

8 February 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 7TH FEBRUARY 2012

The enclosed report provides an update on any events that have taken place since the agenda was published.

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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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	7 February 2012
ADDENDUM		

ITEM 4a - 11/00989/FUL - Jumps Farm, 147 South Road, Bretherton, Leyland

The recommendation remains as per the original report – Permit subject to conditions.

An amended site location plan has been received (25th January 2012) since the application was considered by members at the Development Control Planning Committee on the 17th January 2012. The amended site location plan has re-positioned the proposed parking area associated with Building A approximately 8m from the boundary with No. 149 South Road, Bretherton.

Further to the Committee site meeting on the 2nd February 2012, the applicant has written to the Council confirming that the containers and caravan will be removed from site.

The following additional consultation responses have been received: -

Bretherton Parish Council

- The Parish Council did not make any comments on the application to remove Conditions 2 and 5 in view of the pending Enforcement Notice. The lack of response was in no way due to a lack of interest.
- The Parish Council agreed with the Enforcement Notice.
- The Parish Council believe that the Conditions applied by Chorley Borough Council, were stipulated for valid reasons, which are still relevant, and that the Conditions should continue to apply and should in no way be removed or amended.

No further letters of objection have been received.

No further letters of support have been received.

The following conditions have been amended (*include reason*):

Condition 1 now refers to the submitted site location plan received 25th January 2012.

Condition 2 has been amended to make reference to the submitted site location plan received 25th January 2012 and now reads:

The proposed parking area hatched red on the submitted location plan (received: 25th January 2012; Plan Ref: 1944-2) shall not be used for any other purpose other than

for the parking and manoeuvring of vehicles in connection with Building A and shall be retained only for this purpose thereafter.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

Condition 6 has been amended to ensure no operation shall take place on 'public holidays' and to include the specific use of the building (offices, B1 use) to avoid any ambiguity in enforcing the condition. Condition 7 therefore now reads:

The use of Building A hereby permitted as an office (B1 use) shall be restricted to the hours between 08.00am and 18.00pm on weekdays, between 08.00am and 13.00pm on Saturdays and there shall be no operation on Sundays, Bank Holidays or any Public Holiday.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 of the Adopted Chorley Borough Local Plan Review.

The following condition has been removed:

Condition 5 - It is now recommended condition 6 (relating to foul water drainage) is removed as the foul water drainage arrangements have been inspected and signed-off by the Council's Building Inspectors on the 1st February 2012. The Council's Building Control Team has confirmed that the foul water drainage from Building A is connected to a manhole in the applicant's rear garden. It is therefore considered that details of foul water drainage are not required.

ITEM 4b - 11/00919/FUL - Bluebell Cottage, Trigg Lane, Heapey, Chorley

The recommendation and proposed conditions remain as per the original report – Permit subject to conditions.

3No. further letters of objection have been received setting out the following issues:

- The height of the turbines situated on a hill above a valley will raise their profile above the sky line and impact visually;
- In a valley, noise travels through the ground as a low rumble;
- Studies should be carried out which address noise pollution;
- This is a unique area for migrating birds, bats, herons, owls and woodpeckers and is situated between 2.no waterways - Brinscall woods, moorland and Green Belt fields;
- The turbines are available with a 10m platform, thus reducing their visual impact;
- The effects of two turbines and the resulting turbulence and noise may be amplified disproportionately;
- A single lower turbine would reduce the impact;
- Questionable environmental credentials are outweighed by negative impact on the area;
- Chorley Borough Council must address how these structures can be built with as little environmental/visual impact as possible;
- This is Green Belt land in an area valuable for tourism and is used by many thousands of people each year;
- The turbines are industrial artefacts, vertically out of all proportion to the immediate natural environment, visible from a wide area, and directly in the

line of sight to natural features of outstanding beauty that give the local area its unique character;

- Policy LT15, Chapter 10 of the Adopted Chorley Borough Local Plan Review states: "Development on....open land which makes a significant contribution to the character of an area, either individually or as part of a wider network of open space, will not be permitted unless either:(a) it will lead to greater public access to, and enhance the visual amenity of, the open space and it will not have a detrimental effect on any site of nature conservation value or;(b) the development involves a change of use or extension to an existing building which will not harm the amenity value of the open space." The application contravenes this policy;
- Visual impact from Blue Dye House, Heapey;
- Visual impact to walkers using the nearby public footpath;
- Impact on local wildlife and animals;
- Impact from noise and the effect this can have on the quality of life;
- Serious health issues caused by the turbines.

The majority of issues raised above have been covered within the Officer's Committee Report and the conclusions drawn have been informed by advice from various consultees, particularly in relation to issues of noise, ecology and highways.

With regard to the impact on Blue Dye House, it is acknowledged that the proposed turbines will be partially visible from this property. However, Blue Dye House is situated over 200m from the proposed turbines, is set lower than the level of the application site and is separated from it by a substantial tree line. As such, it is not considered this property would experience any significant detrimental harm as a result of the development to warrant refusal of the application.

With reference to Policy LT15, the application site is not identified on the Proposals Map as an area of amenity open space and it is not considered appropriate in this case to apply the requirements of Policy LT15 to a scenario for which the policy was not intended. The issues of Green Belt and impact on the surrounding landscape have been addressed in length within the Officer's Committee Report.

No letters of support have been received.

ITEM 4c - 11/01024/REMAJ - Grove Farm, Railway Road, Adlington

The recommendation remains as per the original report – Approve reserved matters

The following conditions have been amended:

17) The approved plans are:

Plan Ref.	Received On:	Title:
TDD/001 Rev C5	17 January 2012	Engineering Layout
LDS204-01B	30 January 2012	Planting Plan 1 of 2
LDS204-02B	30 January 2012	Planting Plan 2 of 2
3PI073	12 January 2012	Pilkington House Type
BHWL091/01 Rev R	1 February 2012	Planning Layout
BHWL091/01 Rev A	12 January 2012	Street Scenes
BHWL091/03 Rev A	1 February 2012	Hard Surfacing Layout
BHWL091/05 Rev A	1 February 2012	Parking Layout
BHWL091/04 Rev B	1 February 2012	Fencing Layout
BH/NW/SL/DG/01 Rev A	12 January 2012	Double Garage

BH/NW/SL/DG/04	12 January 2012	Double Garage
BH/NW/SL/DG/05	12 January 2012	Double Garage
BH/NW/SL/SG/01 Rev A	12 January 2012	Single Garage
BH/NW/SL/SG/04	12 January 2012	Single Garage
BH/NW/SL/SG/05	12 January 2012	Single Garage
BH/NW/gf/BR/01 Rev A	12 January 2012	Bat Roost Building
TDD/011 Rev C2	21 November 2011	Park and Ride Car Park
Layout		
4LA129	21 November 2011	Larch House Type
4KE133	21 November 2011	Keats House Type
4KE131	21 November 2011	Keats House Type
4LA129	21 November 2011	Larch House Type
4FA124	21 November 2011	Fairhaven House Type
4FA124	21 November 2011	Fairhaven Special House Type
3WE103	21 November 2011	Weston House Type
3RU081	21 November 2011	Rufford House Type
3LA094	21 November 2011	Lansdown House Type
3CH073	21 November 2011	Chatsworth House Type
2ST062	21 November 2011	Studley House Type
LDS204-03	21 November 2011	Tree Pit Detail
101 Rev P1	24 January 2012	Drainage Layout
BEL49 200 Rev P1	6 February 2012	Plan indicating which gardens require capping

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

To include the amended plans

The development hereby permitted shall be carried out in accordance with the submitted Code for Sustainable Homes Pre-Assessment dated 16th November 2011 (submitted as part of discharge of condition application 11/01025/DIS). No dwelling shall be occupied until a letter of assurance, detailing how each plot will meet the necessary code level, has been issued by an approved code assessor and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved measures for achieving the required code level. Prior to the completion of the development a Final Code Certificate shall be submitted to and approved in writing by the Local Planning Authority.

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

The original wording stated 'no dwelling shall be occupied' until a final code certificate has been issued however this could prove impossible due to the timescales involved with the certification process. As such the requirements of this conditions have been made less onerous whilst still achieving the necessary Code level.

9) The replacement tree planting shall be carried out in accordance with the approved landscaping of the site and no later than the end of the first available planting season after completion of the individual plots (details submitted as part of discharge of condition application 11/01025/DIS).

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos.EP9 of the Adopted Chorley Borough Local Plan Review.

Concerns have been raised by the agent that the original wording may not be possible if the houses haven't been built yet. As such the wording has been amended.

11) The development hereby permitted shall be completed in accordance with the remediation and risk management measures detailed in section 14 of the Field Investigation Report for Grove Farm, Adlington, dated July 2011 (Report No. 11BEL013/GI- submitted as part of discharge of condition application 11/01025/DIS). Following the completion of the works a validation report, to confirm the placement of the 600mm clean cover system in all the gardens and landscaped areas (apart from those gardens and landscaped area identified on plan reference BEL49 200 Rev P1 which requires a 300mm clean cover system), to confirm the suitability of imported soil material and to provide the results of the additional leachate testing, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.

The original wording suggested that all gardens required 600 mm capping when some only require 300mm capping. The condition has been amended accordingly.

16) Where any site clearance works, including tree felling, vegetation clearance, demolition and other works that may affect nesting birds is to be carried out within the bird nesting season (1st March to 31st August inclusive), a nesting bird survey shall be carried out in advance of the commencement of the works by a suitably qualified ecologist and all recommendations produced by the ecologist adhered to.

Reason: To ensure the continued protection of nesting birds as part of the development. In accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and The Conservation of Habitats and Species Regulations 2010

The wording has been amended to make the condition requirements clearer.

The original report has been amended as follows:

Paragraph 46 sets out the proposed landscaping adjacent to the Community Centre along with the concerns of Adlington and District Community Association in this regard. To address this concern the landscaping plans have been amended removing the proposed trees in this part of the site.

Paragraph 67 confirmed that *In respect of CCTV further details are requested from Bellway Homes*. Bellway has spoken with Chris Anslow, Parking Manager at LCC. Originally Chris Anslow did request CCTV but taking into account the fact that the area is well overlooked, well lit and contained within a residential environment Chris Anslow has agreed and accepted CCTV was not required.

Paragraph 74 confirmed that the Highway Engineer's comments will be reported on the addendum. Following the publication of the original report further discussions have occurred between the Highway Engineer and the applicant's highway consultants. A number of the points raised by the highway engineer relate to planning issues rather than highway issues and as the report concludes the scheme is considered to be acceptable.

In respect of the specific highway points a number have issues have been addressed. The outstanding issues relate to private driveways and bin storage collections. The agent has confirmed that the scheme has been designed in accordance with Manual for Street and amended plans have been submitted to address specific issues. As such the scheme is now considered to be acceptable from a highway perspective.

ITEM 4d – 11/01060/CB3 - Land between Carr Road/Manor Road and south of 83 Manor Road, Clayton-le-Woods

The recommendation remains as per the original report – Permit subject to conditions

The following additional consultation responses have been received: -

Dr Sarah Manchester, Senior Planning Officer (Ecology) at Lancashire County Council has commented to say that she is aware of Pennine Ecological, the company that prepared the Habitat Assessment for the applicants, and has seen reports from them in the past. She states that, although she cannot comment on this particular report as she has not had an opportunity to read it, "They appear to be experienced ecological consultants who carry out work to a reasonable standard".

One of the objectors to the proposal has submitted suggestions for changes to the proposed scheme as follows: -

I have revisited the CBC Planning Website and looked more closely at the very indistinct plan of the proposed allotment site at Manor Road.

I then had a copy of the drawing printed and although the text is still unclear, the layout does in fact indicate that the ditch that I have been concerned about appears to be unaffected by any ground work.

It is apparent also that the attractive and wildlife friendly hedgerow will also be retained. If this is the case, then I would like to put forward an idea that could resolve some of the issues related to the habitat.

I would like to suggest that the existing ditch be made deeper to accommodate an open infill to help water to percolate and dissipate.

Along with this I suggest that the existing ditch be made into a 'T' formation whereby water could gather in the existing 'north/south' aspect along with a new ditch along the edge of the footpath following an east/west direction. This ditch would also have a sub-strata to cope with water management. By doing this the water restrictive nature of the footpath constructed in 2007 could be lessened. I feel that a more effective means of handling water would be achieved and the outlined plan would augment the soak-away. However it is unclear what happens to water after it enters the soak-away chamber that is shown on other planning drawings. This idea might mean that the pond would not be needed.

Andy Brown, the Council's Parks & Open Spaces Manager, responded to the above suggestions to say that he is not qualified to comment on the likelihood of their effectiveness and stating that "Our design has been put together by an industry leading hydrologist (for info he put together the drainage/flooding solutions for the Trafford Centre). When you consider the scale of our requirement against his

previous works I have no reason to suspect that his proposal is anything other than the best solution to our problem. I am also conscious that to go back to our hydrologist will incur greater cost. Given that I have a limited budget to provide allotments I am reluctant to do so”.

ITEM 4e - 11/01021/FULMAJ - Land Between Southlands High School And Grundys Farm, Clover Road, Chorley

The recommendation remains as per the original report – Permit subject to conditions

The following consultee responses have been received:

Lancashire County Council Ecology have made the following comments:

- According to the ecological assessment, and environmental information held by Lancashire County Council, the proposals will not result in significant adverse impacts on biodiversity. However there are features of biodiversity value and planning conditions will be necessary to secure adequate mitigation and compensation.
- Prior to determination of this application, Chorley Council should be satisfied that the mature sycamore (with bat roosting potential) is being retained within the development. If this tree is scheduled for removal, then surveys for bats should be submitted (together with mitigation proposals, if impacts seem likely) prior to determination in order that Chorley Council can demonstrate engagement with the Conservation of Habitats and Species Regulations 2010 in the making of this decision.
- Any necessary and previously approved mitigation proposals for impacts on bats (see above) shall be implemented in full;
- No site clearance, site preparation or development work shall take place until a method statement for the conservation of Bird's-foot (*Ornithopus perpusillus*) has been submitted to Chorley Council for approval in writing in consultation with specialist advisors. The approved method statement shall be implemented in full.
- Tree felling, vegetation clearance, site preparation or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has first been confirmed by a suitably experienced ecologist. If nesting birds are found to be present, works must be delayed until such time as nesting is complete (the young have fledged and left the nest and the nest has been abandoned).
- All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2005 Trees in relation to construction - Recommendations*).
- No site clearance, site preparation or development work shall take place until a landscaping scheme (incorporating habitat creation, enhancement and management plan) has been submitted and approved in writing by Chorley Council in consultation with specialist advisors. The approved scheme shall be implemented in full. The scheme shall demonstrate amongst other things conservation of Bird's-foot; retention/replacement of bird and bat foraging habitat; retention and enhancement of features of existing biodiversity value including the 'wet feature' in the north of the site.

- Himalayan Balsam (*Impatiens glandulifera*) shall be eradicated from the site and working methods shall be adopted to prevent the spread of this species.
- Further details of replacement nesting and roosting opportunities, as outlined in Appendix 4 of the report '*Gillibrands Parcel Chorley. Ecological Assessment*' (TEP report ref. 3095.002, November 2011), shall be submitted to Chorley Council for approval in writing. Approved details shall be implemented in full.

Conditions 19-22 of the original report reflect these requests.

In respect of point 2 the agent for the application has confirmed that the mature ivy-covered sycamore in the north of the site, is this being retained within the development. Which addresses the Ecologists concerns.

The Council's Waste and Contaminated Land Officer has made the following comments:

- I have no objection to development proceeding, subject to the recommended gas precautionary measures in all dwellings at this development, as below:
- This assessment confirms that gas precautions are required and should comprise:
 - Reinforced cast in situ floor slab (suspended, ground bearing or raft), 2000 gauge gas resistant membrane, passively ventilated or positively pressurised under floor subspace, and sealed joints/service entries.

OR

- Pre-cast (beam and block) concrete floor, 2000 gauge gas resistant membrane, passively ventilated or positively pressurised under floor subspace and sealed joints/service entries.

To address this the following condition has been attached to the recommendation:

The development hereby permitted shall be completed in accordance with the submitted Phase I Site Appraisal (Desk Study) for Clover Road, Gillibrand, Chorley, Ref: GRM/P5616/DS.1 dated November 2011 and the Phase II Site Appraisal for Phase 10 – Gillibrands, Chorley, Ref: GRM/P5616/F.1 dated November 2011. The recommended gas precautionary measures, set out within these reports, shall be incorporated in all dwellings at this development:

- Reinforced cast in situ floor slab (suspended, ground bearing or raft), 2000 gauge gas resistant membrane, passively ventilated or positively pressurised under floor subspace, and sealed joints/service entries.

OR

- Pre-cast (beam and block) concrete floor, 2000 gauge gas resistant membrane, passively ventilated or positively pressurised under floor subspace and sealed joints/service entries.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control

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

- Clover Road is presently congestion however I do see the situation improving and therefore the level of additional traffic generated onto the generation by

the development should not have any significant impact on the operation of the highway.

- However, the proposed new junction/access at Clover Rd will inevitably have an impact on hgv vehicles movement through the junction (Grundy's Farm). The Farm operates as a haulage business and therefore requires access on a daily basis.
- The present level of operations may be low but there is potential for increased operations.
- However, the proposed development will lead to vehicle conflict at the road junction between operational vehicles and car traffic generated by the development. The day time level of car traffic movement through the junction from the development will be low.
- Therefore, the proposed junction will have an impact on hgv vehicle movement through the junction and there will be potential for vehicular conflict, and for those reasons I would have reservation supporting this application fully from a highway viewpoint.

The Highway Engineer has also confirmed that in regards to Grundy's farm the reference in to report to 'on-street parking' within the highways section should say 'off-street parking'.

Chorley Council's Building Control Section have made the following comments:

- Maximum retention appears to be around 800mm and details are for up to 1080mm.
- No clarification as to what the make up of the retaining structure is but it appears to be a form of gabion.
- Looking at the proposed site it appears the whole site is going to be lower than the surrounding land, with sufficient water run off from that land they could be creating their very own flood plane.
- There is a potential for some flooding complaints at a later date.
- More details on general site levels both before and after development takes place

The following conditions have been added:

Prior to the completion of the dwellings hereby approved a scheme for the construction of the highway extending up to the boundary of the application site(the boundary with Grundy's Farm), to serve Grundys Farm, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the proper development of the site and to ensure that a suitable access is maintained to Grundys Farm. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

The original report has been amended as follows:

Paragraph 33 of the original report confirms that *The submitted details have been assessed by the Council's Building Control Section and their comments will be reported on the addendum.* The comments are set out above. Condition 12 of the original report deals with surface water and flooding this condition has been expanded upon as follows to address the issues raised:

Prior to the commencement of the development a scheme for the provision of surface water drainage, including full details of the site levels in respect of the proposed retaining features, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

Reason: To reduce the risk of increased flooding by ensuring the provision of a satisfactory means of surface water disposal. In accordance with Government advice contained in PPS24: Development and Flood Risk

Paragraph 58 of the original committee report confirms that *The Highway Engineers final comments will be reported on the addendum*. These comments are set out above. In response the applicant's highway consultants have provided the following comments:

The brief description of the road suggest it is heavily congested but this is relative, it is not a through road and is in effect constrained during the peaks as is any senior school access, in this case a situation worsened on a temporary basis by the lack of parking due to construction works at the school, as such the view is not considered the norm for the road.

The HGV details are supplied by the farm and form the basis of their operator's licence, it is acknowledged that the new residential units will lead to a minor increase in flows and thus impact on the current HGV movements but the question is does this cause insurmountable difficulties, it is felt not. Affordable houses have a lower vehicular trip level, the farm is seeking to relocate as such the situation may not arise in the future.

The trip generation for the farm does not comply with the view put forward by the operator i.e. often in/out once a day and outside the periods where the residents would be using the network. This level of trips has not been the case for some time if it ever occurred, the trips can also be by the tractor unit only i.e. no trailer which would not have an issue using the new layout, the case is thus overstated.

The conclusion summaries the concerns but these are clearly not of a level that would be sufficient to refuse the application from the highway authority point of view, the footpath can be strengthen to prevent damage, the proposed signage highlights the possible use of the junction by large vehicles as per normal guidance and the montage provided by Pozzoni clearly shows that the removal of the hedge will significantly improve the visibility of approaching vehicles, but that the visibility of the approaching vehicles with the hedge in situ is still good.

As such the layout will operate in a normal manner for the vast majority of the day, the occasional large hgv can drive in/out and the potential for any conflicts is low. This is an area where speeds are low and movements are also low. The scheme would therefore give rise to a slight increase in potential conflicts but these are largely mitigated by the proposed designed and signage as such the concerns raised should not prevent the scheme from being approved and an underused piece of land brought forward for the wider community benefit.

It is acknowledged that there has the potential for conflict to be created between large vehicle movements and cars at the proposed junction however this site has been allocated for housing development for a number of years and the relationship between the sit allocation and Grundys Farm was always going to be a consideration. Taking into consideration the relatively low level of conflict likely to be created in this case the junction solution as proposed is considered to be acceptable.

Paragraph 71 of the original report confirms that the applicant, Adactus, have submitted a viability assessment in regard to renewable energy. Liberata have assessed this report on behalf of the Council and confirmed that the two options provided in respect of renewable energy ((1) PV Panels and (2) Solar Panels) will result in a negative impact on financial viability of the scheme. Meeting the codes for sustainable homes, as suggested, and the other Construction Costs result in a positive figure in respect of the financial viability.

ITEM 4i - 11/01085/OUTMAJ - Land south of Cuerden Farm and Woodcocks Farm and land north of Caton Drive/Wigan Road, Clayton-le-Woods

The recommendation remains as per the original report - Permit subject to legal agreement.

A letter from a representative of the Right to Ride network that highlights:

Briefly the proposed highway improvements appear to cater for motorised transport, but for other users such as cyclists not so. It will be far worse and these users are the ones, the travel plan for the development are trying to encourage?

You maybe aware of the a national campaign by The Times which has launched a public campaign and 8-point manifesto calling for cities to be made fit for cyclists:

The Highway Authority response is as follows:

Firstly, the highway improvements In connection with the development of 700 houses has not been identified at this stage, but I will request cyclist facilities that are directly related to the development and necessary to make the development acceptable in planning terms.

With regard to the section 73 application (App 11/1085) and the amended plan: The new plan, Drg No 1212/16B is accepted as the 'in principle' scheme layout to be the basis of the s278 agreement with LCC as Highway Authority. As always during the detailed design process the scheme will be reviewed by the Road Design Team and to satisfy design, safety and capacity. We always try to accommodate cycle facilities where appropriate. I am sure that the final design will satisfy movement demand for all modes.

With regard to the issues outside Tracie's Garage: I do not believe that the scale and type improvement works proposed by Mr Prescott are fairly and reasonably related to the proposed section 73 application, but I will bear these comments in mind when assessing the current application for the phase two development (700 units). Notwithstanding this, it can be reported to your Committee that the County Council are planning works at this location to provide a crossing on the footpath route north of the garage site together with associated safety works at this location.

*A letter from **Redrow** Homes is attached to this addendum requesting a deferral of the application due to issues of ownership which was the reason for the application in the first instance.*

*The response from **Gladman** is also attached for completeness that essentially states that there is no reason for the application to be deferred and can be considered at this committee.*

The applicants have also confirmed the following:

The Ashley Helme plan 1212/16C (see below) shows the extent of the revised position of the proposed works at the Hayrick Junction within the public highway and do not encroach onto any third party land (third party land shown in green).

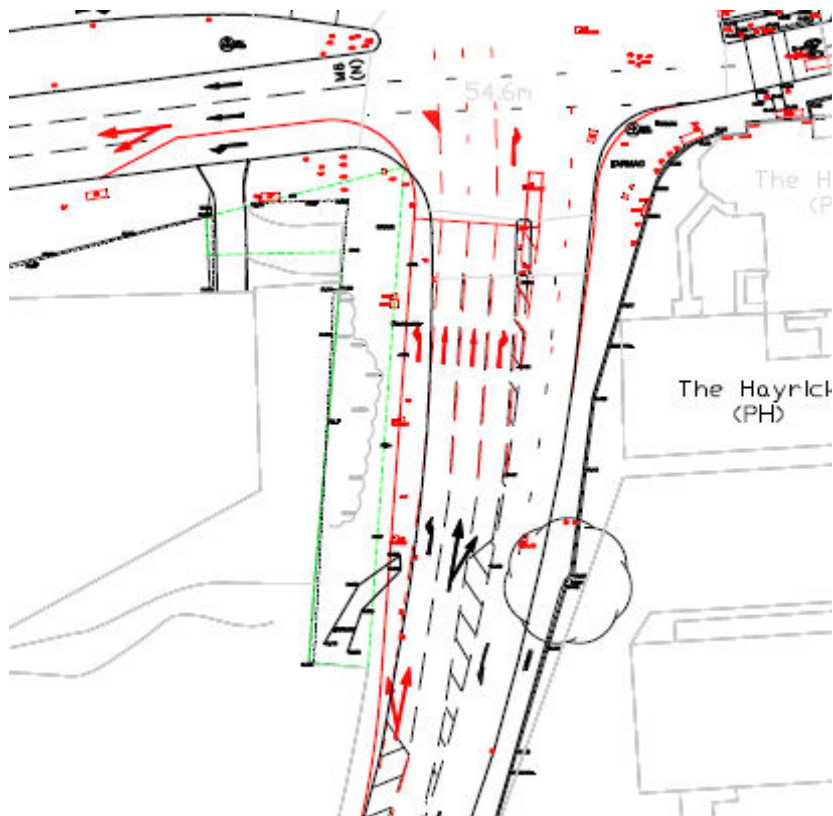
In the event that this application is approved, the highway works will be procured pursuant to an agreement under Section 278 of the Highways Act 1980. Pursuant to this agreement the detailed design of the highway works will need to be approved by

Lancashire County Council, providing a further opportunity to ensure that the highway works are carried out entirely within the boundary of the public highway.

The **Highways Agency** condition required to replace condition 20 is as follows this is wrongly detailed on the conditions and is amended as follows:

20. No more than 151 of the residential units hereby approved shall be first occupied until the improvements detailed in Condition 19 have been completed. Details of the junction improvements shall be submitted to and approved in writing by the Local Planning Authority prior to any work commencing and all work shall be completed in accordance with the approved details. The works listed under i) and ii) of Condition 19 shall broadly accord with the details shown in outline on the Ashley Helme and Associates drawing number 1212/16B, dated December 2011.

Reason: The reason for this direction is to ensure that the closely related junctions, of the motorway slip roads and the A49, can operate in an efficient and safe manner and to ensure that the potential impact of additional vehicle flows generated by the development on the Trunk Road Network, in particular at junction 28 of the M6 motorway, is minimised.



Redrow Homes Lancashire

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RB/sw

6 February 2012

Paul Whittingham
Planning Dept
Chorley Borough Council
Civic Offices
Union Street
CHORLEY
PR7 1AL

Dear Paul

Re: S.73 application to amend Condition 20 (Layout of Highway Improvements at Hayrick Junction) of outline permission 10/0041/OUTMAJ (11/01085/OUTMAJ)

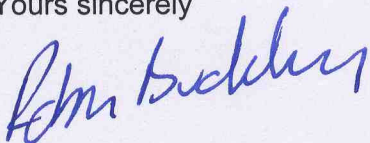
I refer to the application described above, which is due to be reported to the Council's Development Control Committee on 7 February.

I would like to draw your urgent attention to an ownership issue which appears to impact on the planned junction improvement. You will already be aware that Redrow own land on the corner of the junction between Wigan Road and Leyland Way. The boundaries of this land have recently been fenced off and to assist you further, I now enclose a plan showing the extent of Redrow's ownership (edged in blue) in relation to the planned junction improvement. You will see from this plan that the new kerb line does encroach slightly and there is virtually no service margin adjacent to the planned left turning lane in which to place lighting columns and signs; this may cause problems at the detailed design / S.278 stage.

In view of the above, your Committee may wish to consider deferring consideration of the application.

I would be happy to discuss this matter with you.

Yours sincerely



ROBIN BUCKLEY
Senior Planning Manager

enc

cc Jenni Moore, CBC
Dave Allen, LCC

Our Ref: NJB/bes/SL031/01/A/02

Att: Paul Whittingham
Development Control Team Leader
Chorley Council
Civic Offices
Union Street
Chorley PR7 1AL

By email: URGENT

07 February 2012

Dear Mr Whittingham

**Planning Application by Fox Land and Property Limited
Land to East of Wigan Road, Clayton le Woods, Chorley, Lancashire
Chorley Council Application No. 11/01085/OUTMAJ – Pertaining to Application No.
10/00414/OUTMAJ**

I am instructed by Fox Land and Property Limited (“FLP”) and refer to matters raised by Mr Buckley of Redrow Homes Limited in their letter of 6 February 2012.

I should be most grateful if you would bring to the attention of the Planning Committee members the following relevant information:

Brabners Chaffe Street LLP, solicitors acting on behalf of Redrow Homes Limited wrote to Chorley Council and Lancashire County Council on 23 November 2011, to advise that their client is the proprietor of freehold land at the Hayrick Junction, registered at the Land Registry under title number LA858914. A copy of the registered title and title plan were enclosed with this letter, and a copy of the title plan is attached.

Thereafter, in consultation with Lancashire County Council and Chorley Council, FLP undertook a full topographical survey of the Hayrick Junction and adjacent land. The topographical survey and the land registered under title number LA858914 were then superimposed onto an Ordnance Survey Promap. This plan formed the basis of ashleyhelme associates drawing 1212/16B, (copy attached) which was submitted in support of FLP’s planning application reference 11/01085/OUTMAJ.

This plan was specifically drawn to ensure that the scheme of highway works shown on it were located entirely within the boundary of the public highway and did not encroach onto any third party land.

The origins of the plan enclosed with the letter of 6 February 2012 from Redrow Homes Limited is not stipulated, and it is therefore unclear upon what basis they contend that the proposed highway works encroach onto land in their ownership.

ashleyhelme associates drawing 1212/16C (copy attached) shows the extent of the revised position of the proposed works at the Hayrick Junction within the public highway, together with the extent of the Redrow Homes Limited land ownership, which is shown by a green broken line. It is absolutely clear from drawing number 1212/16C that the works do not encroach onto any third party land.

ashleyhelme associates drawing number 1212/16C has been considered by Lancashire County Council's Highway Departments as part of the pre-application and formal planning application consultation process. It is evident from Lancashire County Council's highway consultation response that they are satisfied that the works can be accommodated wholly within the boundary of the public highway.

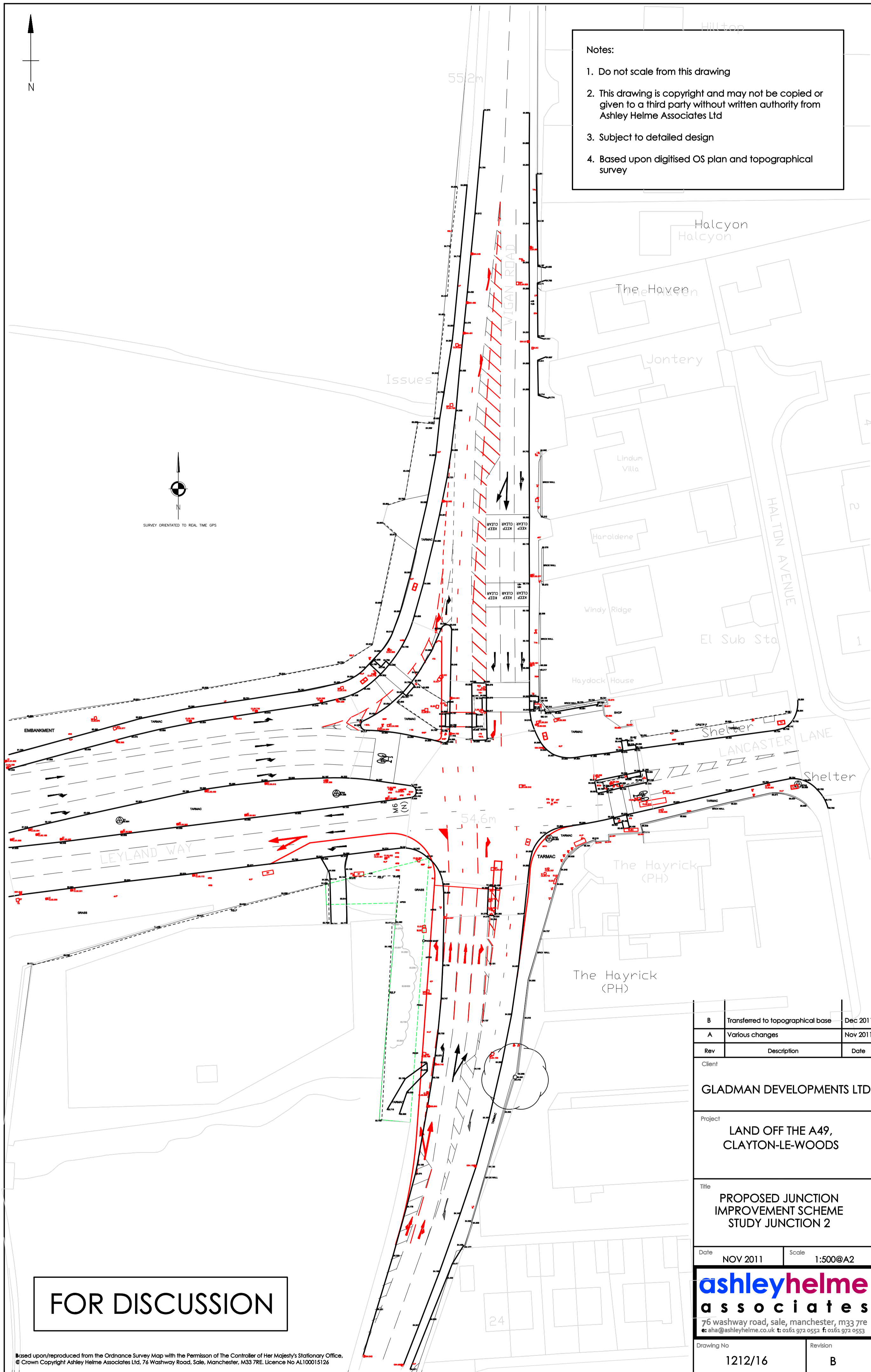
In the event that FLP's planning application reference 11/01085/OUTMAJ is approved, the highway works will be procured pursuant to an agreement under Section 278 of the Highways Act 1980. Pursuant to this agreement the detailed design of the highway works will need to be approved by Lancashire County Council, providing a further opportunity to ensure that the highway works are carried out entirely within the boundary of the public highway.

For the above reasons FLP consider that the rather late representations submitted by Redrow Homes Limited to be somewhat vexatious and without substance and would respectfully submit that there is no legitimate reason to defer consideration of the planning application.

Yours sincerely

NICOLA BAINES
Solicitor for Gladman Legal Department

Direct telephone: 01260 288824
Direct Fax: 01260 288861
E-Mail: n.baines@gladman.co.uk



Notes:

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3. Subject to detailed design
4. Based upon digitised OS plan and topographical survey

SURVEY ORIENTATED TO REAL TIME GPS

FOR DISCUSSION

Rev	Description	Date
B	Transferred to topographical base	Dec 2011
A	Various changes	Nov 2011

Client
GLADMAN DEVELOPMENTS LTD

Project
**LAND OFF THE A49,
CLAYTON-LE-WOODS**

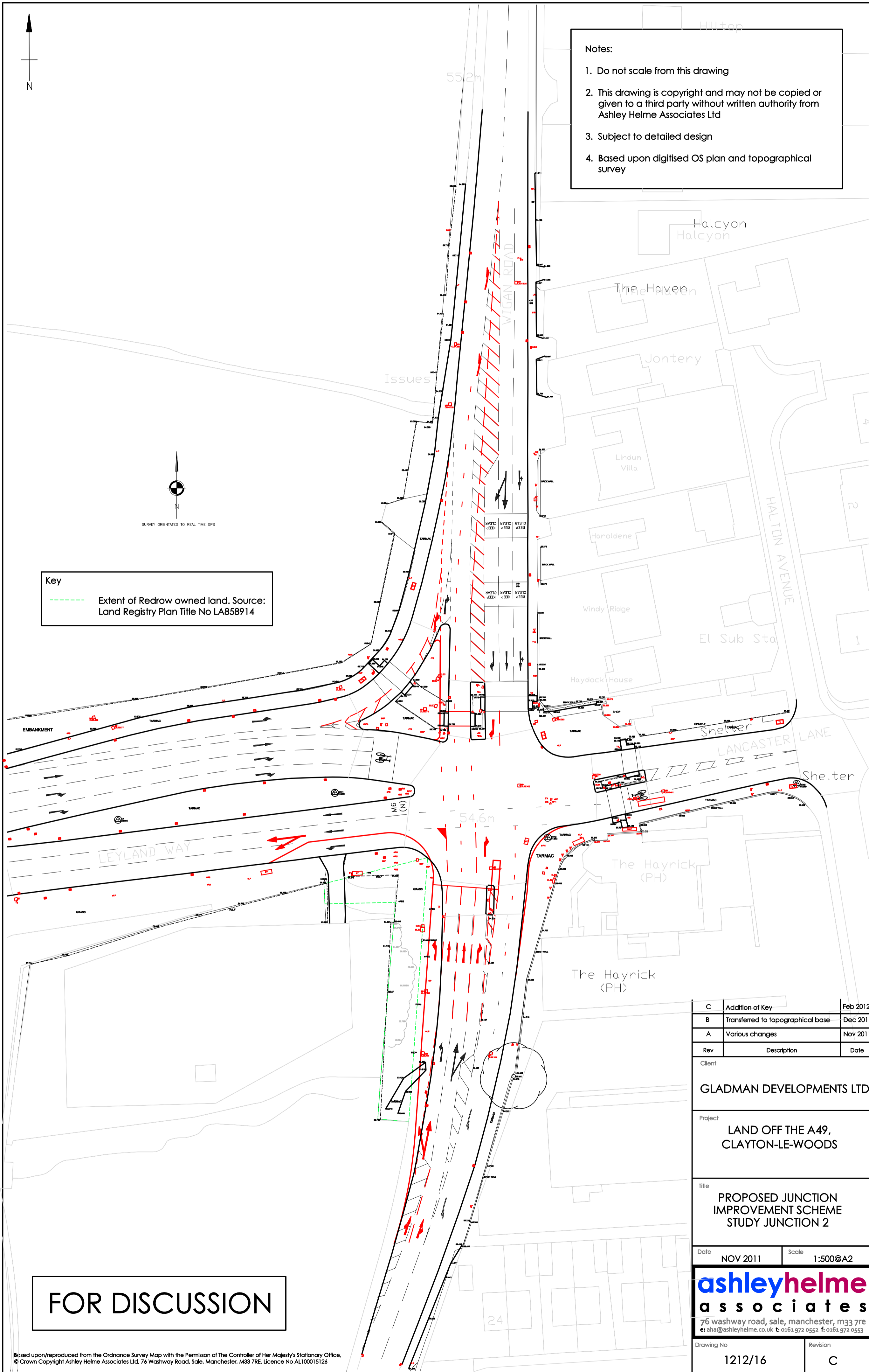
Title
**PROPOSED JUNCTION
IMPROVEMENT SCHEME
STUDY JUNCTION 2**

Date: NOV 2011 Scale: 1:500@A2

ashleyhelme
associates
76 washway road, sale, manchester, m33 7re
e: aha@ashleyhelme.co.uk t: 0161 972 0552 f: 0161 972 0553

Drawing No	Revision
1212/16	B

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Key

--- Extent of Redrow owned land. Source: Land Registry Plan Title No LA858914

Rev	Description	Date
C	Addition of Key	Feb 2012
B	Transferred to topographical base	Dec 2011
A	Various changes	Nov 2011

Client
GLADMAN DEVELOPMENTS LTD

Project
LAND OFF THE A49, CLAYTON-LE-WOODS

Title
PROPOSED JUNCTION IMPROVEMENT SCHEME STUDY JUNCTION 2

Date: NOV 2011 Scale: 1:500@A2

ashleyhelme
associates
76 washway road, sale, manchester, m33 7re
e: aha@ashleyhelme.co.uk t: 0161 972 0552 f: 0161 972 0553

Drawing No	Revision
1212/16	C

FOR DISCUSSION

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