

6 March 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 5TH MARCH 2013

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that provides an update of events that have taken place since the agenda was printed.

Agenda No Item

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

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

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
E-mail: cathryn.filbin@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

Distribution

1. Agenda and reports to all Members of the Development Control Committee.

**This information can be made available to you in larger print
or on audio tape, or translated into your own language.
Please telephone 01257 515118 to access this service.**

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	5 March 2013

ADDENDUM

ITEM 4a-12/00716/FULMAJ – Croston Woodwork

The recommendation remains as per the original report

(5)No. further letters of objection have been received setting out the following issues:

- Loss of local car parking due to development of the De Trafford Arms site.
- Croston Station car park would be used as an overspill car park for residents of the development. The car park is often at full capacity.
- Lack of parking at the co-op/post office and railway station and subsequent impact on highway safety and viability of local shops.
- Lack of delivery space for Co-op.
- S.106 should be used to provide a community car park.
- The Habitat S & Ecological Risk Appraisal is inaccurate and there are inadequate mitigation measures for accommodating owls.
- There is no need for additional housing in Croston

ITEM 4b-12/01221/FUL – Land Between Boro Corn Mill And Salisbury Street

The recommendation has changed as follows:

Approve subject to conditions and the signing of an associated Section 106 Agreement.

Officers consider that the loss of the amenity open space can be justified in this case by securing a contribution to the improvement of alternative provision in the locality.

Advice from the Council's Planning Policy section suggests that a contribution of £1950.00 is required in lieu of the loss of the site. The applicant has indicated they would be agree to some level of contribution, but would like to enter into discussions to negotiate the exact level in this case.

As such, it is requested that if Members resolve to approve the application, the exact level of contribution can be negotiated by officers under delegated authority.

ITEM 4c-13/00034/FUL – Logwood Stables Brinscall Mill Road

The recommendation remains as per the original report

The agent for the application has provided the following response following receipt of the Committee report:

- The proposal for the 'families privately owned horses'. The horses bred and owned by the family are, as shown by the KWPN certificates included in the application, being bred from specific proven bloodlines to produce horses for Dressage events. British success at Dressage is achieved using imported horses.
- The report submitted by LCC Highways states that they have no objections to the proposals on highways grounds.
- With regards to the footpaths, the applicant held a meeting with Mr Stephen Williams, the LCC Public Rights of Way officer. He had no objections to the repairs being carried out.
- Reference to the applicants qualifications are addressed in the letter from British Dressage North West which is included.
- The 'loss of control of horses on multiple occasions' is totally unfounded.
- The RSPCA visited the site in February 2013 following an anonymous claim that the horses were stuck in the mud up to their chests. The officer travelled from Southport and found no such case. The applicant has requested that the RSPCA take action against this false allegation.
- The objection from Holden Stud Farm questioning the applicants abilities are addressed below.
 - The details concerning over breeding are taken from a 2010 report concerning horse breeding across the whole equine range and relate to concerns of fly grazing (abandonment) and the increased breeding of horses for the meat industry. This is far removed from the specialised nature of this proposal.
 - All passports belonging to the applicant have been signed by a veterinary surgeon to say 'excludes the animal definitively from slaughter for human consumption and must be reconfirmed when the animal changes ownership.'
 - As for qualifications and riding and judging skills, the applicant has achieved a significant level considering her age.
 - The development of the breeding programme is very much reliant on achieving planning permission to make the breeding aims viable. This will allow the applicant to pursue this on a full time basis and acquire the relevant qualifications to suit, such as the Artificial Insemination (AI) course to allow her to scan and inseminate mares.
 - It should also be considered that there are currently issues between Logwood Stables and Holden Fold Stud following a civil matter involving the police at Logwood Stables.
- An objection from Chorley Ramblers Countryside officer relates to horses using the public footpaths 19 and 21, which are within the applicants land. The British Horse Society has provided information to confirm that this is acceptable
- An objection from P Wilson & Co has raised various issues. Lighting and noise can be conditioned, buildings new or existing in the Green Belt is covered elsewhere. Their additional letter relating to the applicants training website again relates to traffic issues. Reference has been drawn to the costs in particular 'mileage up to 25 miles from Heapey' It must be pointed out that this has been calculated from Mrs McNair home address on Heapey Road, Heapey, not from Logwood Stables, in Wheelton.

- Why this site in Heapey. One consideration that is a concern within horse breeding establishments is theft. Statistics from Lancashire County Council show that Chorley has below average crime rates for Lancashire and the Wheelton and Heapey area has low crime rates within the Chorley Borough.
- The choice of the Logwood site met all the applicants criteria, with the area for the stables adjacent to a residence and the size and topography of the surrounding fields, with Monks Hill providing the necessary shelter and natural drainage for horse grazing.
- The siting of the proposed stables at the foot of Monks Hill will ensure that the openness of the Green Belt will not be affected and being built upon the existing concrete slab cannot be deemed as having an adverse effect on the site.
- The first approach to Chorley Council was in 2008, not 2010 as stated. The report states the buildings that existed had a total volume of 4850m³. The proposed building would represent a 50% reduction of this volume.
- Following the site meeting on the 7th February 2011, a letter and CD showing a full photographic survey of the buildings was sent to Chorley Planning as a record of the buildings. The report also states that at the time the applicant was advised to consider a reduced scheme. This application has addressed that comment as the scheme has been reduced from 20 to 10 stables. The letter states 'as requested I have also included a document which provides details relating to the footprint and volume of the existing and proposed buildings'.
- As stated it is acknowledged that the existing buildings would not have been suitable for the proposed development. This in the main due to the fact that the buildings were constructed of asbestos panels, of which approximately 60 tonnes was removed from site, with the prior agreement of Chorley Planning.
- The report states that the proposed facilities are considered to be appropriate in the Green Belt, but that the size does not preserve the openness of the Green Belt. As previously stated the topography of the site does not effect the openness of the Green Belt.
- The aspirations of the applicant can only be achieved if the permission is granted for this facility, to enable these aspirations to be put in place.
- All matters relating to traffic and parking have been addressed by the LCC Highways who have no objections.
- The report acknowledges the unique proposal for the site, but is balanced against the impact of the large building and arena. It has been acknowledged that the 60x20m arena is justified and the size of the building has been significantly reduced as suggested.
- The proposals for the stables and arena are essential in being able to achieve aspiration of the applicant. Whilst the report acknowledges that the breeding programme is operating on the site and can continue to do so, the proposals for which permission are sought are a necessary step in taking the breeding programme further in the development of the applicant as a breeder/trainer and for the welfare of the horses.
- The design of the building whilst not traditional stable construction is similar to the construction of the riding arena at Chorley Equestrian Centre, but smaller. The parking areas are acceptable to LCC Highways and the lighting can have the lighting levels conditioned or the lighting can be removed.

Letter from British Dressage:



To whom it may concern,

I can confirm that Rebecca McNair was successfully selected to compete at the Senior Inter Regional Team Competition for the North West Region of British Dressage in 2009.

I can also confirm that Rebecca was successfully selected to compete for England in the 2009 & 2012 Home International Team Competition.

These team competitions are an integral part of British Dressage in identifying future talent for the sport.

Yours Sincerely,

Lou Jones
North West Regional Development Officer
British Dressage

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

- Size and scale of the business proposed
- Lack of safe access via Brinscall Mill Road
- Not suitable in the Green Belt
- No adequate justification- breeders and equestrian facilities within the surrounding area
- Health and safety risk for users of the public footpath
- Current legal access is based on a private residential dwelling not an equestrian business
- Private drive not suitable for an increase in traffic
- Unacceptable noise pollution
- Light pollution from floodlights
- Flooding issues on Brinscall Mill Road
- Site not suitable for large horses
- The applicants offer clinics, breeding and training facilities to the general public
- Plans are inaccurate in respect of the access
- How will the use be policed?
- Unacceptable impact on the environment and wildlife
- Horses kept in a paddock, which was several inches deep in mud and water, with no shelter in biting rain, wind and snow for some weeks.

- The RSPCA Inspector visited the site (on two occasions because the 1st time, he went to the wrong part of the site). The Inspector later reported back to me that he had spoken to the person on site and told them the horses must be moved within 2 weeks - he was making allowances for the fact that there had been a lot of rain but he asked me to contact him again and provide the photographs should the horses still be there after the end of February.
- The letter from EM Roofing has no date on it
- No evidence for the assertion that a facility such as the applicants propose is required.
- UK remains a world leader in thoroughbred breeding
- Indiscriminate breeding needs to be reduced and in order to produce horses and ponies of the quality that customers require, foals should only be bred from the best, in whatever way that is defined by the governing bodies.
- No mention is made of the Breeders Quality Mark Scheme - which every breeder should aspire to.

Wheulton Parish Council object to the application on the grounds on the access to the site not being suitable for a commercial development

P Wilson and Company have submitted a further letter of objection on behalf of the neighbours setting out the following points:

- There are inconsistencies within the Business Plan
- The Business Plan refers to McNair Dressage however the supporting statement refers to Logwood Farm Stud
- The applicants web-site offers various services including private lessons and clinics
- The web-site indicates that the applicants main business is training horses not breeding
- The Business Plan includes no comparable market evidence about demand
- The Business Plan details that the enterprise will be much bigger than proposed
- Vet movements will be higher than estimated
- There is no evidence to substantiate the figures set out within the Business Plan
- The proposed development could not compete with the enterprises cited within the Business Plan as they are much larger
- The applicants stallion is still unproven
- The business plan does not include training of Paralympic riders/ horses as set out within the supporting information
- The business plan relates to a much larger business than proposed

2 further letters of support have been received raising the following points:

- I don't understand why Chorley Borough Council are considering rejecting planning for the redevelopment of this site.
- Currently this site is derelict, run down and an eyesore on what is mostly a beautiful and scenic area for walking.
- What is being proposed can only improve this landscape dramatically.
- If someone is willing to tastefully develop this site for continued agricultural purposes whilst potentially generating new jobs & income for the area, then surely it has to be supported considering the current UK financial plight & unemployment levels.

- Allowing this planning to go ahead could potentially lead to the breeding of award winning horses, helping to educate/train dressage champions of the future & even help with the countries unemployment record.
- The applicants are trying to do is preserve the countryside.
- Will bring a derelict farm site in to good working order

The following consultee responses have been received:

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

- The site was previously assessed under applications, 11/0384/FUL and 11/1103/FUL and the Highways response to both applications expressed concern about the likely increase in traffic volume the proposed development would generate on the wider highway network.
- While Highways comments on those applications still generally hold for this proposal, vehicular movements to and from the site seems to have been reduced in this new submission.
- For instance, applications 11/0384/FUL and 11/01103/FUL proposed vehicular movements of 2-6 per day in respect of staff on site. In this new proposal, this has been reduced to 2 movements per day.
- In case of visits by Farrier, as against the originally proposed frequency of 1 visit per week (11/01103) and 1 visit per six weeks (11/0384), the new application, (13/00034) proposes a less frequent visit of 1 per eight week.
- For the movement of horsebox/transporter which was originally proposed as 2 movements at 2-3 times per week for the previous applications, this proposal is for 2 movements at 2 times per week.
- A scheduled visit by a Physio will according to this proposal be on a frequency of 1 per every eight to ten weeks instead of the 1 per month as proposed under application, 11/0384.
- The applicant also stressed that the site would be self-sufficient in terms of needs for the horses and that the only time the horses would have to leave site would be when they are to take part in competitions.
- It would appear from the above that, steps have been taken to address the traffic volume anticipated to be generated by the proposed development which was the major highway concern. Objection to the proposal on the basis of excessive traffic volumes alone can therefore no longer be sustained.
- As such, LCC Highways has no objection to the planning application.

In order to address concerns raised in respect of the local highways and traffic movements the Highway Engineer has provided the following clarification:

Traffic Generation

- I would still not object to the proposal even if the frequency of visits by Vets is higher.
- As noted, apart from staff and horse box transporters who would require daily use of the access road, most of the visits associated with the operation of the site would spread over weeks.
- There are no identifiable capacity issues at the junction of Chapel Lane and Brinscall Mill Lane where the proposed development would be accessed and there has been no recorded traffic accidents at the junction to suggest that the junction would be unsafe for the proposed use.
- Furthermore, a previous Highways response confirmed the existence of 5no. passing places on the access road, between Chapel Lane and Trigg Lane.

- Although the access appears restrictive, it is not a new access road. It has seen uses associated with businesses that were similar in nature to the current proposal and attracted nearly the same level of vehicular traffic.
- In accordance with Highways recommendation, the current proposal has reduced the originally proposed number of car journeys to the site.

Public Right of Way

- I do not consider that the proposal would have any adverse effect on the use of the public right of way (PROW), as during the previous use of the site, the access road was still a PROW with no recorded vehicular/pedestrian conflicts.
- Available comment from the last inspection of the PROW (FP3) states that 'the path across the field is very muddy and deep, the walker unable to use the path because of the condition'. This may suggest that there is periodic deterioration in condition of the un-adopted access road which also serves as a PROW.
- You may therefore wish to condition approval of the application such that the access road is always maintained in good condition, although this may be difficult given that it is outside the applicant's boundary.

Car Parking

- With regard to car parking, the proposed plan 10/055/P03 Rev H dated 03-11-2010 shows parts of the site earmarked for vehicle parking. I would consider that these areas are sufficiently large to cater for parking and turning needs of the site.

Although the comments from the Highway Engineer are noted further clarification has been requested in respect of the impact of traffic over and above that estimated within the supporting information.

An amended elevation plan has been submitted as the floor plans included a door which was not detailed on the originally submitted elevation plans

Case Officers Comments

Following the receipt of the additional information above it is not considered that the additional supporting information submitted in support of the application changes the balance of the recommendation. Whilst the enterprise would provide employment, including the multiplier effect in respect of vets, farriers etc, the submitted information still does not demonstrate that the horse breeding will be internationally accredited or that the applicant is an accredited trainer, judge and/ or working towards equestrian qualifications. The proposals are still very aspirational.

Chorley Equestrian Centre dates back to 1986 and an indoor riding school was approved in 1994 (94/00242/FUL). The agent comments that *The design of the building whilst not traditional stable construction is similar to the construction of the riding arena at Chorley Equestrian Centre*. It is noted that this was given planning approval prior to the adoption of the previous guidelines on horse development (Development Involving Horses SPG 2003) and this was an extension to an existing metal clad building where land level changes mitigated its impact.

The agent has commented that *The first approach to Chorley Council was in 2008, not 2010 as stated* however the first formal pre-application enquiry was in 2010.

Reason for refusal 1 has been amended as follows:

The proposed development, by virtue of their size, design, scale, materials and proposed parking areas, does not constitute appropriate development within the Green Belt. The very special circumstances, including the identified positive elements, forwarded in support of the application do not demonstrate that the harm the proposals will have on the openness of the Green Belt are outweighed by other considerations. As such the proposals are contrary to guidance contained with the National Planning Policy Framework, Policies DC1 and EP8 of the Adopted Chorley Borough Local Plan Review and the Rural Development SPD.

The original report refers to the RSS however the applicable policies are not included. These policies are as follows:

- DP1: Spatial principles underpin the RSS and are covered further by individual policies as follows: promote sustainable communities (DP2) /promote sustainable economic development (DP3) /make best use of existing resources /infrastructure (DP4)/ manage travel demand /reduce need to travel and increase accessibility (DP5), promote environmental quality (DP7), reduce emission and adapt to climate change(DP9) .
- RT2: Managing Travel Demand.
- RT9: Walking and Cycling
- CLCR1: Central Lancashire City Regions Priorities – support and diversify the rural economy and improve access to services in the rural areas focusing development in locations which accord with RDF2

ITEM 4d-13/00035/FUL – Logwood Stables Brinscall Mill Road

The recommendation remains as per the original report

Wheelton Parish Council object to the application on the grounds on the access to the site not being suitable for a commercial development

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

- Damage has been caused to the neighbouring property by the applicant
- Fencing will be constructed to stop damage to the neighbouring property making the access more unsuitable for their plans.
- Significant damage has already occurred by building of roads and car parking in a green belt area and where they are aiming to repair footpaths they are in fact creating road works on the lovely Monks Hill.
- Also not included in the application are riding arenas, middle stores, multi stable blocks, diversion of stream which have already been constructed.
- If successful they will continue to abuse future planning regulations and the green belt countryside.
- Application is confusing and inaccurate
- 2 stables blocks have been erected on site
- The extent of road laying undertaken is unclear
- Numerous horses have been brought onto the site without adequate facilities
- There has been extensive damage to the footpaths
- There are issues with flooding which is not detailed within the supporting information
- Lack of safe access
- Health and safety risk to footpath users
- Current legal access is based on a private residential dwelling not an equestrian business

- Private drive not suitable for an increase in traffic
- Unacceptable noise pollution
- Light pollution from floodlights
- Flooding issues on Brinscall Mill Road
- Site not suitable for large horses
- The applicants offer clinics, breeding and training facilities to the general public
- Plans are inaccurate in respect of the access
- How will the use be policed?
- Unacceptable impact on the environment and wildlife
- The fact that the applicant purchased a property with land and has undertaken work already does not give him special reasons to be granted planning permission in the Green Belt
- Horses kept in a paddock, which was several inches deep in mud and water, with no shelter in biting rain, wind and snow for some weeks.
- The RSPCA Inspector visited the site (on two occasions because the 1st time, he went to the wrong part of the site). The Inspector later reported back to me that he had spoken to the person on site and told them the horses must be moved within 2 weeks - he was making allowances for the fact that there had been a lot of rain but he asked me to contact him again and provide the photographs should the horses still be there after the end of February.
- The letter from EM Roofing has no date on it
- No evidence for the assertion that a facility such as the applicants propose is required.
- UK remains a world leader in thoroughbred breeding
- Indiscriminate breeding needs to be reduced and in order to produce horses and ponies of the quality that customers require, foals should only be bred from the best, in whatever way that is defined by the governing bodies.
- No mention is made of the Breeders Quality Mark Scheme - which every breeder should aspire to.

P Wilson and Company have objected to the proposals on behalf of the neighbours setting out the following points:

- It is difficult to ascertain exactly what development is proposed in this application, and for that reason alone the application should be refused.
- Why is the applicant seeking retrospective planning permission for the existing stables on site as he clearly will not be using them personally?
- The applicant has failed to provide details for all this development on either the application form, supporting statements, design and access statement, or the plans.
- What is the extent of the development that the applicants wish to obtain retrospective planning permission for?
- It is not clear from the submissions why the areas of hardstanding (tracks and roadways) are required.
- The proposed development does not involve the conversion of any existing rural building and the buildings which once existed on the site cannot be regarded as a benchmark or fall-back against which the impact of the proposed development on the openness and visual amenity of the Green Belt should be judged.
- The proposed development on the Site would have to constitute 'essential' and 'appropriate facilities for outdoor sport and recreation' or 'engineering operations' provided 'they preserve the openness of the Green Belt and do

not conflict with the purposes of including land in the Green Belt' for it not to be considered inappropriate development in the Green Belt.

- The applicants have failed to demonstrate that the proposed development will provide essential facilities, and that the development and use preserves the openness of the Green Belt
- The applicants have made little attempt to justify why the proposed development (including all areas of hardstanding) is required in this Green Belt location.
- The Applicant does not attempt to prove special circumstances.
- In the absence of 'very special circumstances,' the proposed development is inappropriate and therefore contrary to Green Belt policies. In our view, the Applicants have come nowhere close to establishing the existence of very special circumstances which might justify this inappropriate development in the Green Belt. The refusal of planning permission for this reason alone would be justified.
- Vet visits to scan mares, and night checks during foaling time will inevitably have a detrimental affect on the residential amenity of Logwood Mill Farm, even during the night.
- It would be extremely difficult to remove all the hardstanding and reinstate the site once its use for horses is no longer required.
- The applicants have failed to demonstrate that the hardstanding created on site and believed to be included in this application (including tracks, roadways and proposed public footpath surfacing) will not increase the rate of surface water run-off which would increase the risk of flooding. It is not known whether the flooding incident reported by the applicants resulted from the creation of additional areas of hardstanding or works carried out to the ditch and pond. The proposals are therefore contrary to Saved Policy EP18. Nor has the applicant consulted with the Environment Agency before carrying out works to the drainage ditch and creating a pond (as far as we are aware).
- Brinscall Mill Lane is unsuitable for any material increase in traffic, particularly that involving horse transporters or vehicles towing horse boxes.
- The unsuitability of the private access track across Logwood Mill Farm is even greater given its construction (compacted stone), gradient and very close proximity to the dwellinghouse at Logwood Mill Farm.
- The current poor state of the applicants' fields containing a footpath (due to poaching caused by over-grazing and horse traffic) show the intensive use of this site for the keeping of horses is negatively impacting on these public rights of way.
- The presence of three existing equestrian establishments in the locality mean that the local highway and public rights of way network is subject to regular use by horse riders; albeit that if the Logwood Mill Farm track is a public footpath only, a previous application to upgrade its status to that of a public bridleway having been refused.
- The applicants have not provided a traffic statement specifying how many additional vehicle movements will result from the proposed development
- A pond shown on the plan is less than 350m; however, a Phase 1 Habitat Survey for Great Crested Newts has not been provided.
- A stream adjoins the site area (red edging on the submitted site plan) and is indeed included as part of the proposals (works to ditch).
- No landscaping scheme for the proposal is provided.
- Based on the proposals that can be ascertained from the submitted documents and the assumptions in this report, the proposed development is contrary to Saved Policies DC1 and EP8 of the Chorley Local Plan Review and SPD entitled 'Rural Development' and NPPF, it would have an

unacceptable detrimental impact on the residential amenity of neighbouring properties, and the additional traffic generated by the proposed development would impair the safety of other users of the local highways and public rights of way network.

1 letter has been received raising the following points:

- The effect of horses and increased traffic on these public rights of way defined as footpaths is not fully known.
- The application should:
 - Define measured stretches of public footpaths nos. 19 & 21;
 - Show the intended work to be done to the faulty drain
 - Have a hard core base such as cobbles or stone sets over the most vulnerable part of the footpaths
 - Making sure that the edges of the 1 metre wide footpaths are secure and unbreakable under hoof pressure
 - Ensuring that horses do not use the length of paths

An amended site location plan has been submitted to include the footpaths and ponds within the red edge application site as they were omitted from the original plan

ITEM 4e-12/01244/REMAJ – Land Bounded By Town Lane (To The North) And Lucas Lane (To The East) Town Lane Whittle-Le-Woods

The recommendation remains as per the original report.

Two further letters of objection have been received.

One further representation has been received from the Residents Action Group raising the following issues:

- The residents understand that the gun/pill box is of greater heritage value than first thought and the residents want to see this being retained;
- The residents want to see the Council apply the Councils own policy of pepper potting affordable housing as this is far more appropriate. Especially around social cohesion. This aspect has been totally disregarded;
- The Biological Heritage Site buffer zone we understand has been put in can the residents have a guarantee that the scale/ position of this has been independently assessed as adequate to preserve the area?;
- We understand that grazing is a key aspect to the on-going sustainability of this Biological Heritage area. How has this been dealt with in terms of ensuring it happens?;
- There remains deep concern that the plans do not deal with potential flooding adequately.

A letter has been received from Mr Winrow of Town Lane, Whittle-le-Woods on the following grounds in response to the report:

- The report notes that the loss of the gun/pill box assets has been accepted by the Inspector, however the Inspector is only an arbitrator in the decision process and not an authority on World War 2 pill box and gun sites the decision to remove it from site has to be made by a body like English heritage;
- None of the submitted drawings show the proximity of the Biological Heritage Site to the development and therefore the impact cannot be fully realised. The

retaining wall in front of plot 53 and 54 and the road in front of these properties is built over the Biological Heritage site. How has a buffer zone been incorporated into the site if it is built over the Biological Heritage site; What is the provision for grazing?;

- Plots 42, 49, 50, 51, 52, 53 and 54 will all have water harvesting and collection as part of the flood protection, what is the provision for item;
- How will the retaining wall in front of plot 53 and 54 built across the small valley enhance the Biological Heritage site as well as maintain item;
- How will any retaining wall be camouflaged so as there is no significant visual impact from Town Lane & Lucas Lane
- Damage could arise from the increase in use by the public including trampling and probable dog walking/fouling, they feel therefore the a protection zone should be placed around the site;
- There is no protection in the road design for contaminated runoff water from the road in front of 49, 50, 51, 52, 53 and 54 be collected and taken away;
- They further reiterate that there are short comings in the report covering the protection and maintenance of the land between the development and the properties on Town Lane and the boundary along Lucas Lane in particularly the Biological Heritage Site and stress that consideration be given to the removal of plots 49, 50, 51, 52, 53 and 54 from the planning application as this would significantly improve the protection of the Biological Heritage site;
- Plots 42, 49, 50, 51, 52, 53 and 54 are all significantly higher than the present heights of the land and will have a significant view into the gardens at 72, 74 and 80 Town Lane. If the distance is acceptable from the development to the rears of the properties on Town Lane, then surely the distance to Town Lane itself with regards the views from Town Lane to the development are not relevant, these properties have surely been designed to maximise the views over the open land towards Town Lane and have nothing to do with "*giving a softer edge to the development*" and therefore plots 38 -41 can be re-orientated to face in towards the centre of the site;
- Plots 42, 49, 50, 51, 52, 53 and 54 if not removed from the planning application as suggested earlier should be re-orientated this will also assist in forming a clear boundary between the development and Biological Heritage Site.

To respond to the points raised in these two representations:

The gun emplacement/pillbox is not listed and therefore its removal would not need authorising by English Heritage. However, Redrow have approached the Council as a result of archaeological recording being undertaken of the gun emplacement and pill box required by a condition on the outline permission. This has been found to be more extensive than initially thought and Redrow have now submitted amended plans altering the layout to retain the gun emplacement and pill box within the scheme. This results in a reduction of one property on the site and a slight amendment to the road layout and position of the adjacent properties. This is considered acceptable and its retention looked upon favourably. An additional condition is proposed relating to a scheme for its enhancement to be submitted within six months of the commencement of the development.

The comments relating to the 'pepper-potting' (the dispersal of affordable housing units within residential developments) of affordable housing is noted. The Council's Affordable Housing Supplementary Planning Document policy does state that the provision of on-site affordable housing should be integrated into the layout of the development through 'pepper-potting' within private housing. It states the overriding purpose of pepper-potting is to ensure affordable housing is fully integrated within

market housing. However, this issue is covered in the report and in this instance it is considered that the affordable housing is better sited off the second access point from Dunham Drive, opposite Wardle Court as it is a higher density development which sits more comfortably in design terms alongside the higher density development on this part of the existing site and will appear as an extension of this part of the site. The rest of the existing Redrow estate along Dunham Drive consists of large detached properties and the development off the first access point will reflect this layout. Therefore in this case it is considered that development acceptable in design terms is a material consideration that outweighs the normal pepper-potting presumption in this case. For this reason it is considered acceptable.

With relation to the Biological Heritage site (BHS) the management and maintenance of this will be controlled through a separate unilateral legal agreement accepted at the appeal. The BHS is outside the red edge of the current application site. As stated in the report the buffer strip have been provided so that properties are not right up against the BHS to allow room for any buffer planting if required under the management and maintenance of the area under the legal agreement. At outline stage the County Ecologist stated that one way this may [this author's emphasis] by achieved is through the planting of a hedge outside the BHS itself but bounding with it. The area created is considered sufficient at this stage to allow planting of a hedge if necessary even with the retaining feature shown (the details of which will be controlled by the condition applied at outline stage relating to details of boundary treatments to be agreed). The final details of the management and maintenance of the BHS will be subject to consultation with the County Council Ecologist.

The issue raised regarding grazing in relation to the BHS is not for consideration under the current Reserved Matters application but as above will be controlled through the legal agreement.

Regarding potential flooding, again this is not an issue for this Reserved Matters application but will be controlled through conditions that the Inspector applied at outline stage.

In relation to the orientation of the properties proposed on plots 42, 49, 50, 51, 52, 53 and 54 this issue has already been covered in the report. It is accepted that the properties will enjoy views but this would be the case whichever way they were orientated. It is maintained that it would be poor design to orientate the rear of the properties to the backs of them would be the most visible part in the landscape.

The description of the development has been amended to reflect the removal of one property (121 instead of 122 dwellings).

The following conditions have been added:

- Within six months of commencement of the development a scheme for the enhancement of the pill box and gun emplacement (shown hatched on plan ref: 4172-DSL-01 Rev F) shall be submitted to an approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the occupation of any of plots 23, 30, 31 or 110 (plots numbers as shown on plan ref: 4172-DSL-01 Rev F).
Reason: To ensure that the pill box and gun emplacement are retained and enhanced as part of the development and in accordance with the National Planning Policy Framework.

This is to ensure that the pill box/gun emplacement is incorporated satisfactorily into the development.

- None of the dwellings on plots 4 – 9 inclusive (plots as numbers on plan ref: 4172-DSL-01 Rev F) shall be occupied until the fence/trellis as shown on standard detail ref: DETAIL – C-NSTD-01 on drawing ref: 4172-B-STD-01 Rev A shall have been erected in the position between the upper and lower parts of the gardens of these properties as shown on the approved detailed site layout. The fence/trellis as approved shall be retained at all times thereafter.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to between the existing and proposed properties and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.

This is to ensure the fencing to the rear of these plots is maintained in the future.

In addition the plan reference numbers have been updated in the conditions to reflect the latest plans.

ITEM 4f-13/00033/FUL – Middle Derbyshire Farm Rivington Lane Rivington

The recommendation has changed as follows: Defer

Members should be aware that a valid planning application for a new dwelling at the site has been received by the Council on the 25th February 2013. This has changed the circumstances surrounding the current application and so officers feel the best course of action is to defer the current application, with a view to bringing both applications forward for consideration at a later committee meeting.

The original report has been amended as follows:

Paragraph 20 of the officer committee report makes reference to the visual impact of the caravan on the openness of the Green Belt. However, this section of the report should state that it is not considered a refusal of the application could be sustained with regard to the visual impact of the caravan given its size, height position and within the site.

ITEM 4g-12/01158/FULMAJ – Close Gate Farm And Land To Rear Buckholes Lane Wheelton

The recommendation has been altered to read:

The application is recommended for approval subject to a satisfactory Unilateral Undertaking (legal agreement) being submitted to the Council.

As detailed in the report the proposal is only considered acceptable subject to a satisfactory Unilateral Undertaking being received. Due to difficulties faced by the applicant that they do not own the site and it is currently owned by two parties who are in the midst of a separation acting separately with each party having their own solicitor, it has not been possible for them to have the Undertaking ready for this

Committee meeting. Therefore the recommendation is still to approve the application but that this be subject to a satisfactory legal agreement being signed.

LCC Highways state they have no objections to the proposal in principle subject to a condition. The following additional condition is therefore proposed:

No development shall commence until details of the vehicular access to the existing highway has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or brought into use until the access has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review and the National Planning Policy Framework.

ITEM 4h-12/01233/FUL – Pall Mall Garages And Sheds 81A Pall Mall Chorley

The recommendation remains as per the original report

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

- Over the years the Council stopped business coming because we were told the road was too narrow.
- Now you are allowing an entrance for all those houses to come down the road while File Street is much wider and not as congested;
- Even without this it is a very busy road and is a problem for emergency services etc. as you well now with the turn around always being blocked by cars;
- The street is very narrow and cars park on both sides no one can get through I have to park my car on the footpath so that i.e. the dustbin wagon can get through and this access will be very close to my house;
- I asked about what was being built on the land opposite the house I was purchasing, and I was told by Chorley Council that it was going to be houses but the access was via File Street.

The following consultee responses have been received:

Planning Policy have made the following comments:

- Contribution towards improvement of existing amenity greenspace in Chorley South East ward of £85 per dwelling = £595
- Contribution towards provision of new equipped play areas in Chorley South East ward of £426 per dwelling = £2982
- Contribution towards playing improvement of existing playing pitches in the Borough of £868 per dwelling = £6076
- TOTAL = £9653

ITEM 4i-13/00036/FUL – Chordale Wine Merchants 275 Eaves Lane Chorley

The recommendation remains as per the original report

ITEM 4j-12/01231/REMMAJ – Parcel H8 Euxton Lane Euxton

The recommendation remains as per the original report

The following conditions have been amended:

1) The proposed development must be begun not later than two years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

To take into account this is a reserved matters application.

ITEM 4k-13/00077/DEMCON – Garages at Longfield Avenue Coppull

The recommendation remains as per the original report

ITEM 4l-13/00089/DEMCON – Storage At Rear 112A Market Street Chorley

The recommendation remains as per the original report

Planning Application 12/01221/FUL – Land between Boro Corn Mill & Salisbury St, Chorley**Background**

A piece of council land has been fenced off by a local business for use as a car park. They have no authority to do this. The land was designated public open space and had a history of use by children for play & recreation.

There is an acknowledged car parking issue in the area, and also local issues with anti-social behaviour and lack of safe/monitored play space.

Local residents are opposed to the loss of this play space – a petition has been received by the Council reflecting this.

The local business has indicated that without the parking they will have to move their business.

A separate business in the locality has also expressed an interest in the land.

Summary

A local business is seeking planning permission to change the use from POS to car parking (or relevant use class).

There appear to be limited planning reasons for refusal.

Ward Cllrs Proposals

After consulting many residents locally, Ward representatives Cllrs Bradley & Murray believe that there are limited planning grounds for refusal, however they would like to see the following applied to any permission granted.

1. Provision of a s106 clause to contribute towards amenity open space in the locality to compensate for the loss of this space.

Other Council Matters

If permission is granted in line with the above, and subject to any sale of the land, Ward representatives Cllrs Bradley & Murray would like to see the proceeds and any S106 funds accruing being spent in the immediate locality to counter the existing problems of lack of play space, lack of parking, anti-social behaviour and problems with overgrown planting areas and vermin. They believe this may go some way to compensating this community for loss of this amenity open space. Draft plans have already been produced for area improvements, and it is hoped these can be improved upon and implemented asap.

If permission is granted Ward representatives Cllrs Bradley & Murray would like to see a defined timescale for the sale of the land to be resolved and for the benefit associated with the sale of the land and the 106 agreement to be realised by the local community who have had to bear the impact of the use of the land and will do so into the future. Consideration should also be given as part of any land sale negotiations to the use of the land outside normal operating hours for local resident use for parking.

Recommendation

That the Planning Committee support the Ward Representatives request for the provision of a 106 agreement, and recommend that as part of the land sale negotiations that the above requests about timescale and after use of the site are taken into consideration and included as requirements of any sale as appropriate.

This page is intentionally left blank