

21 May 2013

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 21ST MAY 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.

**Addendum (Pages 1 - 12)**

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 & Policy	Development Control Committee	21 May 2013

<b>ADDENDUM</b>
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**ITEM 4a-13/00168/FUL – Naylor & Walkden Hatton House 15 Hatton Street Adlington Chorley**

**The recommendation remains as per the original report.**

Three further letters of support have been received on the following grounds:

- They think it is a good idea. They don't think the property owner would live there or intend to if it was going to be bad;
- The fence is not blocking any light;
- It would improve the area and as the building is old it they imagine it would be cleaned up and smarten the area;
- With such high unemployment, and derelict buildings, run down and being an eyesore, this would be a welcome sight creating jobs etc;
- They live on Harrison Road very near to the site in question, and there will be in their opinion less than half the traffic that use to come and go on a daily and sometimes night through Naylor and Walkden, not just cars but delivery trucks/wagons, which some local residents use to moan, then sadly when it closed the very same people moaned about it being empty, then they moaned about the possibility of new houses being built there, now they are moaning about a B and B;
- It would be a nice plot for such an establishment, the local pubs that charge 30 odd pounds a night are struggling perhaps due to the price a night over a noisy pub.

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**ITEM 4b-13/00156/FULMAJ – The Carrington Centre New Mill Street Ecclestone**

**The recommendation remains as per the original report**

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

- Not only has Northern Trust been allowed to build whatever and where ever they want, and your office seems powerless to do anything about it despite local residents of the area being opposed to the application.
- Now with this amendment they are leaving the village with no option but to travel a considerable distance in order to get a complete weekly/monthly shop. This also leaves non-drivers with the only option of using public transport to be able to access a decent sized supermarket, this in itself discriminates against the elderly and disabled members of our community, taking in to account the inconvenience caused.
- The proposed convenience store is inadequate for the needs of the village.
- External amendments to the retail units still have the identikit 'out of town' appearance despite changes and should reflect the current buildings character with slate overhang to provide shelter.

- There is an opportunity here for Chorley Council to equip our village and surrounding area with additional facilities for leisure, pool, gym etc., which shouldn't be missed.
- Concerned with speed of traffic on The Green and poor sight from junctions near to the existing Carrington Centre
- The shops should be brick faced with tiled roofs
- The amended application compounds the original objections.
- The proposed development is disproportionate to the needs of the village.
- Bradley Lane is incapable of handling the highway safety and parking as it is already over congested.
- The school is short of places.
- The loss of the village centre is unacceptable to sustain a future balance for local needs.
- Too many houses- excessive congestion
- Lack of consideration for residents

The following consultee responses have been received:

**The Environment Agency** has no objection to the proposals subject to conditions in respect of foul and surface waters and a surface water regulation system. This is already addressed within the suggested conditions.

**The Council's Housing Manager** has confirmed that In view of Welfare Reform the preference would be for 8 x 2bed houses and 4x 3bed houses. In terms of tenure the split we would be looking for 70 % Social Rent and 30% Intermediate sale (shared ownership) – i.e. all 8 x 2beds for rent and the 4 x 3 beds for Intermediate sale.

In this regard the plans have been amended taking the affordable housing back to its configuration at the time of submission.

**The following conditions have been amended:**

3) The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Planning Layout	TG/E_PL01 Rev E	13 May 2103
Local Centre Site Layout and Floor Plan	1805-131-L	3 May 2013
Local Centre Elevations	1805-141-D	3 May 2013
Non-food Units Section and part Elevation	1805-142-D	3 May 2013
Location Plan	TG/E_LP01	20 February 2013
Local Centre Convenience Store Section and part Elevations	1805-143-C	20 February 2013
Section 38 Layout	TG/E_S3801	20 February 2013
Floor Plans and Elevations Cottage Brick	301.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	400.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	401.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	401.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	403.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	403.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	408.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	410.C-CPL01	20 February 2013

Floor Plans and Elevations Cottage Render	410.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	411.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	411.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	413.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	413.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	414.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	415.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	415.C-CPL02	20 February 2013
Floor Plans and Elevations Cottage Brick	419.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	420.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Render	420.C-CPL02	20 February 2013
Floor Plans Cottage	421.C-CPL01	20 February 2013
Elevations Cottage Render	421.C-CPL02	20 February 2013
Elevations Cottage Brick	422.C-CPL01	20 February 2013
Floor Plans Cottage	422.C-CPL01	20 February 2013
Elevations Cottage Brick	423.C-CPL01	20 February 2013
Floor Plans Cottage	423.C-CPL01	20 February 2013
Floor Plans and Elevations Cottage Brick	425.C-CPL01	20 February 2013
Elevations	2B40-PL01 Rev A	20 February 2013
Elevations	3B59-PL01	20 February 2013
Proposed Plans and Elevations	12/014/P02	20 February 2013
Double Garage (SP) Side Gable Version	G02[SG]01	20 February 2013
Single Garage (SP) Side Gable Version	G01[SG]01_SP	20 February 2013
Street Scene (Plots 11-18)	TG/E_SS01	20 February 2013

*Reason: For the avoidance of doubt and in the interests of proper planning*

7) All dwellings commenced prior to 31st December 2015 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development. In accordance with Policy 27 of the Central Lancashire Core Strategy 2012.*

19) Before the development of any phase hereby permitted is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) for that phase shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents. In accordance with Policy 17 of the Central Lancashire*

*Core Strategy 2012 and Policies GN5 and HS4 of the Chorley Borough Local Plan Review 2003*

27) There is a potential for ground contamination at this site (this location includes a former cotton mill). Due to the scale of development and proposed sensitive end-use (residential housing with gardens), prior to the commencement of each phase of development, the matters below must be addressed relevant to that phase:

a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, each phase of the development shall only be carried out in full accordance with the approved remediation proposals.

***Reason:*** *To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

28) Should, during the course of any phase of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development phase should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

***Reason:*** *To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).*

44) No phase of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway improvement works have been submitted to and approved by the Local Planning Authority. The development thereafter shall be completed in accordance with the approved details.

***Reason:*** *In order to ensure that the final details of the highway scheme/works are acceptable. In accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

**The following condition has been attached to ensure the continued protection of the adjacent trees and to ensure the potential inclusion of a mezzanine floor in the future:**

47) Prior to the commencement of the construction of the retail units hereby permitted full details of the foundations shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full information on the design of the foundations relating to the continued protection of the adjacent trees and details of the load bearing steel work and foundations to enable the construction of a mezzanine floor within unit 10. The retail units thereafter shall be constructed in accordance with the approved details.

*Reason: To ensure the continued protection of the adjacent trees and to enable the adaptability of the scheme over the lifetime of the development. In accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review and Government advice contained within the National Planning Policy Framework*

**The following condition has been attached as concerns have been raised in respect of the proximity of the bin storage to the residential and commercial properties on The Green:**

48) Notwithstanding the submitted plans prior to the commencement of each phase of the development full details of the bin storage facilities associated with the retail units shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

*Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 and GN5 of the Adopted Chorley Borough Local Plan Review.*

**The original report has been amended as follows:**

**Paragraph 184 states** In respect of highway contributions the S106 Agreement will therefore include:

- Travel plan - £18,000
- Upgrade to existing pelican crossing on the Green - £20,000
- Upgrade to existing bus stops (2no.) to DDA standard - £24,000.

The figure attached to *Upgrade to existing bus stops (2no.) to DDA standard* should be £14,000 not £24,0000.

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#### **ITEM 4c-12/00643/FUL – Land 170M West Of Oak View Leyland Lane Ulnes Walton**

**The recommendation remains as per the original report.**

A further letter of objection has been received from Ulnes Walton Parish Council:

The Parish Council wishes to reiterate its original objections to the application and would ask whether the Environmental Health Department has been consulted and whether an environmental assessment has been conducted in consultation with the Environment Agency.

With reference to the Odour Assessment the Parish Council has grave concerns that, what appears to be a desktop study, is being presented as hard evidence in this instance. The purported 'similar application in Pembrokeshire' is also as a modelling study and it would appear there is little firm evidence presented to support the Assessment. Furthermore there is no reference to climate and topological differences between the two sites.

The Parish Council would also query whether the provision in planning regulations which 'normally prevent livestock waste storage facilities to be located within 400m of a protected building (i.e. a building normally occupied by people which are not part of the agricultural building)' remains in force.

It is considered the issues raised are covered in the Committee report.

A further letter of objection has been received from a neighbour at Oakview, Leyland Lane: They state that they feel the submission of an Odour Assessment seems to be a delayed recognition on the part of the applicant that odour is something which may well constitute a

concern to residents and explains why it is proposed that the slurry be placed as far as possible from the farm house [it should be noted the Odour Assessment has been commissioned by the Council and has not been submitted by the applicant]. They state they fail to see that residents may draw comfort from the late submitted report which tries to mitigate just one of the many objections raised previously by residents. DEFRA's best practice for farmer is obviously being disregarded as if the lagoon is justified it should be closer to the point of slurry production near the farmhouse.

A further letter has been received from the Chairman of the Friends of the River Yarrow on the following grounds:

- Concern about the dangers to the nearby water course Holker Brook, which runs into the River Yarrow further west. The group have worked with the Council to improve the river habitat and indeed have had sightings of sea trout up beyond Birkacre. There is nothing in the report that reassures them that pollutants will not run off into Holker Brook. Who will monitor that? It would seem that one half of the Council is seeking to undo what the other half is doing;
- As a resident they state the possibility of 1.2 Million Gallons being "lagooned" in the open just round the corner less than 150metres from people's homes fills them with dread;
- Justification of the lagoon seems to rely on a study commissioned from a company called ADAS who generally work for the farming community (hardly independent). A study based on an application in Pembrokeshire which is still not approved by the local authority and where the topography is completely different; A study which notwithstanding the above "suggests" there will be no problems for neighbours or no "unacceptable odour impact" PROVIDED the "lagoon " is managed in accordance with good practise" Can someone advise me exactly who in Chorley's slimline workforce will monitor this "good practise"; A study which talks of "short term odour impacts" when the "lagoon " is emptied "when the wind is blowing to the nearest dwelling" How short is short term? How does one measure an odour impact?; A study which states that the "lagoon" must not be stirred or agitated when to function effectively it MUST be stirred and agitated; A study which says that the "lagoon" "should be completely emptied each year by the end of May" Presumably so that the 1.2 million gallons can be spread on the fields ..in summer when flies abound!; Slurry is already spread in Autumn and spring so residents are going to be faced with the inevitable smell, flies etc. all year round;
- The Planning Authority seem to ignore the following; The Environmental Protection Act 1990 which suggests no slurry storage within 400m of a residential building. This lagoon is less than 200m away from a residence; There is evidence from Government that slurry can cause nuisance not just by odours but by harmful gases such as Ammonia, Carbon Dioxide, and Methane; Lancashire County Council suggestion that there are other (and better) sites to create the "lagoon" within the applicants land holding equally well served by tracks. Why can't the applicant use consider these. perhaps its inconvenient; Other advice very well researched and documented by nearby residents giving very clear evidence of why this should be refused; The decision of Lancaster City Council who have refused a similar application on the grounds of loss of amenity and odour nuisance to nearby residents; The possibility of the applicant being encouraged to invest in some proper modern slurry storage tanks closer to where he keeps his cows; Or perhaps a more modern way by way of aerobic digestion. Again ,perhaps a solution with cost implications but one which might have benefits to the Community rather than inflicting "odour impacts" on residents all year round

They hope members will reject this application for the sake of residents



**An additional condition is proposed:**

The slurry lagoon/store hereby permitted shall only be used for the storage of slurry generated by Boyes Farm. No slurry or associated waste shall be brought in from any other farm or source.

*Reason: The size of the proposal has been considered in terms of the need for slurry storage for Boyes Farm, it would not be acceptable for additional waste to be brought in from other sources that may leave the farm without sufficient storage and have highway implications, and in accordance with the National Planning Policy Framework.*

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**ITEM 4d-13/00056/FUL – The Legacy Rainbow House Salt Pit Lane Mawdesley****The recommendation remains as per the original report.**

No letters of objection have been received and no further letters of support have been received.

The following consultee response has been received: -

**LCC (Highways)** have now provided final comments on the scheme and advise that there is no longer an objection to the proposal based on the amended plans which detail an increase in the level of car parking from 27 to 33 spaces whilst also detailing adequate visibility at the new junction.

In terms of the requirement to reduce the height of the hedge planting along the site frontage to 1m, this will initially lead to a reduction in the amount of landscaping coverage along the site frontage. However, this can be mitigated by way of new landscaping set behind the visibility line and the landscaping condition has been amended to address this.

**The following additional conditions have been added: -**

Prior to the first use of the building hereby approved, the footpath along the site frontage shall have been constructed and completed in accordance with the approved details.

*Reason: In the interests of highway safety.*

This condition is to ensure the footpath is provided prior to the building being brought into use.

No walls, fences, trees, hedges, shrubs, ground or other structures within (2.4m) metres of the highway boundary along the site frontage shall exceed 1 metre in height above the centre line of the adjacent carriageway at any time. No part of the development shall be occupied or brought into use until the visibility splays are protected in this manner.

*Reason: In the interests of highway safety and convenience.*

This condition is to ensure adequate visibility is provided across the site frontage.

The hereby permitted shall be carried out in accordance with the following approved plans:

<b>Title</b>	<b>Plot</b>	<b>Drawing Reference</b>	<b>Received date</b>
Location Plan	-----	-----	23 January 2013
Existing Plan & Elevations	-----	2785-13-25	23 January 2013
Proposed Plan, Elevations & Section	-----	2785-13-25B	23 January 2013
Existing Parking Plan	-----	2785-13-26	28 March 2013
Proposed Site Plan	-----	2785-13-27B	10 May 2013
Proposed Site Plan	-----	2785-13-28A	10 May 2013

*Reason: For the avoidance of doubt and in the interests of proper planning*

This condition defines the approved plans.

A scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development and the scheme shall include details of additional planting across the site frontage behind the visibility splay line. These details shall include 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, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.*

The above landscaping condition has been amended to ensure additional planting is provided behind the visibility splay line across the site frontage.

The building hereby permitted shall only be used for the approved purposes and notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the building shall not be used for any other purpose in Use Class D1.

*Reason: To define the permission and prevent the use of the building for purposes which may impact on highway safety and the amenities of local residents.*

The above condition has been added to define the permission and prevent the building being used for other purposes in Use Class D1.

Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved,

and shall be completed in all respects before the final completion of the development and thereafter retained.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

The above condition requires final details of the materials used for hard surfaced areas to be submitted to the Council for approval.

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#### **ITEM 4e-13/00218/FUL – Rectory Farm Town Road Croston**

##### **The recommendation on the application has changed:**

It is recommended that the application is deferred to the next Development Control Committee meeting on June 11<sup>th</sup>.

In terms of the ecology section in the main report, the original ecology survey submitted by the applicant recommended further surveys. An update survey with mitigations measures was then requested by the Council. Although an updated survey was submitted it still recommends further survey (that cannot be currently undertaken) to inform any mitigation measures.

Lancashire County Council Ecology has been consulted on the update survey. They advise that although information submitted with the planning application indicates that protected species may be present and may be affected by the proposed development, surveys are not yet complete and proposals for mitigation have not been submitted. Chorley Council is a competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended), and therefore needs to have regard to the requirements of the Regulations (and the Habitats Directive) in the making of this planning decision, i.e. if the proposals would result in a breach of legislation, Chorley Council would need to come to a view on the likelihood of a European protected species licence being granted (and the licensing tests being met). In this case the applicant has not carried out sufficient surveys (as recommended by two separate ecological consultants) to establish the presence or absence of bats/bat roosts or the extent to which bats might be affected. The applicant has not demonstrated that offences would be avoided or, if impacts are unavoidable, that there would be adequate mitigation to fully offset impacts. There is therefore insufficient information to enable Chorley Council to come to a view regarding potential impacts on European protected species.

This issue could be a reason for refusal of the application. However, in this case the fact that the barn to be converted is in such a poor condition is considered an important factor. The barn makes a positive contribution to the Conservation Area and the Council do not want it to get to a stage where its conversion is no longer possible due to its poor structural repair. As is noted in the Structural Survey accompanying the application an early decision is needed to avoid this situation.

It is therefore recommended that the application is deferred to allow the necessary ecological surveys to be carried out so the application can be returned to a future Committee.

##### Viability

The viability assessment submitted with the application was sent to the Council's property service provider. They state the figures for revenue, costs, land price and profit etc. appear usual. Because there are relatively proportionate higher costs for carparking, garages, refurbishing barn units and farmhouse, the appraisal would be too cost sensitive for any

further costs for low cost housing. The revenue is reasonably comparable but in light of a difficult market and small scheme, not easy to price any higher. The developer is proposing to meet the policy requirement of Level 4 of the Code for Sustainable Homes and 15% carbon reduction as well as a public open space requirement.

The viability appraisal and therefore the loss of affordable units on the site is therefore accepted.

#### Code Level

The agent advises that the applicant accepts the requirements of Policy 27 of the Core Strategy which requires new dwellings to be built to Level 4 of the Code for Sustainable Homes and schemes of 5 dwellings or more to reduce the carbon emissions of predicted energy use by at least 15% by either additional building fabric insulation measures or by the installation of appropriate decentralised, renewable or low carbon energy sources.

The following additional conditions have therefore been added to control this:

All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

Prior to the commencement of the development a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level.

*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

Prior to the commencement of [the development/ each phase or sub-phase of the development] a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant [Code Level/BREEAM] rating.

*Reason: In the interests of minimising the environmental impact of the development and in accordance with Policy 27 of the Core Strategy.*

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#### **ITEM 4f-13/00245/REM – Park Road Methodist Church Park Road Chorley**

**The original report has been amended as follows:**

A letter has been received from Chorley Methodist Church which confirms that Park Road Methodist Church closed for worship on June 12th 2011. The churches then began to worship and work together on the Trinity site becoming Chorley Methodist Church. An ambitious £750,000 redevelopment project was planned and agreed. The proceeds of the sale of the Park Road site will be used in this redevelopment which is now underway and should be completed by the middle of July 2013. Hence in this case the S106 obligations in respect of public open space were not attached to ensure that all available profit can be utilised to impact and enhance the combined community facility.

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#### **ITEM 4k -12/01150/FUL – Play Area South of 44 Canal Walk, Chorley**

**The recommendation remains as per the original report.**

A letter has been received from Lindsay Hoyle MP. This letter raises concerns that it appears that no regard has been given to the original agreement to place a play area/open space on the land. It is also stated that Places for People (PfP) removed the equipment some time ago and residents feel that the play area is needed in the area and indeed a maintenance charge is being paid. Residents have also advised that the nearest play area is already well used and is too small. It is also requested that the application be deferred to allow further consideration to be given to this matter.

The original planning permission for the development which included the play area (Ref No. 97/00499/FUL) included a condition which required any areas of open space to be provided before any dwellings bounding these areas were occupied. The condition does not however prevent the play area/equipment from being removed as it does not stipulate its retention once it has been provided.

As already stated, the existing play equipment has been removed from the site and PfP advise that the action to remove the play area came about as a result of complaints from residents about youths congregating around the play area/anti-social behaviour and its condition. PfP advise that they conducted a full Health and safety assessment of the area and as a result cordoned off the area. PfP advise that they then wrote to residents advising them of the complaints and the action to cordon off the play area on the 2<sup>nd</sup> August 2010. PfP also advise that confirmation was sought from the Council as to restrictions which might prevent the removal of the play area by e mail on the 25<sup>th</sup> August 2010. Confirmation was received (26<sup>th</sup> August 2010) confirming that the site was under the control of PfP. Residents were subsequently written too on the 28<sup>th</sup> September requesting them to vote on either the reinstatement of the play area or its removal. On the 22<sup>nd</sup> November residents were notified of the results of the voting and the intention of PfP to remove the play area. Residents were then notified that PfP had identified funding for the removal of the play area which meant that no service charge would be administered for its removal. The play area was removed on or about Jan 2011.

With regard to other facilities in the local area, there are three equipped play areas within the accessibility catchment of this site (800m). There is an equipped play area on Grey Heights View which is approximately 250m from the site. This site is identified as being of low quality and high value in the Council's Open Space Study. Tatton Recreation Ground is located within 400m of the site. This site is identified as being of high quality and high value in the Council's Open Space Study. There is also an equipped play area at Fell View which is within 750m of the site. This site is identified as being of low quality and high value in the Council's Open Space Study.

In terms of policy considerations, Policy HW2 of the emerging Chorley Local Plan seeks to protect existing open space, sport and recreational facilities and this policy has not been the subject of any objections during the preparation of the emerging Chorley Local Plan. Specifically, criterion a) of Policy HW2 requires alternative facilities of an equivalent or enhanced standard to be provided before the existing facilities cease to be available. This reflects criterion ii) of Policy LT14 of the existing Local Plan which requires that an equivalent or enhanced new facility is provided in a convenient location to serve the catchment before the existing facilities cease to be available.

As already mentioned, the play equipment on the site has already been removed by Places for People for the stated reasons. This being the case, in accordance with the requirements of criterion a) of Policy HW2 and criterion ii) of Policy LT14, the applicant has agreed to pay a commuted sum towards the provision of an alternative equipped play area in the Chorley East Ward to mitigate the loss of the play equipment which previously stood on the site. In terms of the actual open space on the site which now only serves as amenity open space, there is currently a surplus of amenity open space in the Chorley East Ward of 0.37 hectares per 1,000 population in relation to the current Local Plan standard. Given the existing play equipment has already been removed from the site, it is considered that securing a commuted sum towards the provision of an alternative facility in the same ward means the proposal complies with criterion a) of Policy HW2 of the emerging Chorley Local Plan and criterion ii) of Policy LT14 of the Adopted Local Plan.

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