

10 July 2012

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 10TH JULY 2012

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

Addendum (Pages 1 - 8)

Report of the Director of Partnerships, Planning and Policy (enclosed).

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
Director of Partnerships, Planning and Policy	Development Control Committee	10 July 2012

ADDENDUM

ITEM 4a - 12/00369/FUL - Demolition of no. 2 Nursery Close and erection of 10 dwellings (8 no. two-storey houses and 2 no. bungalows), access road and associated development

The application has been withdrawn.

ITEM 4b- 12/00511/FUL– Erection of 4 no. 15m high floodlight columns on main football pitch.

A further letter has been received from Mr Deaville. He state his objection stands on the grounds stated in his original letter but also on the following grounds:

Although members of the public are invited to be present and speak he has been told that, in principle, the decision to permit the erection of these floodlights has already been made. This makes a mockery of Chorley's boast that local interest is at the heart of decision making. It also goes against Chorley's own guidelines for environmental protection which state:

Only the minimum necessary for safety and security is provided.
 The light should not be a nuisance for neighbouring properties.
 Lighting should have regard to the amount of existing lighting in the vicinity of the proposal.
 Light pollution should not result.
 Light spillage is minimal.
 There should be no adverse effect on the character of the area.

All of the above will be contravened if the application to erect floodlights, 15 metres high, is approved. The ugly, damaging over development of a greenbelt area, driven by a handful of influential football enthusiasts makes a nonsense of Chorley Council's professed "green" concern, especially when it goes against the wishes of many residents of the village. All will be adversely affected by loss of the night sky.

The Campaign to Protect Rural England (CPRE) state they have no major objections to the proposal, however they are concerned about light spillage and wider light pollution. As an existing site on greenbelt the close proximity to the village and other existing infrastructure will result in minimal increased daytime impact.

The Holly Cross School football pitch lights are of a similar height and the actual bulbs can be seen from above at the entrance to Bibby's Farm on Back Lane, Heath Charnock. We would hope that modern lighting to new standards should not allow the actual bulbs to be seen from outside of the pitch area.

The lighting will also produce reflected light off the pitch. They note the site surrounding the football pitch has little tree cover. We would suggest trees be planted around the pitch thus minimising the

wider impact from the lighting on the tranquillity of the greenbelt beyond the pitch environs, as well benefiting its nearest neighbours in Charnock Richard.

Such planting would eventually act as a windbreak thus improving the quality of play on the pitch in Lancashire's frequent windy conditions.

Policy EP21A of the Local Plan covers light pollution. It states that applications for development requiring, or likely to require, external lighting will be expected to include details of the lighting scheme as part of the application. Lighting schemes will be expected to demonstrate:

- a) The amount of lighting is the minimum required for security and public safety;
- b) Light spillage will be minimised;
- c) There will be no nuisance to neighbours or adverse effect on the character of the area.

This scheme is slightly different in that it is not for development requiring lighting but is for lighting itself.

It is considered that the amount of lighting is the minimum required to serve the facility and the application is accompanied by a technical report covering the lux levels on the pitch. As assessed in the report it is considered the proposed lighting setup will minimise light spillage. In addition a light spillage plan has been provided showing that there will not be spillage outside the site and Environmental Health are satisfied it will not cause nuisance to neighbours. In addition the lighting has been designed to minimise sky glow and therefore the impact on the character of the area.

The lights will be asymmetric floodlights which allow control of obtrusive light. They are designed to operate with the front glass parallel to the ground to avoid contributing to sky glow.

It is considered necessary to impose a condition regarding the hours of lighting if the application is approved so the lights are used only when necessary to minimise the impact on the character of the area. In addition as lighting will bring the site into use at times it is not currently, then the condition will also be imposed to ensure any activity associated with the lighting such as parking is restricted to times acceptable in terms of impact on the amenity of neighbouring properties. However, given the material submitted with the application in terms of light spillage it is not considered that the Council could require trees planting around the pitch.

The following additional condition is proposed:

The floodlights hereby permitted shall only be used between 15.00hours and 18.00hours on Saturdays between November and January inclusive.

The floodlights shall only be used between 18.45hours and 22.15hours for a maximum of two mid-week evenings (Monday to Friday) per week between August and May inclusive.

The lights shall not be used outside the above times and dates.

Reason: In the interests of the amenity of neighbouring properties from comings and goings and to ensure they are only used when necessary and in accordance with EP21A of the Adopted Chorley Borough Local Plan Review and the NPPF.

ITEM 4c - 12/00435/FUL – St Josephs Roman Catholic Schools, Railway Road, Chorley

The recommendation to grant planning permission subject to a S106 agreement remains as per the original report.

An amended site plan has been submitted increasing the interface distance between plots 5 to 9 and the properties to the south of St Josephs Place. The distance between the plots fronting Railway

Road and the opposite properties has also been increased to 17.15m so as it is the same as the previously approved layout in 2010 (Ref No. 10/00889/OUTMAJ).

The applicant has now submitted an amended Tree Report which no longer proposes the removal of a group of 4 no. trees on the southern site boundary. As per the 2010 application, 5 no. trees are proposed to be felled as part of the development of the site. However, the landscaping condition can secure replacement planting where it is deemed to be necessary.

A further letter of objection has been received from a resident on Railway Road setting out the following issues:

- The Harpers Lane/Railway Road junction is already congested
- The houses on the school side of Railway Road do not have drives and the residents have to park their cars on this side
- There is already not enough space on Railway Road for this let alone the possibility of 20 more cars coming onto Railway Road.
- Besides the congestion problem there is also the noise that the construction will cause
- My husband works permanent nights and I am sure he is not the only one to work unsocial hours who will be kept awake during the day while these houses are built
- As well as this, once the houses are built, our properties will be overlooked - there is simply not enough space to build 20 houses on this land
- I object to this scheme due to noise, loss of privacy and the congestion problems that this will cause for myself and my neighbours

No letters of support have been received.

The following consultee responses have been received:

LCC (Ecology) do not raise any objections subject to the recommendations contained in section 5 of the Ecological Survey and Assessment being secured through planning conditions.

The Coal Authority do not raise any objections to the application but recommend the imposition of a condition requiring further site investigation works and if deemed necessary, a scheme of remediation works to have been implemented prior to the commencement of development on the site.

LCC (Planning Contributions) have made an additional request for a contribution towards a single secondary school place. However, this is on the basis that various planning applications are approved prior to this one including the applications in Whittle Le Woods on land bounded by Town Lane and Lucas Lane (Ref No. 12/00362/OUTMAJ) which has been refused and the subject of an appeal and the application in Adlington adjacent to Huyton Terrace (ref No. 12/00082/OUTMAJ) which has been withdrawn. This being the case, the contribution towards a single secondary school place is not being sought.

The Council's **Waste and Contaminated Land Officer** does not raise any objections subject provisions being made for bins to be wheeled to and from the rear garden area of plot no. 8. The proposed site plan shows a pathway from the rear garden of this plot to enable bins to be wheeled out on collection day.

The following conditions have been added and/or amended:

The following condition is amended to encompass the comments of LCC (Ecology): -

The development shall only be carried out in strict accordance with the recommendations contained in section 5 of the Environmental Research & Advisory Partnership Ecological Survey & Assessment dated March 2012. Specifically, the 2 no. bat boxes, 2 no. house sparrow nest boxes, 1 no. starling nest box and the 2 no. small bird boxes shall be installed prior to the first occupation of any of the dwellings on the site and no trees, shrubs or other suitable breeding bird habitats shall be removed during the bird breeding season (March to August inclusive) unless a report by a suitably qualified ecologist has first been submitted to and approved in writing by the Local Planning Authority demonstrating that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.

Reasons: To ensure that the development does not result in significant ecological impacts and in accordance with Policy EP4 of the Chorley Borough Local Plan Review.

The following condition is required to secure permeable driveways: -

Notwithstanding the details shown on the approved plans, the proposed driveways to the dwellings shall be constructed using permeable materials laid on a permeable sub-base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall only be carried out using the approved materials and construction specification and shall be retained and maintained as such thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No.GN5 and EP18 of the Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).

The following condition is necessary so as final level details are agreed with the Council prior to development commencing: -

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 previously submitted plan(s). The development shall only be carried out in conformity with the approved 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 and the National Planning Policy Framework (NPPF).

The following condition specifies the approved plans: -

The approved plans are:

Plan Ref.	Received On:	Title:
0001 Rev A	9 July 2012	Location Plan
S07/422	4 June 2012	Topographical Land Survey
-----	15 May 2012	Tree Protection Plan
1001	14 June 2012	Proposed Elevations Plots 1, 2 & 3
1000	14 June 2012	Proposed Floor Plans Plots 1, 2 & 3
2B-B1 Rev A	30 April 2012	Floor Plans & Elevations Plot 4
1003	14 June 2012	Proposed Elevations Plots 5 & 6
1002	14 June 2012	Proposed Floor Plans Plots 5 & 6
1005	14 June 2012	Proposed Elevations Plots 7, 8 & 9
1004	14 June 2012	Proposed Floor Plans Plots 7, 8 & 9
1007	14 June 2012	Proposed Elevations Plots 10, 11 & 12
1006	14 June 2012	Proposed Floor Plans Plots 10, 11 & 12
2B-A Rev A	30 April 2012	Floor Plans & Elevations Apartments Plots 13 & 14 Option 1
2B-A Rev A	30 April 2012	Floor Plans & Elevations Apartments Plots 13 & 14 Option 2

1009	14 June 2012	Proposed Elevations Plots 15 & 16
1008	14 June 2012	Proposed Floor Plans Plots 15 & 16
1011	14 June 2012	Proposed Elevations Plots 17 & 18
1010	14 June 2012	Proposed Floor Plans Plots 17 & 18
1013	14 June 2012	Proposed Elevations Plots 19 & 20
1012	14 June 2012	Proposed Floor Plans Plot 19 & 20
0001 Rev G	2 July 2012	Site Plan
S-S-02 Rev A	20 June 2012	Proposed Site Sections
S-S-01 Rev A	20 June 2012	Proposed Streetscenes

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

The following condition is in response to the comments received from the Coal Authority: -

The development hereby permitted shall not commence until a site investigation has been undertaken in relation to the risks from the coal mining legacy of the site and the details submitted to and approved in writing by the Local Planning Authority in liaison with the Coal Authority. The site investigation should be accompanied by details of any remedial works, if they are deemed necessary by the site investigation works, to treat areas of shallow mine workings to ensure the safety and stability of the proposed development. The remedial works, if deemed necessary, shall be completed in accordance with the approved details prior to the commencement of the development.

Reasons: To ensure that the site is safe and stable prior to the commencement of development and in accordance with Policy No. EP15 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).

The following conditions is amended to reflect the amended Tree Report: -

The development hereby permitted shall only be carried out in accordance with the schedule of works set out in Appendix 3 of the amended tree report (Ref No. THC2012/04/12/AS) prepared by A L Smith of Tree Health Consulting Ltd submitted to the Council on 2nd July 2012.

Reasons: To ensure the tree works are carried out in accordance with the report, in the interests of the visual amenities of the site and locality and in accordance with Policy No. EP9 of the Adopted Chorley Borough Local Plan Review.

The following condition will secure a landscaping scheme for the site: -

No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

The following condition is deemed to be necessary to safeguard the amenities of occupiers of the properties: -

All windows in the first floor north facing elevation of plot 12, all windows in the north facing elevation of plots 13 & 14, all windows in the first floor east-southeast facing elevation of plot 15, all windows in the first floor west-northwest facing elevation of plot 16, all windows in the first floor east-southeast facing elevation of plot 17 and the first floor west-northwest facing elevation of plot 18 shall be fitted with non-opening obscurely glazed windows using Pilkington Privacy Level 5 glass (or a glass from an alternative manufacturer with the same level of obscurity). Obscurely glazed non-opening windows shall be retained and maintained as such at all times thereafter.

Reasons: To safeguard the privacy of the property occupiers and in accordance with Policy Nos.

GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework (NPPF).

The original report has been amended as follows:

22. The level of the site falls steadily from east to west by approximately 2.5m and the greatest difference in levels is between the southern end of the site and the properties on St Josephs Place. At this point, the difference in levels between the site and these existing properties is approximately 2m. The applicant has amended this part of the site so as there is an interface distance of 27m between the main habitable room windows in the rear of the proposed dwellings and the equivalent windows in the rear elevations of the properties on St Josephs Place. In terms of the relationship between plots 15 to 18 and the properties on Harpers Lane, there is not a significant difference between the slab levels of the dwellings on Harpers Lane and the proposed dwellings on these plots hence the 21m interface distance is acceptable. Plots 1, 2 and 3 will have slab levels approx. 65cm higher than the opposite properties they face. However, this relationship, with the stated 17.15m interface distance is the same as approved previously in 2010 (Ref No. 10/00889/OUTMAJ).

The **Planning Policy** section of the report is amended as follows: -

Joint Core Strategy

Policy 1: Locating Growth

Policy 2: Infrastructure

Policy 5: Housing Density

Policy 7: Affordable Housing

Policy 17: Design of New Buildings

Policy 22: Biodiversity and Geodiversity

Policy 26: Crime and Community Safety

Policy 27: Sustainable Resources and New Developments

ITEM 4d - 12/00498/FUL – Land Rear Of 31 To 39 Park Avenue And North Of 173 Wigan Road, Euxton

The agent has submitted an amended access plan and further discussions have taken place with Lancashire County Council Highways regarding it.

LCC are still of the opinion the existing access will require improving, whether by providing a new access with radius corners as recommended, or by widening the existing access dropped crossing. The Applicant was requested to revise the scheme drawing to show a dropped vehicle crossing by LCC during initial discussions as part of the original planning application no. 07/00497/OUT. LCC are therefore agreeable to the access in the form of a dropped crossing as existing.

The previous decision notice to 07/00497/OUT included for widening of the access and the approved plan also indicated a much wider crossing than there is there now.

The existing crossing is 4.5m wide (dropped) and is inadequate for a road of this category. The access is located in a dip on a busy primary distributor road and will make it difficult for vehicles to pass each other at the entrance (second vehicle waiting to leave). This will result in vehicles having to slow down more or less to a standstill and vehicles mounting the pavement close to service boxes to the detriment of public road safety.

Therefore, they do not have any overriding highway objection to the proposed increase in the number of dwellings on the site to 3no, however there will be a requirement for the access to be improved/widened and it will need to be conditioned such that this work is undertaken before the commencement of the development.

The agent accepts the conditions however requests that the details have to be approved before commencement but do not need to be implemented until before the dwellings are occupied so the existing access can be used for the construction phase as the County Council approved the sewer and pumping station development (on the land immediately to the rear of the site) and allowed United Utilities to use the existing access during the construction period which lasted for about 18 months. LCC are agreeable to this providing a detailed design for the access is agreed prior to commencement of the development works.

The following additional conditions are therefore proposed:

No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

No part of the development hereby approved shall be occupied until the approved scheme for the site access has been constructed and completed in accordance with the approved details. *Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

ITEM 4f - 12/00475/FULMAJ – Group 1, Euxton Lane

The applicant has requested that clarification is provided regarding the numbering of the conditions. The Development Control system automatically inserts the condition relating to timescales on production of the decision notice. Therefore, the condition that is the subject of this condition is numbered 17 rather than 18.

A letter of objection was omitted on the original report, this objection raises the following issues:

- Scale, appearance and design
- Residential amenity including loss of light, overlooking, loss of privacy, noise and disturbance

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