

10 August 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 9TH AUGUST 2011

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

Yours sincerely



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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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COMMITTEE REPORT		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	9 August 2011

ADDENDUM

ITEM 4A- 11/00490/CB3

LAND 200 METRES NORTH OF SHEPHERDS COTTAGE, THE COMMON, ADLINGTON

The recommendation remains as per the original report.

65 further letters of objection has been received setting out the following issues:

- The site is a home to many protected animals, such as heron, newts, owls, hedgehogs, bats, and many more.
- This area is also a very popular area for walkers, cycles .etc
- 24 car parking would not be enough spaces, this would lead to parking on the grass verge
- Shepherds cottage has had it views blocked by a huge land fill site, now you wish to spoil the front views with a shanty town
- 52 allotments multiplied by two visits at a minimum per day means an extra 104 cars using this narrow/overpopulated road per day
- the local residents have not been notified of your plans
- The Common is also home to a considerable amount of retired people, and this is a another added security risk, as this redevelopment will attract vandals etc
- If the car park and access are allowed it will alter the character of the area completely. It also will be in a secluded quiet spot and thus will be an attraction for vandals and also drug dealers and users.
- What is now for people in the area a peaceful walk, will become a busy area with cars etc. parked on The Common, surely a more suitable place could be found for allotments.
- The traffic down Park Road is already at saturation point
- The allotments should be on land at red house bridge as Harrison road
- The land at the end of Harrison Road is unused by any farmers now and is very overgrown .The land down the common is used by a farmer for crops to feed his livestock also the spring pit in the field is used by many people for fishing
- Impact on traffic
- We seem to have great difficulty in "getting through" to the Council that traffic of any nature or quantity must not be increased up Park Road and The Common. It is currently a nightmare in negotiating Park Road at most times of the day or night.
- You do not know 'the extent of it as you have not done a formal traffic census to find out. Similarly you have not followed this up with a formal risk assessment to "scientifically" come to a decision that it must not ever be "added-to" under any circumstances.
- What is completely staggering about your "blind intensity" to go ahead with this unquantified increase in "risks and hazards" is that you have not formally assessed it. You need to look at your "notional proposals" in more detail and on a fully "schemed-out basis".
- Your choice of using green belt land up The Common for these allotments, when there is a perfect, large plot of fallow council owned land up Harrison Road, defies all reason. It would be tantamount to "institutional vandalism" if you go ahead. Using this fallow site of yours prevents any increase in traffic up Park Road and will save you the trouble of carrying out a full traffic census and risk assessment.

- Your documentation in making the case for Park Road/The Common site is seriously flawed and not based on any tangible provable facts.
- Please cut the risks, losses and costs to the ratepayers and allow commonsense to prevail by using the Harrison Road/Red House Bridge site owned by OUR Council.
- The Red House Bridge is (9 feet) 2.745 metres wide and will take any standard width lorry. Even better, the costs will be considerably cheaper "for us" the ratepayers. I trust each of the Council Members will see the absolute logic of this "Risk & Cost Reducing" alternative and vote for it accordingly. Just let commonsense prevail please.
- Concerns over the Highway Engineers assertions in respect of this application
- Park Road is effectively a one way road
- There is no bus service on a Sunday
- Limited access
- Noise
- Traffic spillage
- Safety impacts on walkers, cyclists, horse riders
- Impact on the open character of the area
- Impact on protected species

Response: These issues are addressed within the Committee report

1 letter has been submitted addressed to all Councillors setting out the following concerns:

- The Council Officers are trying to bulldoze through a planning application to site allotments with car park on pristine Green Belt land
- This will have a serious traffic effect on Park Road which is already badly affected by congestion throughout the day and evening and particularly weekends
- We all believe this to be a serious vandalisation of our beautiful Green Belt. After a twelve month period it will be a 'shanty town' with no hope of recovery. See many press reports on other allotment sites in Chorley even at this present time.
- However not to be too critical on allotment provision, the Council owns an ideal site where traffic and visual impact will be minimal. This site is up Harrison Road and over Red House Bridge (from the rear of the cemetery down to the River Douglas). It cannot be overlooked and Red House Bridge is a masonry arch 2.745 metres wide (9FT Minimum width) with no weight restriction.
- Please will you ensure that this site is used instead of vandalising pristine green belt land up The Common.

1 letter has been sent to the Chief Executive raising the following points:

- If the Council is so hell bent on rushing this proposal through your systems then there must be a recorded vote of the members when your final decision is taken.
- On your records you will see that in 1995 a proposal for housing development to the rear of the Common was rejected for traffic problems. Since 1995 there have been various other developments and traffic flow has increased exponentially. For our Council to add to these additional problems is totally unforgivable. You have not even bothered to carry out a census to determine how much the traffic has increased. You have not carried out Risk Assessments to assess the hazards.
- There were various 'NO THROUGH ROAD' signs on Park Road, Old School Lane and Harrison Road which have disappeared and not been replaced. Current satellite navigation systems send drivers of heavy vehicles up and down these roads and need to be informed of the 'no through road' status by replacing the signage. (A Leeds coach, full of passengers had to reverse all the way up Old School Lane recently).
- Currently in Spring, Summer and Autumn we have fast-track tractors and trailers harvesting and haymaking etc, carting product out of the ward. With the advent of bussing children to several schools we now have some seven or eight school buses am and pm adding to the chaos on Park Road and the Common.

- You have clearly ignored these aspects in your rush to put allotments up The Common. The Highways Engineer has no idea of the intensity of the traffic problem and without a traffic survey at peak periods his Report is not worth the paper upon which it is written.
- Again, a recorded vote by our Councillor's is essential for us to know who we can 'pillory' when it all goes 'pear shaped'.
- Clearly the simple answer is to use your Harrison Road site instead of wasting money, time and aggravation in desecrating the green-belt with a shanty town. You all know only too well of the national problems of allotments and we can provide all members with a sample of several press reports on these difficulties.
- The Construction (Design and Management) Regulations. As you have not costed out the scheme against a Bill of Quantities you do not know whether or not your scheme comes under the jurisdiction of this very stringent Act or not
- Under the Freedom of Information Act please provide our ad-hoc group with your costings on the scheme and whether or not it does in fact come under these Regulations. Your tender-stage Health & Safety Plan must be provided to us, along with these costings. In addition, under this same Freedom of Information Act, please provide us with copies of your Risk Assessments for both the construction phase and beyond after handover. If you need assistance with these Risk Assessments I will gladly oblige. Your risks are very low if you use Harrison Road instead of Park Road and The Common and your costs will be correspondingly lower of course.
- Ecology Survey. We understand that you are now going to carry out this survey as is required legally. It seems a pity to waste our money when Harrison Road may well not need one!

Response: The above comments are considered within the report and the addendum. The Freedom of Information request is being responded to by the proper officer. Members will be aware the Council's Constitution allows a member of the committee to request a recorded vote.

The following additional comments were also raised:

- 1 The expiry date for the application is 2nd August- Can we assume that this expiry date, having passed, the scheme does not go ahead?
- 2 Committee Report: This document is a total conglomeration. Even the pages are not numbered. It is a collection of disjointed topics. It refers to 'speakers' plural but only one person is allowed to speak for and one against. This is not democracy. This is autocracy and as such inhibits a full and frank analysis and singularly prevents an open discussion on an invasion of the green belt for a shanty town.
- 3 Only two letters of support for your proposal have been received. (and howls from many, many local residents who do not want this development up The Common,.)
- 4 The 'Applicant'; -who is this ghostly figure? Surely it is not a junior employee of our Council?
- 5 The writer could carry on throughout this 'mish-mash' of an un-numbered document but this would bore everyone to tears. Accordingly odd items have been chosen to demonstrate the total inadequacy of this document as follows:
- 6 Page 4, Item 23. The Highway Report is a total waste of time in view of the lack of a traffic census. It is purely the opinion of an outsider not living in this area and does not reflect the severity of the traffic problem!
- 7 Page 6. Few neighbours were consulted and the site notice was an A4 sheet on a BT telephone pole —where there is no footpath. This is totally inadequate and only adds to the belief that the Council Officers are trying to have this allotments proposal slipped through the net surreptitiously.
- 8 Page 7, Item 3T. Ecology. The Council has deliberately ignored this legal requirement until recently when pressure on the Officers has persuaded them to implement a formal survey.
- 9 Page 7, Item 38. Have these 3 derogation tests been done?

- 10 Page, item 40. This is utter waffle. Red House Bridge is 9ft wide minimum — 2.745 metres and has no weight restriction. Your own bin lorries use it every week. This site is ideal for all of your allotment applicants.
- 11 Page 7, Item 4Q. Who has established that allotments on green-belt land are permissible because of the `agricultural nature' of the use? Allotments are 'horticultural `not `agricultural'.
- 12 Page 9, Item 1T. The scheme is not approved and many insurmountable anomalies exist. Our Council are deliberately trying to implement this scheme `under the radar'. Please do not do this
- 13 Page 10, Item 24 continues in similar vein and with similar anomalies. Clearly the whole scheme is seriously flawed and as such should be abandoned.
- 14 Pages 12-16. Please see hand-written annotations on these pages and sent to you under separate cover.

Response (as per numbered points above):

- 1 The expiry date is the nationally set 8 week date for all minor planning application. Even though this date has passed, this does not mean the application cannot and should not be determined.
- 2 For planning applications at committee, one person can speak for the application and one against which is why the agenda refers to 'speakers'. The preamble to the agenda is not numbered however the agenda is numbered at the top of the pages which each paragraph separately numbered for ease of reference.
- 3 In total 3 letters of support have been received however every planning application is assessed against the development plan and other relevant material considerations, and not the volume of objections or supporting comments received.
- 4 The applicant is Lindsey Ralston who is the Council's Parks and Open Spaces Officer
- 5 The specific queries are addressed below:
- 6 It is unclear which part of the report the enquirer is referring to in this case. There is no item 23 on page 4 of the agenda however paragraph 23 of agenda page 44 (paragraph 28, agenda page 10 of the August agenda) states *As set out above the Highway Engineer has no objection to the proposed scheme. The Engineer was made aware of the specific concerns raised and has made the following comments to explain why he has no objection.* These are the opinions of the County Highway Engineer as a professional engineer, and as a statutory consultee.
- 7 In total 175 neighbours were consulted on this application. The Council are only required to consult the immediate neighbours to the application site, but in this case additional neighbours were consulted.
- 8 The submission of a Ecological Survey is not a legal requirement. The Council only requires an ecological survey where the development of the site might affect protected species and/or habitats, Biological Heritage Sites, Ancient Woodland, woodland areas, any water body, pond ditch, or other similar feature; which was not considered to be the case when the application was submitted as it is for a car park and haul road sited away from the pond. However following concerns from residents in respect of ecological impact the Ecologist was consulted and her comments are set out within the report.
- 9 Paragraph 44 of agenda page 14 states that: *It is considered that the three tests set above have been met and a favourable conservation status of protected species will be maintained.*
- 10 Paragraph 41, agenda page 47, of the July agenda (paragraph 46, agenda page 14 of the August agenda) states: *end of Harrison Road has been suggested. The use of the land for allotments does not form part of the consideration of this application. However the question has been forwarded to the Council's Parks and Open Space Team who has confirmed that the Harrison Road site was considered a number of years ago however it was dismissed as it was considered that the bridge was too narrow and access was restricted. The applicant has assessed the site which is overgrown and a vast area of land. Developing this site for allotments would require ecological surveys to be carried out, the site is too large taking into account the budgetary limitations and some of it is allocated as cemetery extension. As*

such this site was discounted. Council Officers have visited the site along with the Highway Engineer and it is considered that the bridge has visibility issues to which the Highway Engineer would raise concerns if a car park to serve allotments was provided within this location hence why this location was discounted. The Council's Waste and Contaminated Land Officer has confirmed that our waste collection contractor, Veolia, send a 3.5 ton caged tipper to collect domestic waste from houses on the opposite side of the bridge. He is not aware of any Refuse Collection Vehicles that go over this bridge.

- 11 And 12 and 13 - A High Court decision (Crowborough Parish Council v SoS for Environment, 1980) held that allotments fell within the definition of agriculture in the relevant planning act. Section 336 of the Town and Country Planning Act 1990 states "agriculture" includes horticulture and as such any horticultural uses are considered to be agricultural. Agriculture is considered to be appropriate development within the Green Belt. Moreover, the use of Council owned land as allotments does not require planning permission. The elements of the scheme which do require planning permission, such as the car park, have been assessed in respect of the development plan and other material considerations.
- 14 The majority of the handwritten notes relate to utilising Harrison Road which is discussed above

1 further letter of support have been received setting out the following points:

- This is a much needed resource
- I live quite close and do not feel it will cause any problems.

The **Chair of the Chorley and District Allotment Society** supports the application

Consultee: Lancashire County Council (Highways)

Following the Members site visit, Highways have made the following comments:

- Whist 54no allotment plots may seem a lot, you would however expect allotment visits to take place maybe once, twice or three times a week. Therefore on that basis it would be reasonable to assume that on the average there will be 2 visits a week, and this may equate to a total of only 108 visits over the course of a full week.
- In terms of car trips, you could say for simplicity that that is 15no 2/way vehicle trips per day over the course of the week (7 days). Alternatively, if you to assume 1no visit will be on a week day and the second visit will be at the weekend, this would give 54no weekday trips (10no trips/day) and 54no weekend trips (27no trips/day).
- Applying a reduction of 10-15% to allow for trips by foot and cycle as the allotments will be 50% local to Adlington and 50% from outside the area, would give 50no weekday trips and 50no weekend trips.
- In terms of the weekday trips, 10no visit is well within the daily variation. That is, if you did a vehicle count you will get a daily variation owing to different traffic patterns (family visitors, taxis, emergency vehicles, mobility bus, delivery vehicles including food shopping & take aways, drop off/ pick up [commuters/grand children], shopping day/night out etc). As such there will be more traffic on some days compared with others. The weekday allotment traffic will therefore not have any significant traffic impact.
- Similarly, the traffic levels over Saturday and Sunday will be much reduced owing to no school traffic and less commuter (work) traffic. In this respect, the allotment traffic will have little significant bearing on traffic movements in the area as the general volume of traffic will already be much reduced compared with normal weekday traffic. The above small level of allotment weekend traffic will therefore again not have any significant traffic impact on the weekend days when there is already going to be less traffic about (both pedestrian and vehicles).
- Furthermore, as allotments are very seasonable, there will be fewer visits during winter and autumn months. Effectively there may only be 1no visit per allotment for part (half) of the year.

Following the previous committee meeting an **Extended Phase 1 Habitat Survey And Ecological Evaluation Of Land At The Common & Harrison Road Adlington** has been undertaken by Pennine Ecological on behalf of the Council. This report assesses both the application site and the suggested site at Harrison Road in respect of providing allotments. The report concludes:

- It should be noted that allotments are a Lancashire BAP Habitat, however for a net gain in biodiversity to be achieved through the formation of an allotment site, the precursor habitat must be of lower value of what is proposed.
- The formation of an allotment site at The Common would result in the loss of the following features:
 - An intensively managed ley grassland of very low species diversity, low invertebrate and breeding bird value.
 - Potential fatalities of amphibians during site clearance.
- The formation of an allotment site at Harrison Road would result in the loss of the following features:
 - Loss of an unmanaged rank habitat mosaic of coarse grassland, tall herb and scrub.
 - Habitats used by common invertebrates for food and shelter including bumble bees and several common butterfly species.
 - Breeding bird habitat used by Common whitethroat. The site is also used for foraging by other common bird species.
 - Habitat used by small mammals such as wood mice, field vole, common and pigmy shrew, which in turn provide food for common raptors including Tawny owl, Little owl and Kestrel.
- The evaluation of the two sites shows that a greater level of loss and disturbance to wildlife will occur through the formation of an allotment site at Harrison Road. Whilst the losses at Harrison Road only relate to common habitats and species, the losses at The Common are minimal and measurable gains in biodiversity are predicted with a change from intensive grassland management to allotments.
- Ecologically the most appropriate site for the formation of the allotment site is at The Common. This is due to the site being under modern ley grassland management, therefore disturbance to wildlife at this site is minimal and can be managed through appropriate precautionary measures.
- Developing The Common site as allotments would see a measurable increase in Biodiversity on the site. If the Harrison Road site were chosen as an allotment site, the habitats that have developed local breeding bird, invertebrate and small mammal value would have to be removed, and there would be no measurable gain in biodiversity, only potential losses. In addition the biodiversity value of The Common site would remain poor.

**ITEM 4B- 11/00466/FUL
GO APE, RIVINGTON LANE, RIVINGTON**

The recommendation remains as per the original report.

Two further letters of objection have been received from the Chairman of the Friends of Lever Park (Mr Robert Dootson) as follows:

Letter 3rd August 2011 as follows:

“Having read the officers report for the meeting to be held on Tuesday 9th August 2011, we feel that you have not put all the facts in relation to the implications of ignoring the 1902 Liverpool Corporation Act before the committee members. And so therefore request that an addendum report be published on the matter.

- *You have failed to inform the Councillors that a precedent was set in 1997, whereby it required an amendment to the Act being submitted to Parliament, before a proposal by North West Water could even be considered.*
- *You have failed to inform the Councillors, that because the proposed Bill was blocked in Parliament the proposed “Blue Planet” plans never progressed.*
- *You have failed to notify the Councillors of the possible financial costs to the Borough, should your decision to ignore the 1902 Liverpool Corporation Act go to High Court.*
- *You have failed to notify the Councillors as to whether you have asked United Utilities to produce the conveyance by which Liverpool Corporation must have acquired the land.*
- *You have failed to notify the Councillors that United Utilities are trustees to the Park and as such cannot make a profit from the park.*
- *You may say that the Act is not of material consideration when viewing a planning application; we don’t believe you should ignore anything that has been put before you that protects the land in question.*
- *Your report appears not to deal with the serious implications of ignoring the Act.*
- *How would members of the public respond, if they found out that all the facts had not been put before a planning committee, whose decision could cost the Borough financially?”*

Letter 4th August 2011 as follows:

In the officer’s report for the meeting on Tuesday the 9th August 2011, within section 71 the author under advice from the Councils Head of Governance states in reference to section 21 subsection 2 the following: “it specifically grants to the owner general powers to do almost what they wish to provide that the public enjoy the park. This includes the provision of new buildings.”

Section 21, subsection 2 of the 1902 Act actually says: “The corporation shall subject to the provisions of this section permit the owner at his own expense to lay out the said lands.”

The Corporation are the Trustees to the park, the actual owner when the Act was put before Parliament was Lord Leverhulme who then gave to the Town of Bolton a portion of land in the Parish of Rivington. If the Corporation are owners of the park as the report would lead us to believe, then why would the Act be worded as such “The corporation shall subject to the provisions of this section permit the owner”. The Corporation are in fact the trustees of the park and reference to ownership confirms that they are not the owners but trustees.

The Liverpool Corporation Act created a Trust for Lever Park. If United Utilities do not agree that their “ownership” is based on a gift then ask them to produce the

Conveyance by which Liverpool Corporation acquired the land. They will not be able to as there was no document.

The trust is both public and charitable, and by being trustee and a decision maker on standards within the park they are allowing themselves to be in a position of conflict of interest. And also a Trustee must not profit from a position of Trust.

We hope that you will allow us to submit our correction to the interpretation of the Head of Governance advice by adding an addendum.

Response: The Council's Head of Governance makes the following comments:

In response to the letter received 3rd August:

'I am not familiar with the United Utilities application/proposal so am unable to comment upon bullet points 1 and 2. Needless to say, were the proposal to fundamentally undermine the basis of use of Lever Park i.e. fencing off large areas from the public etc then I could understand why the Act would need to be addressed although any breaches of this private Act of Parliament would not be a planning issue. I continue to be of the view that this use does not undermine the Act.

I am not clear as to the financial costs to which Mr Dootson refers in the third bullet point. If they are the costs of Judicial Review or appeal of the Council's decision, they are not a relevant planning consideration. Development Control Committee should not be put in a position where the threat of a costs order prevents them from making their decision on the planning merits of the application.

As regards bullet points 4 and 5, neither are matters for the Committee. I am not clear as to the relevance of the conveyance, it would not be usual practice for this to be sought and as ownership of the site has been established it would not be necessary for the purposes of making a decision on the application. As regards 5, this is certainly not a planning consideration and is a matter of civil enforcement against United Utilities were this to be the case and they were demonstrably receiving a profit.

The remaining 3 bullet points can also be taken together. The Act, as a private act, is not a material consideration and the breach of it, if any, is to be enforced separately to the planning process.

In response to the letter received 4th August:

It is maintained that the Act is not a material planning consideration for the Development Control Committee.

To confirm, the corporation are, as Mr Dootson rightly states, the Trustees within the Act. Trustees own property for the purposes set out in the trust, in this case the Act. It is not incorrect therefore to describe United Utilities, who I understand to be the successors in title to Liverpool Corporation, as the owner. It is correct to say that the term "owner" has a separate definition within the Act. In this application the distinction matters little.

The Act contains at section 21(2): "*The corporation shall subject to the provisions of this section permit the owner at his own expense to lay out the said lands.....*" This wording contains the directive "shall" leaving the Trustees no discretion to refuse permission to the owner if the proposals comply with the terms of the Act. In this application, as has previously been advised, the proposal is compliant with the Act.

Councillor Perks has objected to the application:

I wish to lodge my objection to the granting of the above planning application and list the following reasons.

- *The proposal potential is at odds with the sentiment of the Liverpool Corporation Act 1902. Lord Leverhulme gave this area of land and open space for the people to enjoy (section 21 subsection 2).*
- *Having been involved with the campaign to prevent the act from being altered by United Utilities some years ago the decision to grant this application previously goes against elements in the current act that afford protection from developments such as Go Ape. In my view the current development prevents the public from walking in areas through the Go Ape site and this does require an amendment to the 1902 Act.*
- *There are significant parking problem resulting from the current development, This application is designed to increase usage, which will increase the parking problems.*
- *In my opinion to allow will set a precedent for commercial development of the park contrary to the aims of the current act of parliament. Development of this kind is against Green Belt policy*
- *The original application saw the removal of tress, the damage caused by this has been detriment to the local wildlife. Concerns expressed by previous opponents have been borne out in that in addition to the removal of more trees than originally planned for, the under storey has been considerably damaged , undergrowth has been trampled and damaged.*
- *The owners of the site have demonstrated contempt for planning*
- *Regulations by exceeding permitted boundaries and heights and not submitting planning applications. Chorley Council as the local planning authority should have used its enforcement procedures to correct this.*
- *I support the objection raised by the Lancashire Gardens Trust. (taken from the report below)*
 - *“Environmental Impact Assessment – not required and they ask why not, as any alteration will affect the surroundings of the Grade II Lever Park;*
 - *PPS5 (HE9.1) states: There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting;*
 - *PPS 5 ANNEX 2 under Terminology states ‘setting’ is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral;*
 - *There are two heritage assets in consideration here, Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley’s conservation policy states: We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough’s heritage;*
 - *Surely the incremental development of commercial activities surrounding both the Barn and Lever Park represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.”*
- *I submit my objection based as a local resident of Chorley, borough councillor and county councillor.*

Response: These matters are considered in the report and the addendum.

**ITEM 4C- 11/00453/REMAJ
DUXBURY PARK, MYLES STANDISH WAY, CHORLEY**

The recommendation remains as per the original report, but the following amendments to conditions are now recommended:

Condition 3: which lists the approved plans has been amended to include the material schedule as detailed below.

Condition 18 states:

The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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.

The applicants have submitted a material schedule detailing the proposed facing materials. These materials are considered to be acceptable and as such **it is proposed to amend condition 18 as follows:**

The external facing materials detailed on the approved plans shall be used and no others substituted without the prior written approval of the Local Planning Authority.

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.

Conditions 10, 19, 20, 29 referred to plans which were submitted as part of the previous discharge of condition application. These plans have been amended to reflect the amended layout and the conditions have been amended as follows:

10. The development hereby permitted shall be completed in accordance with the approved surface water drainage scheme (Longitudinal Sections reference 02-04/01 Rev F, 02-04/02 Rev G, 02-04/03 Rev E, 02-04/04 Rev C, 02-04/05 Rev F, and the drainage layout reference 02-03 Rev H submitted 9th August 2011)

Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk

19. The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)).

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.

20. All planting, seeding or turfing comprised in the approved details of landscaping (General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)) 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.

29. No dwelling shall be occupied until all fences and walls shown in the approved details (reference SD-24, SD-??, SD-15-W01 and SD-?? 1800 High Closeboard Fence read in conjunction with the General arrangements plan- reference 1237-903 Rev L, submitted 9th August 2011 (sheets 1-3)), 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

The amended plans have also been incorporated into condition 3

The original report has been amended as follows:

Paragraph 24 of the original report indicates that it is proposed to raise the level of a number of the plots within the site. The applicant has confirmed that the reasons for this are as follows:

- Plots 6-8: The original 4 plots were reduced down to 3 and the levels adjusted to suit the new arrangement
- Plots 80-89: These plots were amended and positions moved slightly. Since the road gradient is quite steep, the FFLs needed adjusting to suit.
- Plots 131-134: These plots have minor adjustments (25mm) just to bring into brick coursings.

Paragraph 42 of the original report suggested 2 conditions in respect of the predicted energy use for both the market and affordable units. The applicants Arley Homes have confirmed that the affordable units will achieve a 6% reduction over standard building regulations. As such **it is proposed to amend the suggested condition as follows:**

Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113), to reduce the carbon emissions of the development by 6% (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.

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

Paragraph 43 of the original report suggested 2 conditions in respect of the Code for Sustainable Homes for both the market and affordable units. For clarity purposes it is proposed to remove the reference to Level 3 as follows (due to the fact that the criteria is the same for every level it is the credits awarded that differs):

Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:

- Low energy lighting
- All white goods fitted
- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)

- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

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

**ITEM 4d- 11/00474/REMAJ
Parcel I, Euxton Lane, Euxton**

The recommendation remains as per the original report, but with an amended condition

Condition 1: The landscaping plan for the site has been submitted and as such this plan has been included within condition 1 which lists the approved plans.

Additionally the proposed external materials have been amended in respect of plots 866 and 927 and as such the amended material schedule has been included within condition 1.

**ITEM 5- Enforcement Item
Land to the West of Billinge House, Euxton Lane, Euxton, Lancashire, PR76DL**

It is now recommended that as a result of the landowner's action to remedy the alleged breach, that no further action is taken.

Lancashire County Council have taken action as landowner to remove the unauthorised engineering works to form the area of hard standing and access. As can be seen from the photographs taken on the 5th August 2011, the hardcore and planings / chippings have been removed, the ditch has been reinstated, and earth has been laid and grass seed sown. The unauthorised operational development to form the new access and area of hard standing has now been removed.

Outstanding Matters:

A planning application for retrospective planning permission for the new access to an amended layout and closure of the original access to the field has also been submitted. However, at present the application remains invalid. Should the application become valid, the Council would then consider it in consultation with Lancashire County Council as Highways Authority.

It is also noted that a gap in this section of hedgerow remains. Under the Hedgerow Regulations 1997 it is possible to remove a section of hedgerow to allow access in place of an existing opening. Following this Committee the Council will be taking this matter further with the landowner to require the reinstatement of the hedgerow at either the original access point or recently formed gap.

A report will be taken to a future Planning Committee with an update on the outstanding matters.