

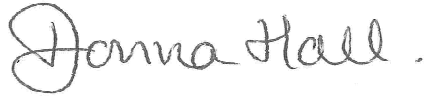
15 July 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 12TH JULY 2011

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

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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REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	12 July 2011

ADDENDUM

ITEM 4a- 11/00420/REMAJ - Bill Beaumont Textiles Park Mills Deighton Road Chorley Lancashire

The recommendation remains as per the original report.

One letter has been received from a neighbour following consultation on the amended plans stating that they have no more comments to make (following their original ones that are detailed in the Committee report).

The applicant was advised of the comments of LCC Archaeology and Chorley's own Conservation Officer both of whom requested a condition in relation to a recording condition. A building recording report has been produced before this meeting to the satisfaction of the Conservation Officer and therefore no condition is proposed in relation to it.

The following additional conditions have been added to ensure the Council have control of future alterations to some of the plots on the proposed layout to protect the amenities of existing surrounding residential properties:

Notwithstanding Schedule 2 Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent re-enactment thereof, no alterations or extensions shall be carried out at first floor level or above without express planning permission first being obtained on plots 1, 9, 13, 28, 42, 61 and 62.

Reason: To avoid loss of privacy to adjoining properties in accordance with policy HS4 of the Chorley Borough Local Plan Review 2003.

Notwithstanding Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no extensions or alterations to the dwelling, outbuildings (including sheds, garages, and greenhouses), or any other works permitted by the aforementioned classes shall be constructed or erected at the dwelling on plot 45 without express planning permission first being obtained unless shown on the approved plans.

Reason: To avoid a loss of amenity to number 18 Oakwood Close and in accordance with policy HS4 of the Chorley Borough Local Plan Review 2003.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows or dormer windows other than

those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the dwellings hereby permitted on plots 1, 9, 13, 28, 42, 45, 61 and 62.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.

The following additional conditions are proposed to ensure the development complies with policy SR1:

The development (or any phase or sub-phase) hereby permitted shall not begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority to show how the development will meet the Code for Sustainable Homes Level 3 (if the development is commenced before 2013) or Level 4 (if the development is commenced in 2013). 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.

No dwelling shall be occupied until a letter of assurance, detailing how the dwelling in question will meet the necessary code level, has been issued, to the Local Planning Authority, by an approved code assessor. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Within 6 months of completion of that dwelling 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 condition stating the approved plans has been amended to reflect the latest Proposed Site Layout plan (Revision M). This revision shows a shed in the rear garden of plot 45 which is required to provide cycle storage under the Code for Sustainable Homes (otherwise the condition above removing permitted development from plot 45 would have prevented this from being done):

The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing ref:	Title:	Date:
10-011 AL01 Rev N	Proposed Site Layout	12 July 2011
10-011 HT01	Calder Proposed Floor Plans & Elevations	16 May 2011
10-011 HT02	Langley 3 Proposed Floor Plans & Elevations	16 May 2011
10-011 HT03 Rev A	Langley Proposed Floor Plans & Elevations	16 May 2011
10-011 HT04	Sutton Proposed Floor Plans & Elevations	16 May 2011
10-011 HT05	Marton Proposed Floor Plans & Elevations	16 May 2011
10-011 HT07 Rev A	Birch/Cedar/Maple/Birch Proposed Elevations	16 May 2011

10-011 HT06 Rev A	Birch/Cedar/Maple/Birch Proposed Floor Plans	16 May 2011
10-011 SC01	Proposed Street Scenes Plots 1-3	16 May 2011
10-011 SC02	Proposed Street Scenes Plots 4-6 & Plots 7-8	16 May 2011
10-011 SC03	Proposed Street Scenes Plots 9-12	16 May 2011
10-011 SC04	Proposed Street Scenes Plots 13-16	16 May 2011
10-011 SC05	Proposed Street Scenes Plots 17-18, 54-55, Plots 19-20, 29-30	16 May 2011
10-011 SC06	Proposed Street Scenes Plots 31-33	16 May 2011
10-011 SC07	Proposed Street Scenes Plots 34-37	16 May 2011
10-011 SC08	Proposed Street Scenes Plots 45-50	16 May 2011
10-011 SC9	Proposed Street Scenes Plot 51	16 May 2011
10-011 SC10	Proposed Street Scenes Plots 56-58, 59-61	16 May 2011
10-011 SC11	Proposed Street Scenes Plots 62-63	16 May 2011
10-011 SS01	Proposed Site Section	8 June 2011
OS01	OS Plan	16 May 2011

Survey Details for Trees at Deighton Road, Chorley Dated 18 April 2011

Reason: For the avoidance of doubt and in the interests of proper planning.

ITEM 4b- 11/00490/CB3- Land 200 Metres North of Shepherds Cottage The Common Adlington

The recommendation remains as per the original report

111 further letters of objection have been received setting out the following issues:

- Traffic congestion on Park Road
- Road access unsuitable for more vehicles
- Impact on Park Road School
- Not enough parking proposed for 54 plots
- Increased noise and disturbance
- Diminish character of the area
- Highway safety
- The area is designated as green belt and the appearance of the area would be affected by the proposed car park, haulage accessway, 1.2 metre high post and wire fence and compost/ wood chip bays.
- Impact on the usability of the surrounding area from a increase in traffic
- The openness of the area will be lost by the formation of the car park- not in keeping with the main features of the landscape
- Will harm the character and appearance of the green belt
- The development is not an essential facility within the green belt
- Impact on great crested newts- the application is not supported by an Ecological Assessment. The applicants should be asked to withdraw their application pending an appropriate ecological survey being completed. If the Council chooses to ignore validation requirements and the advice in PPS9 (national planning guidance on biodiversity), any decision to determine the application will be unsafe and would be subject to a judicial challenge.
- Will lighting be proposed?

The majority of these concerns are addressed within the original report however the ecological concerns are addressed below

Concerns have been raised in respect to how the application forms were completed summarised as follows:

1. It has not been stated on the planning application that the land in question is designated as "Green Belt Land"
2. Inadequate details in respect of Pre-application Advise
3. The planning application states that there shall be NO plans to store or aid the collection of waste. We understand that there shall be storage on the site for waste materials in bins.
4. The planning application states in (boundary treatments) that all hedges shall be retained to existing height; we understand that parts of the hedge shall be removed to allow access the proposed car park area.
5. The "Traffic Report" also states that the "Overflow" of the car park area or additional parking of vehicles shall be able to park on the "Grass Verge" of the Common Roadway. This shall desecrate the common
6. The planning application states that there is not intention to connect to existing sewers. With some 54 plots allocated can the council confirm how human waste shall be disposed of on the location? Can the council confirm how animal waste shall be disposed of from the location?
7. The application is incorrectly completed in respect of flood risk
8. There has been no "Ecological Assessments & Wildlife Surveys" completed or the effects that the proposed application may have on the Ecological area and Wildlife within the proposed areas, which is a requirement by LAW.
9. No tree survey has been completed or an assessment of the effects that the proposed application may have on trees within the proposed areas.
10. The planning application does not detail what provisions are being made by the council in relation to the monitoring and maintenance and the supervision of the planning application.
11. The planning application does not detail the opening hours of the proposed application, we understand from the application that the site shall be open 24 hours per day 7 days per week.
12. "Hazardous Substances"- "Weed killer/Fertilisers" and "Animal Droppings" The council should be able to assess what amounts shall be stored on the location as it has a responsibility for the safety of the environment and inhabitants

In response to these concerns:

1. There is no requirement on the application forms to detail the designation of the land this is an element which is considered as part of the planning application
2. It is not mandatory to enter into pre-application discussions. In this case several discussions have taken place in respect of the provision of allotments within the Borough and the necessity for planning permission.
3. Any requirement for bins will be addressed as part of the management of the site which Chorley Council will retain responsibility for.
4. Planning permission is not required to remove the hedgerow. However the submitted plans detail the retention and enhancement of hedgerows on the site
5. It is considered that the parking provision is adequate to support the number of allotments proposed additionally it will be made clear at the time of signing the tenancy agreement that parking on the road will not be permitted.

6. The scheme does not include toilet accommodation which is identical to the other allotments within the Borough. This consideration relates to the management of the site and is not material to the consideration of this application
7. The application forms confirm the site is not within a flood risk zone
8. This issue is addressed below
9. The removal of trees does not form part of the proposals and as such a full tree survey is not required.
10. The management and maintenance of the allotments is not material to the consideration of this application which does not relate to the allotment plots. The management will be dealt with through enforcement of the tenancy agreement as similar to other allotments within the Borough.
11. By the nature of the proposed use of the land the site will be generally accessed during daylight hours. No lights are proposed and as such it is not considered justifiable to impose an hour's restriction from an amenity perspective.
12. The proposal for a car park and haulage way does not include the storage of hazardous substances and as such 'not applicable' was ticked in this regard.

A petition against siting the allotments within this location has been submitted incorporating 52 signatures.

The following consultee responses have been received:

Consultee:

Head of Streetscene & Leisure Contracts has confirmed *As agreed at Executive Cabinet on 17th February 2011, any new sites shall be allocated on a 50/50 split between long standing 'any site' names on the waiting list and local requirements as determined by the applicants distance from the allotment site.*

Lancashire County Council (Ecology) have confirmed:

- Although I understand that it is only the haul road and car park that require planning permission, Chorley Council should be aware that they have a duty under the NERC Act 2006 to have regard to biodiversity in the exercise of their functions, and therefore the impact of the allotments on biodiversity in this location would still need to be considered and carefully managed/integrated.
- Lancashire County Council has records of common toad (Species of Principal Importance in England (section 41 NERC Act 2006)) from within and adjacent to the application area. Although the closest record for great crested newts appears to be approximately 1km from the application area, given the now historic date of the survey, it is possible that great crested newts could have colonised ponds closer to the application area since that time.
- The application area itself appears to comprise agriculturally improved land and has been used for arable production in the past (if not now). The application area (with the exception of the pond itself and possibly hedgerows) thus comprises sub-optimal terrestrial habitat for amphibians, and the proposals are therefore unlikely to result in the loss of core terrestrial habitat for populations of protected or priority amphibians in this area. Indeed, the proposals to retain the pond and enhance its immediate surroundings as a nature area, together with proposals for hedgerow creation (and the allotments themselves), should result in an enhancement in biodiversity value.
- As amphibians may be using the pond for breeding however, there is a risk that amphibians could be killed or injured during construction works associated with the

creation of the haul road, car park, and allotments themselves. Although Natural England guidance indicates that the haul road and car park proposals are of such a small scale that an offence is unlikely, in combination with works to create the allotments the proposals would be of such a scale and sufficiently close to the pond to have the potential for offences.

- It would therefore seem appropriate for Chorley Council to attach a planning condition requiring the submission for approval (and subsequent implementation) of a precautionary method statement for the protection of amphibians. The method statement should detail Reasonable Avoidance Measures (non-licensed avoidance measures) that will be implemented during construction and operation of the site for the protection of amphibians. Appropriate measures during construction might include restricting work to winter when amphibians are not active above ground, keeping the duration of ground works as short as possible, carrying out works during the day and on dry days only (when amphibians are unlikely to be present), hand searching of the area prior to works by a suitable ecologist, backfilling trenches /excavations over night, raising stored materials off the ground on pallets, and the avoidance of installing structures (including fences) that would act as barriers to the movement of amphibians in this area. The precise measures should be informed by a suitable licensed/.qualified ecological consultant.
- The allotments are likely to result in the creation of habitats and places of shelter suitable for use by amphibians. It will therefore also be important for allotment owners to be aware of the possibility/likelihood of encountering amphibians, their legal responsibilities, and of the appropriate action to take. This could also be included in the method statement.
- In addition, it would be appropriate for further details of the 'nature area' to be submitted for approval and subsequent implementation. Clearly all works in the vicinity of the pond will need to take account of the possible presence of protected/priority amphibians.

Following the receipt of the Ecologists comments the following **conditions** has been attached to the recommendation:

1. Prior to the commencement of the development a precautionary method statement for the protection of amphibians shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the Reasonable Avoidance Measures (non-licensed avoidance measures) that will be implemented during construction and operation of the site for the protection of amphibians. The development thereafter shall be carried out in accordance with the approved measures.
Reason: To ensure that during the construction period measures are implemented to ensure that amphibians are not killed or injured. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review
2. Prior to the commencement of the development full details of the 'nature area' detailed on the proposed layout plan shall be 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: To ensure that any work within the vicinity of the pond takes into account the possible presence of protected/priority species. In accordance with Government

advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review

Additionally the following **informative** has been added:

PLEASE NOTE: The allotments are likely to result in the creation of habitats and places of shelter suitable for use by amphibians. It is therefore suggested that future tenants are made aware of the possibility/likelihood of encountering amphibians, their legal responsibilities, and of the appropriate action to take. In accordance with the Wildlife and Countryside Act 1981 it is an offence to kill or injure protected species or their young, to intentionally damage, destroy or obstruct their places of shelter.

The original report has been amended as follows:

Paragraph 32 confirms that the tenants, notwithstanding the contents of the tenancy agreement, will require planning permission to erect structures on the site. It is considered that the most preferable way forward in this regard would be for all the tenants to work together and submit one application for the whole site detailing the siting and appearance of any structures. This will ensure there is consistency in respect of the structures erected on the site and will be a lesser fee compared to if each individual tenant applied separately.

Paragraph 39 confirmed that the Ecologist at Lancashire County Council had been consulted and their comments would be reported on the addendum. As set out above the Ecologist has made comments. The ecologist considers that the application area comprises sub-optimal terrestrial habitat for amphibians and as such the proposals are unlikely to result in the loss of core terrestrial habitat for populations of protected or priority amphibians in this area. Guidance from Natural England indicates that the haul road and car park proposals are of such a small scale that an offence is unlikely. However there is a risk that amphibians could be killed or injured during construction works associated with the creation of the haul road, car park. As such appropriately worded conditions have been suggested in this regard. It is considered that the three tests set within the original committee report (paragraph 38) have been met and a favourable conservation status of protected species will be maintained.

Paragraph 43 related to the non-material planning considerations and in particular the allocation of the allotments. After further correspondence with the applicant it has been confirmed that in the Overview and Scrutiny Task Group and subsequent Executive Report it was agreed that the new allotment sites will be allocated by a 50/50 split between the neighbourhood area waiting list and people waiting for any site from the top of the waiting list. The Council aim to allocate plots to those who live nearest with a view to being more sustainable.

Additionally the applicant has confirmed that more requests from residents in Adlington to be added to the waiting list have been received since the planning application was publicised so there are now more than 30 people on the waiting list. However the most recent enquirers won't necessarily get a plot straight away.

ITEM 4c- 11/00410/FUL - The Dog Inn Chorley Old Road Clayton-Le-Woods Chorley

The recommendation remains as per the original report.

The following additional condition is proposed following receipt of a Preliminary Sources Study Contamination Report from the agent:

The site of this application lies within the likely influence of infilled ground, where there is a possibility that ground gas is being generated. Before the development hereby permitted is first commenced, full details of the measures to be incorporated into the development to prevent the ingress of ground gas shall be submitted to and approved in writing by the Local Planning Authority, as in accordance with the recommendations of the Preliminary Sources Study Contamination Report dated July 2011, this shall include details of at what stage of the site development the measures will be incorporated. The development hereby permitted shall only be constructed in accordance with the approved ground gas ingress prevention measures and their timing. Should, during the course of the development, any made ground or suspected contaminated material be discovered, then the development should cease until such time as further investigation and remediation proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the further approved proposals.

Reason: To protect the safety of the occupants and buildings by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with PPS23.

Item 6 – Enforcement Item**Development not in accordance with the Approved Plans & Formation of Raised Landing Beds Application 08/00553/FUL High Wire Adventure Course (Go Ape) Rivington****Officer Response**

The reference to the area of the car of the car park relates to the area shown on the approved plan and an approximate measurement of that area.

The reference in the letter to the 45 spaces to be provided is still a relevant factor and will be considered as part of the information to be consulted on by Go Ape and determined as part of a future application.

The purpose of this report is to identify;

Firstly: that an application is current and yet to be determined.

Secondly: that consultation is to take place on parking and that a decision to take enforcement action will be taken when that application is determined or if Go Ape fails to submit.

The detail of a future application and a judgement about the merits or otherwise of such a case would be wrong to conclude on now.