

7 September 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 6TH SEPTEMBER 2011

The following reports were tabled the above meeting of the Development Control Committee.

Agenda No Item

7. **Addendum (Pages 1 - 18)**

Tabled at the meeting

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 آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

C O M M I T T E E R E P O R T			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	6 th September 2011	

ADDENDUM

ITEM 4a-11/00484/COU – Heath Paddock, Land 65m South Of 3 Olde Stoneheath Court (bounded By M61 and Hut Lane), Hut Lane, Heath Charnock

The recommendation has changed as follows

The Planning Inspectorate have confirmed on 30th August 2011 that an appeal was lodged against non determination of the planning application and therefore jurisdiction for the application has now passed to the Secretary of State. **The recommendation to committee therefore is that the Council is minded to recommend refusal of the application for the following reasons:-**

1. The site is located within the green belt and the development constitutes inappropriate development and so conflicts with Policy DC1 and Policy PS14 of the Chorley Borough Local Plan Review; Policy 29 of the Joint Lancashire Structure Plan; PPG2 and Circular 01/2006. Very special circumstances must exist therefore in order to justify planning permission being granted. In this case, the material considerations advanced in support of the application are not considered to be of sufficient weight to justify permission being granted.
2. The development by reason of its incongruous and unsympathetic appearance is visually detrimental and harmful to the rural character and appearance of the green belt contrary to PPG2.
3. The development causes significant harm to the residential amenities enjoyed by the occupiers of 3 Olde Stoneheath Court by virtue of its close proximity to the property.

Further Representations Received

A letter has been received from a planning consultant representing the group of residents living adjacent to the site objecting to the development.

The objection is based on the fact that the previous planning application for the use was refused and dismissed on appeal last year.

A challenge to the Inspectors decision under Section 289 of the Town and Country Planning Act 1990 were refused by the High Court and a challenge under Section 288 withdrawn in the light of the strong judgement that there was no arguable case against the inspectors decisions.

Furthermore in summary

- The application proposals are not substantially different from that dismissed on appeal just less intensive.
 - It has been established that the site is in the Green Belt and a gypsy caravan site is inappropriate development therefore very special circumstances must be demonstrated.
 - The application does not demonstrate very special circumstances and the statement of need has not produced any material which has not already been dismissed by the Inspector and High Court.
 - There has been no change to adopted policy and changes in policy since the appeal was determined to justify a decision contrary to that given by the Inspector.
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ITEM 4b- 11/00053/FULMAJ - Land 200M South West Of Whinney Cottage, 4 Whinney Lane, Euxton

The recommendation remains as per the original report

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

- Changing the character of the road – At present Pear Tree Lane is a country lane. If the proposal goes ahead it with would be changed forever.
- Proposed road widening & footpath – all the facts may not have been taken into consideration:
 - a) The surface water from our own property and that of the neighbours goes under Pear Tree Lane and the outlet falls into the ditch that is proposed to be piped. No details of how our drainage is going to be incorporated in the scheme are shown?
 - b) Following road improvements in 2004 on Euxton Lane, our properties nearly got flooded one evening. As a result LCC Highways investigated the problem and found that the large inceptor tank installed when the major changes on Euxton Lane took place meant that the drains under the road had nowhere to go, as the flow of water down the ditch was not allowing it to get through, hence the flooding . To try and stop the problem reoccurring they built a weir in the ditch, cleaned out drains and improved the ditch to control the water better. If the ditch is piped it's going to reduce the capacity of the ditch which, when it rains heavily at the moment, can approach road level
 - c) Gullies: if these are going to be fitted on one side, then this could leave more surface water lying on our side, how will this be solved?
 - d) Kerbs – will kerbs be added on the opposite side of the road near our houses? at the moment cars frequently run off the road on to the verges, we can supply photos of this if necessary
 - e) In view of the huge change to a country lane and the fact that it only affects two properties, I am very surprised that the applicant did not have the common courtesy of informing us about these proposals prior to them being submitted, especially when the applicant is a public body who are supposed to represent all the residents of the village?
- Public safety – when the traffic counter was installed on Pear Tree Lane, it recorded average speeds of 31 mph. This would suggest some vehicles were recorded travelling a lot faster (as they do every day). The proposed footpath means that pedestrians are expected to cross Pear Tree Lane at less than 25 metres from the blind junction at School Lane, to the footpath on the other

side to gain access to the proposed facility. The stopping distance, I believe, for a car travelling at 31 mph is approximately 40 metres? Is encouraging people to walk or cycle to the site without a safe crossing point not simply endangering lives unnecessarily?

- Access from Euxton lane – as the current plans stand I have grave concerns about how a coach could turn into Pear Tree Lane safely, if travelling in a westerly direction on Euxton Lane. This is due to the pedestrian crossing on Euxton Lane as it would appear impossible, and therefore create a traffic hazard for any vehicle attempting to do it, and all other road users in the location at the time?
- Finally, the latest plans for this extensive development include a CCTV, metal roller shutter doors, locked gates and a coach park. As it stands at present I consider this development fails to provide ‘publicly accessible fields/sports pitches’ for all Euxton residents, as it will be locked when not in use by selective clubs.
- Safety - The footpath will presumably enable pedestrians to stay off the road, but what it won't do is slow the cars down. In fact we believe it is likely to have the opposite effect and result in cars speeding up.. We fear that with the introduction of a footpath cars will be encouraged to speed up along the straight stretch of road from Euxton Lane to School Lane.
- There are regularly a large amount of people walking down this section of road, as the lanes are used extensively by Euxton residents for recreational purposes.
- Inconsistency- Although the footpath extends down Pear Tree Lane, (on the right hand side if driving down Pear Tree Lane from Euxton Lane), the intended football facility is on the left. There is nothing in the application which addresses how pedestrians cross the junction at School Lane, or if pedestrians were crossing to get to the football facility how they would cross Pear Tree lane, right where all the extra traffic would be coming and going.
- There is also no footpath the other side of the entrance extending down the other side of Pear Tree Lane, and there is no footpath planned down School Lane. There will no doubt be traffic to and from the football facility down School Lane and coming from the other side of Pear Tree Lane. We are therefore not sure what the reasoning is to put a footpath down one lane but not the other two.
- Overflow Parking- In the event of the car park not being large enough to accommodate players and spectators at key times, it is inevitable that cars would park on the pavement and therefore render it useless.
- As to whether there is any likelihood of the car park overflowing it is hard to ascertain as the applicant Euxton Parish Council has been inconsistent in what it actually states this facility is to be used for. However it is perfectly reasonable to assume that with the number of football pitches on the site, if there was some cup competition taking place with teams from outside the area, it would be quite conceivable that there could be more than 90 cars in attendance with an overspill onto the pavement.
- Rural Lanes- The football facility is proposed in an area of green belt. Pear Tree Lane, School Lane and Whinney Lane are currently and have always been rural lanes. The building of 300 yards of footpath is changing the nature of this much valued rural lane. Once this is built it will never be returned to the way it is now. We believe Euxton Parish Council should be encouraging less traffic to come down the lanes and not more by the creation of a massive football facility, and then building of pavements on rural country lanes.
- Cost- We understand that this footpath will cost at least £60,000 for this section. Since we believe it will make this section of lane more dangerous for

the reasons outlined above, we therefore think this is a complete waste of tax payers and Euxton residents money. I also believe that in order to make a footpath the solution to safety for the football facility, it needs to be extended down Pear Tree Lane, and School Lane and Pear Tree Lane possibly widened. This would make the cost astronomical and would also completely wipe out the rural aspect of the lane and the greenbelt enjoyed by many.

- Unfortunately if the smaller footpath is built as per the application, then this sets a precedent to do just that by Euxton Parish Council who do not seem to appreciate any cost v benefit arguments presented to them. I think EPC would be better using any funds to find away to prevent the Railway bridge flooding

1 letter has been received stating that the boundary of The Bungalow, Whinney Lane actually extends 3 metres into the adjacent field which results in the trees and the ditch falling within the ownership of this property. This is contrary to previous information received from Land Registry.

In respect of this planning application however the application was submitted with a signed certificate B serving notice on the HCA and the information received to date from the Land Registry indicate they own the land. Any changes to boundaries/ land ownership agreed between the HCA and the adjacent land owner is a private issue.

1 letter has been submitted in respect of the Communication History raised the following points:

- The 'Communications History' information was added to the Euxton Parish Council website in response to claims that many Euxton residents were not aware of the proposals - even after their Consultation Event had been held (23rd June 2010, 4pm - 8pm). In the Application Supporting Statement, it states that '47% of local residents support the scheme'. This figure is misleading and is actually calculated from the number of responses following the Consultation event - a total of 103 which actually relates to 0.57% (or thereabouts) of the Euxton electorate at that time.
- The quarterly newsletters are not always distributed to all Euxton households - in particular, the September 2009 one, which included possibly the biggest advance feature of the project, was not received by many residents, in particular those living in the immediate location of the site. We personally only became aware that 'something was happening' when we happened to see surveyors on the site.
- A perfect opportunity to communicate the project plans to the wider community of Euxton was not taken at the Euxton Gala Day in July 2010 - Euxton Parish Council had a 'stall' but absolutely no indication of their proposed plan was displayed!
- We have it on good authority that, around the time of the 'Consultation Event', representatives of Euxton Parish Council took the proposed plans to show Euxton Girls Football Club - we were told at the Consultation Event and on many subsequent occasions, that the football pitch design was for 'illustrative purposes only, showing what could fit on the site, and it hadn't been decided what would be included'.

Councillor Perks initially objected to the scheme in February. His comments are summarised within section 4.1 of the original report however Councillor Perks has requested that his comments are set out for Members. Councillor Perks objects for the following reasons:

Loss of Green Belt and Adverse Effect on Wildlife.

- The land has been undisturbed for over 160 years
- it is a significant habitat for wild life in my ward.
- There are many trees of significant importance and with this in mind the council should be minded to place Tree Preservation Orders on those trees.
- I would not like to see the site lost to any kind of development, this site should be protected and for the Development Control committee to make a decision before the current LDF review is completed, will make nonsense of this process.
- I have already submitted a request that this land is included in the land suggestion for an area of separation between the settlements of Astley Village and Euxton.
- The scheme submitted is of a such a scale coupled with the formality of its arrangements, that the openness of the green belt will be severely compromised
- The proposal envisages considerable cut and fill engineering operations which will have a disproportionate and detrimental effect on both the flora and wildlife
- The noise created while the facilities were being used would disturb the wild life to a level where it would be most likely driven away.
- It is my view that locally the development of the ROF site was promoted and encouraged to ease the pressures locally within in this area of Chorley. This green-belt land should be protected from ALL and every type of development. Even recreational use should be strongly resisted. Without firm controls over green-belt land the future for wild life in this country looks grim. I also feel that this application breeches the new governments policy on green-belt land – inappropriate development. (Reference: Greenbelt – Standard Note : SN/SC/934 – dated : 31 August 2010.

Road Safety Issues

- A large sporting facility will create many more hazards for local residents, pedestrians using the country lanes surrounding the proposed site, horse users and current traffic along Pear Tree Lane, School Lane and Whinney Lane, due to increased use of these lanes by cars and coaches.
- None of these lanes are, in my view, suitable for increased use, particularly for use by coaches, unless the lanes are widened, which again would have an adverse effect on the wild life due to the loss of the hedges. People who would be using the facility and traveling by bus would need to walk from the bus stop on Euxton Lane down Pear Tree Lane and as there is no pedestrian footpath that allow safe access down this land.
- Having discussed with Lancashire County Council highway officers about this proposal there are a number of issues regarding Pear Tree Lane and the junction with Euxton Lane that would require substantial highway improvements, these issues would require planning conditions attaching to any application and the applicant would need to finance the road improvements themselves, making the viability of the scheme an issue in itself.
- As the local elected representative for this area I see many people walking along all three of these lanes and in recent weeks there has been a significant increase in the use of Pear Tree Lane and School Lane by traffic because of the closure of Euxton Lane at the railway bridge and over recent years these lanes allow school time traffic to gain access to parking near to the two primary schools just off the A49 near to its junction with School Lane.

- This increase in use has, in my view, clearly demonstrated how unsafe the lanes will be for pedestrians if the application was approved. On several sections of the lanes there is nowhere for pedestrians to stand safely while vehicles pass and I cannot see that a coaches could also pass any other vehicles while travelling from Euxton Lane down Pear Tree Lane to the proposed facility.
- Due to the narrow width of Pear Tree Lane at its junction with Euxton Lane an increased hazard will be caused by vehicles and in particular coaches when they are looking to join Euxton Lane. It is already extremely difficult for cars to turn right into Pear Tree Lane from Euxton Lane, as vehicles in Pear Tree Lane waiting to turn onto Euxton Lane often block the entrance to Pear Tree Lane and I anticipate when matches are being schedule the whole of Pear Tree Lane will be blocked by coaches, causing severe traffic congestion at the Euxton Lane junction.
- It is my view as a child welfare officer and official of a junior football club also operating in this area the proposed calculation of car parking is wholly insufficient for the proposal submitted. If this application is allowed I fear due to this under calculation of car spaces, vehicles will end up parking along this and neighbouring roads – which will be totally inappropriate and increase road safety concerns.

Adequate Sport Provision Exists.

- The applicants have made some reference in pre planning consultations that there is a shortage of football pitches in the Euxton area and this applications main user seems to be Euxton Girls.
- I would argue that offers made by Euxton Villa FC that they have adequate playing pitch capacity to cater for all the Euxton Girls teams would meet the girls football club ground requirements.
- Chorley Council commissioned a Feasibility Study for a Sport Village back in 2007 and within this report reference is made to the assessment of need. Within this report the current renovation of Astley Park resulting from the Heritage Lottery Funding has created the opportunity for pitch provision. It was mentioned that a central venue for junior football would provide a better base to attract external funding to enhance playing conditions. The report also indicated Chorley would be handed three full sized pitches and changing accommodation alongside the Gillibrand Link Road and the turf and astro pitch development at Buckshaw Village has also come into existence.
- Page 7 of the report para 2.30 indicated there are plans for 12 new junior pitches and although initially the local authority capital programme made reference to a capital allocation this has never materialised. The report did in the summary identify that the central venue would “address the need for a central junior football base ” .
- I would also add that there is currently land available for football provision at the Westway Playing field in Astley Village on the boundary with Euxton Parish Council. This recreational land is under used and is already established as a football pitch site. I would argue there is great potential for Euxton PC and Chorley Council to discuss and create a valuable junior pitch facility on this site and land is available in this location that would allow changing facilities and car parking provision to be added. Other options re the car parking in Astley Village and use of the community centre could also aid possible changing and car parking provision.

Financial Implications

- The Sport Village study concluded that considerable funding both capital and revenue was required and in 2007 Chorley Council concluded that they could not undertake this project due to the finance required. This planning application by Euxton PC refers to 7 sports pitch, it requires considerable land preparation, the building of a sport pavilion and car parking this will initially be very capital intensive and expensive to operate. Necessary highway improvements conditions will also likely to be charged to the applicant. The current economic climate in so far as funding organisations being able to assist the applicant is now most unlikely.
- I would urge the planning committee to reject the application and to encourage discussions between the planning authority and the parish council to take place on using existing and under used provision within the area

The following consultee responses have been received:

Lancashire County Council (Highways) have made the following comments:

- In terms of the access arrangements (visibility etc) and provision of highway improvement works including the new footway – I would have no real further comments to make.
- With respect to the car parking arrangements, the revised proposal would dictate a small reduction in the car parking provision of may be 10 - 12no spaces. However as the area will be paved in a porous surfacing and that the purpose of the initial over-provision of parking on the site was to reduce the risk of any future on-street parking on Pear Tree Lane, I would be minded to go with the original proposals and leave the parking as detailed.
- The access at Pear tree lane is also shown as being in a porous surfacing. The first 10m will need to be surfaced in bitmac or a proprietary surfacing material to highway approval. This is normally covered by a standard condition.

These issues can be adequately dealt with by condition on any positive recommendation.

Environment Agency following the receipt of the amended plans which incorporate the highway alterations to Pear Tree Lane the Environment Agency **objects** to the proposals on the following grounds:

- The proposed access arrangements now involve culverting approximately 110 metres of a ditch adjacent to the existing highway. Environment Agency policy includes a general opposition to culverting, except for access purposes. We are opposed to the unnecessary culverting of watercourses because it can increase the risk of flooding and the maintenance requirements for a watercourse. It can also destroy wildlife habitats, damage a natural amenity and interrupt the continuity of the linear habitat of a watercourse.
- The proposed culverting will significantly reduce the capacity of the existing watercourse, as illustrated in the 'typical section' in Dwg No. 09211/SCP1. We understand that there is a history of localised flooding associated with this watercourse, and so any reduction in the capacity of the channel will reduce flood storage capacity and potentially increase flood risk elsewhere. Proposals that increase the risk of flooding elsewhere are contrary to the requirements of Planning Policy Statement 25 and if the applicant cannot demonstrate that the proposed development will not increase flood risk elsewhere, the application should be refused.

- To overcome our objection, there should be no culverting of the watercourse and there should be no loss of flood storage capacity as a result of the proposed development.

The Environment Agency have also confirmed that any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of the Environment Agency under Section 23 of the Land Drainage Act 1991 or Section 109 of the Water Resources Act 1991. Consent is highly unlikely to be granted in this instance.

Following receipt of this objection Members are advised that following the amendments to Article 10 of The Town and Country Planning (General Development Procedure) Order 1995, where the Environment Agency (or other organisations) object to an application on flood risk grounds, but the LPA considers that it should be approved, the LPA should contact the Environment Agency (or the other consultees if appropriate) to allow discussion of the case and the opportunity for further representations or comments to be made.

CPRE object to the proposals on the following grounds:

- The proposed development would significantly degrade the greenbelt and area of separation between Chorley and Euxton. CPRE believes the proposals are inappropriate development within this green belt location contrary to Government advice contained in PPG2, PPG17.
- The development will impact on the tranquillity, rural character and setting of the area, both when not in use and particularly when in use.

Following receipt of the objection from the Environment Agency the following additional reason for refusal has been attached to the recommendation:

The application is not accompanied by sufficient information to enable a decision to be made particularly in relation to the proposed culverting of approximately 110 metres of a ditch adjacent to Pear Tree Lane. The proposed culverting will significantly reduce the capacity of the existing watercourse and sufficient information has not been submitted which demonstrates that the proposed development will not increase flood risk elsewhere. As such the proposal is contrary to Government advice contained in PPS25: Development and Flood Risk.

The original report has been amended as follows:

Paragraph 4.1.7 has been deleted.

Paragraph 4.2 should have been numbered 4.1.11 as it forms part of the objections received.

Paragraph 6.2.11 has been deleted

Paragraphs 6.2.31 relate to the case officer comments on the applicants Report on the Need.

Paragraphs 6.2.51 and 6.2.55 state that the applicants have a waiting list of clubs. The applicant has since confirmed these teams were not on their waiting list but they had contacted the applicant for pitches recently. There is only one team on the Parish Council's waiting list which is Funktion FC. The applicant has provided the contact information for the teams listed in paragraph 6.2.55.

Following receipt of these contact details the Council's Head of Streetscene & Leisure Contracts has confirmed *The Council's Parks and Open Spaces team will be contacting the list of clubs provided to ensure that they are aware of the pitches available for use. They will also be establishing the full contact details of these clubs so that they can be consulted as part of the Playing Pitch Strategy that is currently being commissioned .*

Paragraph 6.8.1 (point 11) which are the comments of the highway engineer states that the accessibility score is 23. The score is actually 13 (as set out with appendix 6 of the Transport Assessment). The highway engineer reviewed the Transport Assessment and, notwithstanding his comment in point 11, assessed the scheme taking into account this document which incorporates the actual accessibility score.

Paragraph 6.8.16 although initially it was considered that the proposed alterations to Pear Tree Lane would have a minimal impact following the Arboricultural officers assessment of the trees along the highway it is considered that any works would adversely impact on the trees and hedgeline which has led to imposing a TPO. As such it is considered that the proposed highway works will result in harm to the rural character of Pear Tree Lane hence the inclusion of the third reason for refusal.

Paragraph 6.8.17 as per above the Highway Engineer has now commented on the amended plans.

Paragraph 6.8.19 as per above the Environment Agency has now commented on the amended plans. They have raised an objection which directly responds to the concerns raised by the residents above.

Paragraph 6.10.5 the following response was provided to the member of the public who raised queries in respect of the noise assessment:

Query: The readings for Pear Tree Lane were taken outside the field for which the planning application had been applied for and at the side of Pear Tree Lane which has large trees above and at the left side of the survey site (page 6 Figure 2 the position of the PIN is to the left of the P in Position @,yes its very faint.

Response: The position on Pear Tree Lane was taken just outside the site, access was not able to be obtained to the field. I would consider the position to be representative of the site itself and representative of nearby residents. I have attached a screen shot for your information of the exact location.

Query: According to Table 4 (page 9, Summary of noise measurements at Whinney Lane and Pear Tree Lane). Position 1 (Whinney Lane) states T (think this is the total length of survey in minutes) was 25 minutes. Position 2 (Pear Tree Lane)(survey time) was for 25 minutes duration. Now according to A1.1 (page 17, Background noise at Whinney Lane) the start time is given as 20:12:12 and the finish time as 20:32:17 and the Elapsed Time was 20 minutes and 5 seconds (and not 25 mins as stated in Table 4). If you now look at A1.2 (page 18, Background noise at Pear Tree Lane) the start time here was 20:36:00 and the finish time as 20:56:08 and the Elapsed Time was 20 minutes and 8 seconds (and not 25 minutes as stated in Table 4).

Response: I previously responded regarding the above issue for Whinney Lane and Pear Tree Lane previously in my email dated 20th July. I would point out that the assessment has used the lowest measured L90 background reading for any 5 minute period, which provides a worst case scenario for the applicant, in that this is the lowest period within the monitoring time, which is therefore favourable to the

residents. The reason that the measurement period was relatively short is that the noise on site was relatively steady state, as can be seen from the readings and as such long term readings were not necessary.

Query: With regard to the calibration of the instruments used (Page 6, Noise monitoring equipment) I understand that the Calibrator and the Microphone were calibrated on the 10.08.2009. Since last writing to you I have discovered and article on the web regarding Stroud District Council dated 3rd May 2011 (their ref 11/1662/F101) and it concerns the Bruel & Kjaer Type 4231 sound calibrator and it goes on to state :- "Sound calibrators are independently calibrated for compliance to the manufacturer's original specification on an annual basis at a NAMAS accredited testing facility in accordance with British Standard BS7580 Part 1."

Response: At Miller Goodall we always calibrate our calibrators annually and I was therefore surprised with the above comments. I have looked back through our calibration certificates and the calibrator used for this survey was calibrated on 9th August 2010, I attach a scan of the certificated. The error is therefore in the date on the report for which I apologise.

Paragraph 8.1 a copy of the Communication History document has been obtained from Euxton Parish Council web site. The document confirms that the public were notified of the proposals via various methods including Parish Council meetings, annual reports, noticeboards, the web-site and the Euxton WEB newsletter.

The report goes on to state that a public consultation event was held. There were a number of methods used for residents to respond. On the consultation evening of 23 June there were forms to complete and leave behind, on the website there was the same form available to print for posting, or complete and email and, there was an electronic form which when completed automatically submitted to the Council's email address, also written letters were accepted.

Responses received:

Letter (from an individual property) or, an organisation	21
Response forms	36
Emailed responses	46
Total	103

Content of responses:

Supported the scheme	33
Supported the scheme but had ideas and suggestions for improvements	15
Supported the scheme but also raised concerns	1
Made suggestions to improve/or include in the scheme (did not specify support or objection)	10
Raised concerns and submitted ideas for improvements (did not specify support or objection)	6
Had concerns over elements of the scheme (did not specify support or objection)	4
Objected to the scheme	34

Undertaking public consultation in is line with the Council's Statement of Community Involvement. One resident has commented on the consultation above.

ITEM 4c- 11/00466/FUL- Go Ape, Rivington Lane, Rivington, Bolton, Lancashire, BL6 7RZ

The recommendation within the report is a recommendation for a site visit, this recommendation was copied forward from the previous Committee report and is incorrect. The recommendation is proposed as follows:

The recommendation be changed to : Permit Full Planning Permission.

A further letter has been received from the Friends of Lever Park:

With reference to the above item on the agenda for the Development Control meeting scheduled for Tuesday the 6th Sept 2011.

At the Development Control meeting on Tuesday the 12th July an officer of the council put before the committee the following statement [this was in an enforcement report]:

“The additional parking area as shown on the approved plan covered an area of approximately 394 square metres.”

We had previously submitted a complaint to Council dated the 7th July 2011 stating: We wish to place before you a complaint regarding information being placed before the Development Control Committee meeting on the 12th July 2011.

We then submitted a further letter dated the 17th July 2011 asking why it appeared that the complaint wasn't being dealt with according to council procedures and policies with regard the following statement being made to a committee:

“The additional parking area as shown on the approved plan covered an area of approximately 394 square metres”.

We then submitted a further letter to Gary Hall on the 22nd August stating:

“It appears that nothing appears to be happening with regard our letters submitted to your office on the 7th and 17th July 2011”

We ask the question: “How long will it be before any of our genuine complaints are recognised? because to-date nothing is happening.”

In between these letters, we submitted a further letter to Jennifer Moore dated the 29th July 2011; again it is a letter that has not been dealt with.

Further at the meeting of the development control committee on Tuesday the 9th August the Head of Governance made a statement in response to an addendum being submitted, and he said the following:

“The Act, as a private act.”

The 1902 Liverpool Corporation Act received Royal Assent and as such became a Public Act, see extract from the Parliamentary archives:

“In general, Private Bills containing this clause received the Royal Assent in the form 'Le Roi/La Reyne le veult' (the King/Queen wishes it) and therefore became, strictly speaking, Public Acts”

The 1902 Liverpool Corporation Act received Royal Assent and as such became a public Act, and no amendment as ever been made to the Act to allow the leasing of part of Lever Park, nor as any amendment been made to the Act to remove the word “FREE” from the Act.

And therefore no-one can place a charge (in this case £30 per head) upon anyone entering Lever Park for their “Free and uninterrupted enjoyment”.

We believe that until the 1902 Act is amended, it is illegal to place any charge on anyone using the Park.

Some of the councillors will be fully aware of the contents of the 1902 Liverpool Corporation Act, and the wishes of Lord Leverhulme in the legacy he left, and until the Act is amended through Parliament, we strongly urge you to reject any retrospective application for the go-a-pe development.

We also ask that our concerns over incorrect information being put before the Development Control Committee be addressed.

Officers Comment :- The references to the 1902 Act have been dealt with within the report and the comments of the Head of Governance provide information that enable a decision on this application to be made. In respect of the references to incorrect information, there is correspondence concerning the car park to Go Ape, this application does not involve alterations to the car park and changes to the car park will be the subject of a separate application or be the subject of an enforcement report to the DC Committee and matters regarding the car park can adequately be addressed via that reporting mechanism.

ITEM 4d - 11/00574/OUT - Balshaw Villa, Balshaw Lane, Euxton, Chorley, PR7 6HZ

The recommendation remains as per the original report.

The applicant has provided an additional written statement in response to the comments from the Council's Planning Policy section, Lancashire County Council (LCC) Highways and the Council's Conservation Officer and is addressed below:

Lancashire County Council Highways

An amended plan has been received (Drawing no. E112-SK01; Rev F) re-positioning the proposed site access approximately 5m east of that originally proposed so it would be in the same position as the existing site access. As such, Lancashire County Council (LCC) Highways have been re-consulted regarding the amended plan and discussions have taken place between LCC Highways and an independent highways engineer acting on behalf of the applicant.

LCC Highways have concluded that the amended access and visibility may prove acceptable, providing the approach speeds to the site are low. However, following a further site visit, LCC Highways have also concluded that they are not in a position to accept the proposed sightlines without further investigation / supporting information.

As such, LCC Highways have stated that a speed count should be submitted with the application and the proposed visibility sightline should be demonstrated through an amended plan. However, given the nature of the information requested and the timescales remaining on the application, the applicant has been unable to meet an agreeable stance with LCC highways and so the highway reason for refusal still stands.

CBC Planning Policy

With regards to the response from planning policy, the additional information provided by the applicant raises no new issues in relation to Policy LT15 of the Adopted Chorley Borough Local Plan Review that have not already been addressed in the supporting Planning Statement and Deign and Access Statement. As such, the council still considers the reason for refusal relating to Policy LT15 (amenity open space) to stand.

Additionally, committee members should be aware that the application site was carried forward in the Site Allocations Development Plan Document – Preferred Options, to be retained as Open Space which was approved before full council on the 19th July 2011. This shows continuity on the part of the council for the site to be retained as open space.

CBC Conservation

With regard to the reason for refusal relating to the impact on Balshaw Villa (a locally important building), the applicant has argued that two additional dwellings can be appropriately accommodated within the available space at the site (discounting the proposed Public Greenspace), thereby maintaining the significance of the designated heritage asset that is Balshaw Villa. It is important to note at this point that this application is seeking permission for access only and so the siting and design of the proposed dwellings would be finalised at reserved matters stage.

As such, the council's Conservation Officer has been re-consulted and has confirmed that the site may be capable of accommodating an additional two dwellings subject to a revised site layout. However, this has not been demonstrated on a submitted plan and so the council is not satisfied that this arrangement can be met. Therefore, the reason for refusal relating to the impact on the Designated Heritage Asset that is Balshaw Villa should not be removed.

Section 106 Agreement

As part of the planning application, a Section 106 Agreement has been drafted to ensure the adoption and future maintenance of the proposed Public Greenspace. The applicant has been unable to sign and complete the Section 106 Agreement which is a material planning consideration in determining this planning application. As such, it is considered that this should form a further reason for refusal. The following reason for refusal is therefore recommended:

The adoption and maintenance of the proposed Public Greenspace has not been secured through the signing of a Section 106 legal agreement under the provisions of the Town and Country Planning Act 1990 (as amended) and so the future maintenance and adoption of the Public Greenspace is unknown. The council is therefore not satisfied that the development will lead to greater public access to the site in accordance with Policy LT15 of the Adopted Chorley Borough Local Plan Review.

Neighbour comments

Committee members should be aware that because the amended plan was submitted to the council so late in the application process, neighbour re-consultations were necessary which expire on **Friday 9th September 2011**. As such, if committee members are minded to approve the application, members should be aware that further comments could be received by neighbouring residents up to and including this date.

The original report has been amended as follows:

Paragraph 26 makes reference to the National Planning Policy Framework (NPPF) – Consultation Draft and the recent guidance relating to green space. However, it is important to note that only limited weight should be attached to the NPPF because it is only at draft stage.

ITEM 4e- 11/00437/FUL - Matrix Dental Laboratory 87 School Lane Brinscall Chorley Lancashire

The recommendation remains as per the original report.

No further letters of objections have been received.

No letters of support have been received.

ITEM 4f- 11/00635/FUL - Golden Lion Hotel, 369 Blackburn Road, Higher Wheelton, Chorley, Lancashire, PR6 8HP

The recommendation remains as per the original report.

An amended plan has been received (Drawing no. 09/1261-02 Rev E) reducing the size of the garden of plot 1 slightly by taking the small triangle of land in the Green Belt out of the garden. All the garden is now within the settlement boundary and is looked upon favourably. This change will not impact on any neighbouring properties.

The condition specifying the plans has therefore been amended to reflect this new plan.

The approved plans are:

Plan Ref.	Dated:	Title:
09/1261-12 Rev D	24th August 2011	Proposed Street Elevation Site Plan
09/1261-03 Rev C	13th July 2011	Floor Plans & Elevations

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

The proposal is for two dwellings and therefore in line with the Policy SR1 of the Council's adopted Development Plan Document on Sustainable Resources the properties need to be built to the relevant Level of the Code for Sustainable Homes (depending when they are constructed). Additional conditions are therefore proposed securing this:

The development (or any phase or sub-phase) hereby permitted shall not begin until details of a 'Design Stage' assessment 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.

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 meets the necessary code level, has been issued, to the Local Planning Authority, by an approved code assessor. 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 applicant has also clarified the relationship of the scheme to the existing ditch/stream. They state that between their client's boundary and Lawton Close there is a strip of land running this distance and this is what the ditch runs along, it is therefore outside the red edge of the application. The proposal will in no way effect the line of the of the ditch/stream as there is no construction taking place outside of their clients red boundary line nor immediately within.

Further Representations Received:

An additional three letters of objection have been received in relation to this application, the points of which are summarised below. The letters form a petition signed by 28 residents from 22 properties.

The letters can be summarised as follows:

- The houses will overlook and cause privacy issues for Nos. 354 and 357 Blackburn Road;
- The houses will replace garages used for storage that the village uses;
- The houses will take away the existing view;
- Parking in the area is a serious issue, with cars often parking on the lane;
- Highway safety is a known problem in the area;
- The properties will not sell;
- Restricted access through parked cars will cause problems for the nearby farm;
- The development will result in flooding problems;
- The development will place a strain on local services, particularly the local sewer;
- The area is rural and should remain that way;
- There will no space for residents to store their bins (which are currently stored at the edge of the car park) or recycle;
- The development will result in traffic congestion on Brownhouse Lane which will cause congestion onto Blackburn Road;
- The development will cause serious local parking issues;
- The Golden Lion was recently extended to allow greater usage so reducing the size of the car park could cause parking problems;
- The reduction in parking spaces will cause issues with large brewery vehicles delivering and manoeuvring at the site;
- Pedestrians using the lane will be in danger of vehicles manoeuvring;
- The existing car park already overflows onto the lane and a reduction in parking spaces will worsen the problem;
- Larger cars and 4x4 Vehicles will not be able to park in the parking spaces provided thereby further reducing the off-road parking available;
- Trees and verges will be removed surrounding the car park.

A separate letter has been received from the occupier of No. 2 Fishwick Lane objecting to the proposal for the following reasons:

- Planning permission has been refused previously on this site because of problems of access and parking;
- Other residential development in the surrounding area has also been refused.

ITEM 4g- 11/00480/FULMAJ - Burrows (Grass Machinery) Limited, Wigan Road, Clayton-Le-Woods, Leyland, PR25 5UE

The recommendation remains as per the original report.

A further letter has been received from Mr Martin of Moss Lane, Clayton-le-Woods who wishes the committee to be aware of his objections to the scheme. These are:

- 1) Over 40 people living on a cramped site next to a busy main road;
- 2) Over-density of residents on a small site causing excess strain on infrastructure e.g. drainage/sewerage;
- 3) Disruption to traffic and local residents during building and connection to infrastructure e.g. drainage/sewerage;
- 4) Access and exit of vehicles would cause traffic chaos/accidents. Parking would spill onto the main road;
- 5) Over-demand on local facilities e.g. schools, GP surgeries, clinics etc;
- 6) Blighting character of a low-density, rural, residential area e.g. Lancaster Lane has already been blighted by 3 'garden grabbing' residential developments;
- 7) If this application is permitted it will reveal, yet again, the NIMBY approach of Chorley Borough Council on the fringes of its empire;
- 8) Fewer and fewer people can afford to buy their own home so why build more houses.

The original report has been amended as follows:

Paragraph 30.3 makes reference to a window, door and high level window in the southern elevation of Oaktree Bungalow facing plot 1 which is an error. The window, door and high level window are actually positioned in the northern elevation of Oaktree Bungalow facing plot 1.

ITEM 4h- 11/00494/FULMAJ - Land Between Froom Street And Crosse Hall Lane Chorley**The recommendation remains as per the original report.**

No further letters of objections have been received.

No further letters of support have been received.

The following conditions have been added as follows:

All bathroom and en-suite bathroom windows in the dwellings hereby permitted shall be fitted with Pilkington Privacy Level 5 obscure glazing. Obscurely glazed windows shall be retained as such at all times thereafter.

Reason: In the interests of the privacy of occupiers of dwellings and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

This condition is to safeguard the privacy of the occupiers of the dwellings.

Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The development shall only be carried out in conformity with the approved levels details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

This condition means that details of the finished floor/slab levels of the dwellings and any changes in ground levels will have to be submitted to the Council for approval before work starts on the site.

The following windows shall be fitted with non-opening obscurely glazed windows using Pilkington Privacy Level 5 glazing (or a glass from an alternative manufacturer with the same level of obscurity) and non-opening obscurely glazed windows shall be retained at all times thereafter.

- The first floor bedroom window in the south facing elevation of the dwelling on plot 151
- The first floor landing window in the north facing elevation of the dwelling on plot 158
- The first floor bedroom window in the west facing elevation of the dwelling on plot 160
- The first floor bedroom window in the east facing elevation of the dwelling on plot 161
- The first floor bedroom window in the west facing elevation of the dwelling on plot 162
- The first floor bedroom window in the northeast facing elevation of the dwelling on plot 163

Reasons: To protect the amenities of the occupiers of the dwellings and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

Some of the dwellings include small secondary windows to bedrooms that do not comply with the Council's Spacing Standards and there is also a landing window in the dwelling on plot 158 which is less than 10m from the boundary it faces so this condition will ensure a satisfactory relationship is secured.

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