotweed on the site

In response to the objections, it is not considered that this development would prejudice the dual use of existing facilities at nearby schools hence is not contrary to Policy LT16. With regards to Policy LT14, it is not considered that the development will have a detrimental impact on the character and appearance of the locality.

Whilst some of the supporting documents are dated 2008 and 2009, the consultation responses received do not query the age of the documents in the responses received. The size of the car park is considered to be reasonable and necessary and no objections to this aspect of the application have been raised by LCC (Highways).

In relation to 68 Scholes Bank, the position of the car park has been amended to address about the original position of the car park in relation to this property. The effect of the development on house prices is not a material planning consideration.

LCC (Highways) do not have any objections to the new access position and advise that it is not envisaged that on street parking will be a problem along Scholes Bank although waiting restrictions could be considered in more detail as part of the Section 278 highways agreement.

A condition is recommended following advice from the Environment Agency on the long term management/clearance of Japanese Knotweed on the site. Any floodlighting on the site would be the subject of a planning application submitted to either Chorley Council or Bolton Council.

No letters of support have been received in relation to the application.

The following consultee responses have been received:

**Horwich Town Council** requested that further consultation be undertaken so as a fair decision can be reached on the application, as has been the case with the Clubhouse application submitted to Bolton Council. Upon further consultation on the latest set of amended plans, Horwich Town Council have not made any further comments.

A letter has been received from the **Secretary of State** following the request of a local resident for a direction to be made as to whether or not the application constitutes EIA development. The letter confirms that the development proposed is neither 'Schedule 1 development' nor 'Schedule 2 development' within the meaning of the 1999 Regulations. Accordingly, the **Secretary of State** directs that the proposed development described is not 'EIA development' within the meaning of the 1999 Regulations. The Council can therefore determine the application.

**LCC (Highways)**, in light of the comments from Bolton Council, advise that it is not anticipated that there will be a problem with on street parking on Scholes Bank and consider that the issue of waiting restrictions could be considered for inclusion as

part of the Section 278 Agreement for the off site highway works for the opening across the central reservation on Scholes Bank to permit the right turn out of the site.

The following condition has been added to clarify the approved plans:

The approved plans are:

Plan Ref.	Received On:	Title:
08 Rev J	19 April 2011	Location Plan
06 Rev H	30 March 2011	Proposed Site Layout
10 Rev C	30 March 2011	Entrance & Access Road Details
T1157/01 Rev D	31 March 2011	Proposed Highway Improvements
10 Rev C	5 April 2011	Site Sections

*Reason: To define the permission and in the interests of the proper development of the site.*

The following United Utilities informatives have been added to primarily advise the applicant of the need to liaise with United Utilities prior to any work commencing on site.

**Please Note:** Prior to the commencement of any works on site, United Utilities must be contacted (Tel No. 0191772260) as a trunk main crosses the site and United Utilities will require an access strip of no less than 10 metres wide measuring at least 5 metres either side of the centre of the main. No buildings or permanent structures will be able to be built over the easement width. The applicant must comply with our standard conditions, a copy of which can be provided on request, for work carried out on, or when crossing, aqueducts and easements.

**Please Note:** United Utilities encourages the use of water efficient designs and development wherever this is possible. The most up to date advice for water efficiency and water efficiency products can be found at Water wise who have recently published a best practice guide on water efficiency for new developments. We would encourage utilisation of the following water efficiency activities: Installing the latest water efficient products, such as a 4.5l flush toilet instead of the 6l type. Minimise run lengths of hot and cold water pipes from storage to tap/shower areas. This minimises the amount of waste during the time the water goes from cold to hot. Utilising drought resistant varieties of trees, plants and grasses when landscaping. Install water efficient appliances such as dishwashers, washing machines.

**Please Note:** United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

The original report (Paragraph Nos. 43, 50 and 64) have been amended as follows:

43. There are some trees further into the site adjacent to the position of the football pitches, all of which are to be retained apart from a Sycamore tree which the Tree Survey states is suffering from decay. The Arboricultural Officer has confirmed this to be the case. Additional landscaping will also be required along the boundary with the Anderton Court properties and adjacent to 68 Scholes Bank to screen the car park.

50. In terms of this request from LCC (Highways) for the speed limit to be reduced, this would need to be the subject of a Traffic Regulation Order as will the provision of a 'no right turn' into the site. A suitable Grampian planning condition can be used to secure the 'no right turn'. However, whilst the proposed plans show the speed limit being reduced to 30/40mph, LCC (Highways) state that the reduction in the speed limit is 'very much desirable' but are not insisting absolutely on its provision to make the proposals acceptable in highway safety terms as the 85<sup>th</sup> percentile speed of 41mph based on readings taken at the site mean that the visibility splay proposed accords with the Design Manual for Roads and Bridges. It is stated though that it would make the road safer by encouraging lower speeds adjacent to the access. A careful balance therefore has to be struck between the aspirations of LCC (Highways) and what is deemed necessary to make the proposals acceptable. LCC (Highways) have not objected to the scheme on the grounds of highway safety in respect of the speed limit and as such there is no justifiable reason to refuse the application on these grounds.

64. The applicant has undertaken some consultation with the public. Section 7 of the applicants Planning Statement includes details of meetings held between residents and the St Marys Football Club at Horwich Leisure Centre on 21<sup>st</sup> December 2008 and 11<sup>th</sup> June 2009. It is stated that whilst the meetings were regarding the application to Bolton Council for the clubhouse, the illustrative site layout proposals did show the additional football pitches and general position of the car park which now form the basis of this planning application. Appended to the Planning Statement is a copy of a newsletter sent out to local residents following the second meeting on 11<sup>th</sup> June 2009. This newsletter details changes made to the proposals comprising of reducing the size of the clubhouse, meeting with highways to resolve parking and access issues, the undertaking of an ecological survey and the distribution of posters FAQ's and flyers in the local area.

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#### **ITEM 4b- 11/00085/FULMAJ – Garage, Westminster Road, Chorley**

**The recommendation has changed as follows:**

**It is recommended that this application is granted conditional planning approval.**

The original recommendation was subject to the S106 Agreement however this has now been signed and completed.

**1 further letter of objection** has been received setting out the following issue:

Concerned over access to the flats on Alker Street as the access appears to be at the side of 15 Alker Street which is currently used for the parking of private vehicles

Pedestrian access to Block B (which is at the rear of the properties when viewed from Alker Street) will be either by the side of 15 Alker Street or to the rear of 20 Regent Road. There is a gap between the ownership of 15 Alker Street and the application site and as such it is not considered that pedestrian access will be an issue. This notwithstanding issues in respect of land ownership are a private matter.

**Following the receipt of the Committee report the agent for the application has provided the following comments:**

Firstly, I note that there is one letter of objection to the application that is noted in the officers report which identifies five points that are raised upon a lack of parking for the development, a block of 'flats' not being appropriate in design terms, there being a resultant loss of light, noise and additional traffic. Though the letter is not published on the Council's web site, is assumed that this letter is from an adjacent resident in Westminster Road.

As the Council planners will be aware, the scope of the application development is exactly the same as that previously approved in 2008 when it had been found to be acceptable. The issue of there being no on-site car parking [and greater traffic generation locally] was assessed during the consideration of the first application. It had been argued that this was a very sustainable location for a residential development within walking distance of the town centre, while an initial objection by LCC Highways was mitigated by the applicant agreeing to a S106 contribution towards the improvement of the close by West Street Car Park and hence its capacity for greater usage.

The development applied for is certainly not a 'block of flats' in the strict sense of the terminology and this is misleading in terms of the Committee members considering the application. The development elevations appear more as two blocks of terraced houses on each street frontage, entirely in character with the surrounding, long established street pictures. Any potential light loss from the new buildings proposed will have certainly been examined in the consideration of the first application, while the raised issue of 'noise' can only really be related to the construction of the development which is an accepted matter in the undertaking of building works. Once completed the residential use of the site, entirely in character with the area, will have less impact than the full utilization of the long established commercial use on this site.

As a separate matter, the officers are recommending only a further two year consent be granted which is somewhat disappointing. The 2009 global recession was particularly devastating to the house building industry and there is still little convincing evidence of a significant recovery in the investment in new housing sites. Certainly it will be medium to long term before there is anything like a full recovery in such investment and that may well be outside the scope of a further two year consent. The site however has been longstanding in the Council's view of those sites within residential areas that are currently nonconforming in land use terms and warrant redevelopment in order to assist in regeneration. Indeed the site is included within saved policy HS7 as having the potential for re-development subject to assembly. The smaller parcel of land on the opposite side of Alker Road, which is also included under the scope of policy HS7, has been developed although this was more straight forward as a small development for a local builder. It would seem improbable that the Council would wish to cease support for the redevelopment of the land by restricting the time period for commencement of this development to less than the normal 3 years.

There seems to be no advantage to the Council, and certainly not the developer, in doing that. It is a well designed development with its own central courtyard area enabling a desirable, well integrated sense of community within it. The Committee is asked to give greater consideration to a three year permission.

**The original report has been added to as follows:**

Following a recent Court of Appeal Judgement (SAVE Britain's Heritage v SSCLG) the demolition of buildings, such as that currently present on the application site, is

now classed as 'development'. Permitted development rights for such development still apply however the onus is on the Local Authority to check whether the authority requires prior approval of the method of demolition. Additionally demolition works now come within the scope of the EIA Directive. In the case of this proposal it is not considered that the demolition of the existing garage buildings will have a significant effect on the environment which would necessitate the submission of an EIA. As such it is not considered that the authority requires prior approval of the method of demolition in this case. The following information is suggested in this regard:

**PLEASE NOTE:** If you intend to demolish the existing buildings on the site as a separate project you must apply to the Local Planning Authority for a determination as to whether you will require prior approval for the method of demolition

The following conditions have been amended which follows from officer consideration in respect of the wording of the condition:

12. 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 1st January 2010, Level 4 for all dwellings commenced from 1st January 2013 and Level 6 for all dwellings commenced from 1st January 2016).

*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.*

13. 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.

*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.*

14. No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be 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.*

The following condition has been added to address the reduction in carbon emissions required as part of Policy SR1:

Prior to the commencement of the development full details of the on site measures to reduce the carbon emissions of the development, through the use of low or zero



carbon technologies, by 15% shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

*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.*

The following informative has been added:

The 15% reduction in carbon emissions required as part of Policy SR1 can be achieved by gaining 2 credits under Issue Ene7 of the Code for Sustainable Homes Assessment

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**ITEM 4c- 11/00071/FULMAJ - Formerly Multipart Distribution Limited, Pilling Lane, Chorley**

**The recommendation remains as per the original report**

The description of the development was incorrect as it referred to Plot 400 which is not within the application site. As such the description has been amended to:

Re-plan to plots R282 - R299 (18 No dwellings) and an additional 3 No dwellings (Plots R401 - R403)

**The original report has been amended as follows:**

Paragraph 1 should have read: The proposal is for the re-plan to plots R282-R299 (18 no dwellings) and an additional 3 no. dwellings (Plots R401-R403), which is a total of 21 dwellings.

Paragraph 22: The applicant was advised that the originally submitted proposal did not accommodate sufficient parking and as such the layout has been amended to incorporate additional parking. The amended layout incorporates 2 spaces per dwelling, with the exception of the 2 Eveshams on plots 293 and 299. Whilst there is room to provide the second space for these 2 plots within the court, the applicants consider it is more desirable and appropriate to utilise the space to provide some greenery / landscape to compliment the 'hardness' of the court itself. Furthermore the applicant considers that the parking arrangement works very logically as drawn, and would become contrived if 2 extra spaces were introduced.

There are now 15 dwellings located within this court and 28 parking spaces-a ratio of 187%.

The amendments apply only to the parking layout. It is considered that although two of the proposed properties only incorporate 1 parking space these are the relatively small two bedroom accommodation on the site and as such, from a visual amenity perspective, in this circumstance it is considered that 1 parking space will be sufficient to serve the property whilst ensuring that a element of landscaping is accommodated within the parking court.

The following condition has been amended as follows, to take into account the amended layout:

The approved plans are:

Plan Ref/Title:	Received On:	Title
4081-11-02-003 Rev F	19 April 2011	Location Plan
4081-11-02-001 Rev V	19 April 2011	Planning Site Layout
4081-11-001-001 Rev E	19 April 2011	Material Schedule
Lex-11-02-003 Rev F	19 April 2011	Boundary Treatment Plan
4081/ENG001 Rev B	19 April 2011	Drainage Layout
C-SD-0806	27 January 2011	Free Standing Brick Walls
C-SD0910	27 January 2011	Gate Within Close Boarded Fence 1.8m High
C-SD0905	27 January 2011	1350mm Close Boarded/ 450mm Trellis Fencing
C-SD0907	27 January 2011	Close Boarded Fencing 1.8m Panel Effect
C-SD0900	27 January 2011	Post and Rail Fencing
SG-DG01-1-001 Rev B	27 January 2011	Double Garage Type 1 Plan Section & Elevation (Hipped)
C-DG01-1-001-Rev C	27 January 2011	Double Garage Type 1 Plan Section & Elevations
L4081K.1	27 January 2011	The Kenilworth: Social Housing Plots R286-R287
L4081BES.1	27 January 2011	The Broadway-Evesham Social Housing 2 Plots R296-R299 & R400 (Elevations)
L4081BES.1	27 January 2011	The Broadway-Evesham Social Housing 2 Plots R296-R299 & R400 (Floor Plans)
L4081BES.1	27 January 2011	The Broadway-Evesham Social Housing 1 Plots R282-R285 (Elevations)
L4081BES.1	27 January 2011	The Broadway-Evesham Social Housing 1 Plots R282-R285 (Floor Plans)
CHSB02	27 January 2011	The Broadway-Evesham (Elevations)
CHSB02	27 January 2011	The Broadway-Evesham (Floor Plans)
CHSB02 (Render)	27 January 2011	The Broadway-Evesham
C3H108	27 January 2011	The Kenilworth

*Reason: To define the permission and in the interests of the proper development of the site.*

The whole site is approximately 10.1 hectares in area. 400 dwellings equates to approximately 40 dwellings pre hectare.

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