

Development Control Committee

Agenda and Reports

For consideration on

Tuesday, 9th August 2011

In the Lancastrian Room, Town Hall, Chorley

At 6.30 pm



PROCEDURE FOR PUBLIC SPEAKING AT MEETINGS OF THE DEVELOPMENT CONTROL COMMITTEE

- Persons must give notice of their wish to address the Committee, to the Democratic Services Section by no later than midday, one working days before the day of the meeting (12 Noon on the Monday prior to the meeting).
- One person to be allowed to address the Committee in favour of the officers recommendations on respective planning applications and one person to be allowed to speak against the officer's recommendations.
- In the event of several people wishing to speak either in favour or against the recommendation, the respective group/s will be requested by the Chair of the Committee to select one spokesperson to address the Committee.
- If a person wishes to speak either in favour or against an application without anyone wishing to present an opposing argument that person will be allowed to address the Committee.
- Each person/group addressing the Committee will be allowed a maximum of three minutes to speak.
- The Committees debate and consideration of the planning applications awaiting decision will only commence after all of the public addresses.

The following procedure is the usual order of speaking but may be varied on the instruction of the Chair

ORDER OF SPEAKING AT THE MEETINGS

1. The Director Partnership, Planning and Policy or her representative will describe the proposed development and recommend a decision to the Committee. A presentation on the proposal may also be made.
2. An objector/supporter will be asked to speak, normally for a maximum of three minutes. There will be no second chance to address Committee.
3. A local Councillor who is not a member of the Committee may speak on the proposed development for a maximum of five minutes.
4. The applicant or his/her representative will be invited to respond, for a maximum of three minutes. As with the objector/supporter there will be no second chance to address the Committee.
5. The Development Control Committee, sometimes with further advice from Officers, will then discuss and come to a decision on the application.

There will be no questioning of speakers by Councillors or Officers, and no questioning of Councillors or Offices by speakers.

29 July 2011

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 9TH AUGUST 2011

You are invited to attend a meeting of the Development Control Committee to be held in the Lancastrian Room, Town Hall, Chorley on Tuesday, 9th August 2011 at 6.30 pm.

Members of the Committee are recommended to arrive at the Town Hall by 6.15pm to appraise themselves of any updates received since the agenda was published, detailed in the addendum, which will be available in the Members Room from 5.30pm.

A G E N D A

1. **Apologies for absence**

2. **Minutes (Pages 1 - 4)**

To confirm the minutes of the Development Control Committee meeting on 12 July 2011 (enclosed).

3. **Declarations of Any Interests**

Members are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda. If the interest arises **only** as result of your membership of another public body or one to which you have been appointed by the Council then you only need to declare it if you intend to speak.

If the personal interest is a prejudicial interest, you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

4. **Planning applications to be determined**

The Director of Partnerships, Planning and Policy has submitted five reports for planning applications to be determined (enclosed).

Please note that copies of the location and layout plans are in a separate pack (where applicable) that has come with your agenda. Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

http://planning.chorley.gov.uk/PublicAccess/TDC/tdc_home.aspx

- (a) 11/00490/CB3 - The Common, Adlington (Pages 5 - 16)

Proposal

Formation of car park and haulage accessway to serve 54 allotment plots at The Common including the erection of a 1.2 metre high post and wire fence and compost/wood chip bays.

Recommendation

Permit full planning permission.

- (b) 11/00466/FUL - Go Ape Rivington Lane, Rivinton, Bolton (Pages 17 - 28)

Proposal

Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Recommendation

Permit full planning permission.

- (c) 11/00453/REMAJ - Duxbury Park Myles, Standish Way, Chorley (Pages 29 - 46)

Proposal

Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMAJ.

Recommendation

Permit (subjected to a Section 106 legal agreement).

- (d) 11/00474/REMAJ - Parcel I, Euxton Lane, Euxton (Pages 47 - 52)

Proposal

Reserved matters application for a re-plan of plots 818-823, 863-866 and 927-928 of Parcel I, Phase 2, Buckshaw Village (12 dwellings in total).

Recommendation

Approve the reserved matters application.

- (e) 11/00554/REMAJ - Plot 4400 Buckshaw Avenue, Buckshaw Village, Chorley (Pages 53 - 56)

Proposal

Reserved matters application to extend the time limit for implementation of extant planning permission 08/00396/REMAJ for the erection of a public house on plot 4400, Buckshaw Village.

Recommendation

Approved reserved matters application.

5. **Enforcement item - Billinge House, Euxton Lane, Euxton** (Pages 57 - 60)

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

6. **Planning Appeals and Notifications** (Pages 61 - 62)

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

7. **Exclusion of the Public and Press**

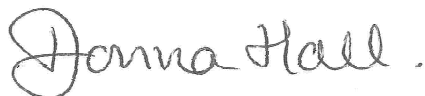
To consider the exclusion of the press and public for the following items of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.

8. **Enforcement Item - Hut Lane** (Pages 63 - 74)

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

9. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Donna Hall CBE
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, (Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Ken Ball, Henry Caunce, Matthew Crow, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster) for attendance.
2. Agenda and reports to Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Cathryn Filbin (Democratic and Member Services Officer) and Alex Jackson (Senior Lawyer) for attendance.
3. Agenda and reports to Development Control Committee reserves, (Councillor Alistair Bradley and Councillor Simon Moulton) for information.

**This information can be made available to you in larger print
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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

Development Control Committee

Tuesday, 12 July 2011

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair) and Councillors Matthew Crow, David Dickinson, Dennis Edgerley, Christopher France, Marie Gray, Alison Hansford, Hasina Khan, Paul Leadbetter, Roy Lees, June Molyneaux and Mick Muncaster

Officers in attendance: Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Alex Jackson (Senior Lawyer), Niall Mellan (Planning Assistant), Robert Rimmer (Business Support Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

Also in attendance: Councillor Peter Wilson

11.DC.01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ken Ball and Henry Caunce.

11.DC.02 MINUTES

RESOLVED – That the minutes of the Development Control Committee on 14 June 2011 be confirmed as a correct record and signed by the Chair.

11.DC.03 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

11.DC.04 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on five applications for planning permissions to be determined.

In considering the applications, the Committee took into account the agenda reports, the addendum, and the verbal representations or submissions provided by officers and individuals.

RESOLVED – That the following decisions be made on the applications as set out below:

- (a) **Application:** 11/00420/REMMAJ - **Proposal:** Reserved Matters application for no. Bill Beaumont, Textiles Park Mills, 63 two-storey dwellings (including 7 affordable units) and associated infrastructure (related to Deighton Road, Chorley outline permission ref: 09/00665/OUTMAJ)

RESOLVED - Planning permission was granted subject to a Section 106 legal agreement, the conditions detailed in the report within the agenda, and the five additional conditions and the amended plan condition contained within the addendum.

- (b) **Application:** 11/00490/CB3 - Land 200 metres North of Shepherds Cottage, The Common, Adlington **Proposal:** Formation of a car park and haulage access way to serve 54 allotment plots at The Common, including the erection of a 1.2 metre high post, wire fence and compost/wood chip

bays.

RESOLVED - A decision on the application was deferred to allow Members of the Committee to visit the site of the proposals to consider the highway route to the site and access.

- (c) **Application:** 11/00410/FUL - The Dog Inn, Chorley Old Road, Clayton-le-Woods, Chorley
Proposal: Proposed construction of 3 no. detached dwellings on land to the side of the Dog Inn Public House, including associated infrastructure and new access road (alternative scheme to previously approved application ref: 10/00743/FUL)

RESOLVED - Planning permission was granted subject to a Section 106 legal agreement, the conditions detailed in the report within the agenda, and one additional condition as detailed on the addendum.

- (d) **Application:** 11/00318/REM - Spendmore Lane, Coppull
Proposal: Reserved matters application for Building 15m North of 246-248 details of appearance and landscaping.

RESOLVED - The reserved matters applications was approved subject to the conditions detailed in the report within the agenda.

- (e) **Application:** 11/00403/OUTMAJ - Group 1, Euxton Lane, Euxton
Proposal: Section 73 application to vary condition 29 (access on the A49) attached to outline planning approval 08/00910/OUTMAJ

RESOLVED - Planning permission approved subject to a Section 106 legal agreement and conditions detailed in the report within the agenda.

11.DC.05 ENFORCEMENT ITEM - THE HILLOCKS MAWDESLEY

The Committee received a report from the Director of Partnerships, Planning and Policy asking Members to consider whether it was expedient to serve an enforcement notice to ensure the removal of the unauthorised operational development (metal containers) on land at The Hillocks, Blue Stone Lane, Mawdesley, Lancashire. Two steel containers, which constituted operational development, had been placed on the land without planning permission.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Christopher France and subsequently unanimously **RESOLVED – That it was expedient to issue an enforcement notice to secure the removal of the unauthorised operation development (metal containers) from the land.**

11.DC.06 ENFORCEMENT ITEM - GO APE RIVINGTON

The Committee received a report from the Director of Partnerships, Planning and Policy asking Members to consider whether it was expedient to take enforcement action to secure a car parking area as shown on approved plans (08/00553/FUL) was laid in accordance with those plans and in respect of the formation of two raised landing beds.

The additional parking area as shown on the approved plan covered an area of approximately 394 square metres; the additional car parking that had been provided covered an area of approximately 319 square metres. The Council had been informed by the management company that detailed plans were being drawn up which would show the full extent of the additional parking to be provided. The operators of

the facility would then conduct consultation with Friends of Lever Park and the Parish Council regarding the parking to be provided, after which a full planning application or an application to vary the existing condition would be submitted for consideration by the Planning Authority.

In addition an application for the building up (raising) and enlargement of two zip wire landing sites had been received and public consultation on the application had commenced. It was envisaged that the application would be presented to the Development Control Committee scheduled for September 2011, providing all the information had been received by officers.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor June Molyneaux and subsequently unanimously **RESOLVED – That it was not felt expedient to take enforcement action at this time but that the position would be reviewed following a period of three months to allow for the consultation period and formal submission of the planning application for the car parking and enlargement of the two zip wire landing sites. After that period if no application had been received by the Planning Authority (for a decision to be determined by Committee), a further report be brought before the Development Control Committee to consider enforcement action.**

11.DC.07 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO:1 (MAWDESLEY) 2011 WITHOUT MODIFICATION

The Director of Transformation submitted a report for Members to consider a formal confirmation of the Tree Preservation Order No.1 (Mawdesley) 2011 without modification. No objections had been received in response to the making of the order.

It was proposed by Councillor Christopher France, seconded by Councillor Marie Gray and subsequently unanimously **RESOLVED – The Chorley Borough Council Tree Preservation Order No. 1 (Mawdesley) 2011 be confirmed without modifications.**

11.DC.08 OBJECTIONS TO TREE PRESERVATION ORDER NO:3 (ECCLESTON) 2011

The Director of Partnerships, Planning and Policy submitted a report for Members to consider whether to confirm the Tree Preservation Order No. 3 (Eccleston) 2011 without modification in light of objections received.

It had been recommended that the Order be confirmed as the intention was to redevelop the Carrington Centre site. The trees surrounding this site were mainly mature Oaks that had significant amenity value and a Tree Preservation Order would ensure protection for them was in place during the development.

Two objections had been received.

The first objection was received from Northern Trust Co Ltd, the owners of the majority of the land containing the Tree Preservation Order. They requested that three of the trees (T18, T19 and T20) be removed from the Tree Preservation Order to allow the placing of the new access road from Bradley Lane to the development.

The second objection was received from the owner of 35 Middlewood Close. Tree T21 overhangs the owners property and that debris from the tree had fallen into her garden. It was alleged that the tree was not maintained and wanted assurance from the Council that the tree would be maintained now and in the future, otherwise she would object to the order. However, as the Council was not the land owner, such assurances could not be given and a lack of regular maintenance was not a valid reason for objection.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Christopher France and subsequently unanimously **RESOLVED – That the Tree Preservation Order No. 3 (Ecclestone) 2011 be confirmed without modification.**

11.DC.09 PLANNING APPEALS AND NOTIFICATIONS

The Director of Partnerships, Planning and Policy submitted a report giving notifications of three appeals lodged against the refusal of planning permissions, one appeal that had been allowed, one enforcement appeal lodged and one application granted by Lancashire County Council.

RESOLVED – That the report be noted.

11.DC.10 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS PLANNING AND POLICY IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received, for information, two schedules listing seven application for Category 'B' development proposals which had been determined by the chair and Vice Chair of the Committee at meetings held on 14 June 2011 and 29 June 2011.

RESOLVED – That the schedules be noted.

11.DC.11 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

The Committee received for information, a schedule listing planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 3 June 2011 and 30 June 2011.

RESOLVED - That the schedule be noted.

Chair

Item	11/00490/CB3
Case Officer	Mrs Nicola Hopkins
Ward	Adlington & Anderton
Proposal	Formation of car park and haulage accessway to serve 54 allotment plots at The Common including the erection of a 1.2 metre high post and wire fence and compost/ wood chip bays.
Location	Land 200 Metres North Of Shepherds Cottage The Common Adlington Lancashire
Applicant	Mrs L Ralston
Consultation expiry: 12 July 2011	
Application expiry: 2 August 2011	

Proposal

1. The application relates to the formation of a car park, haulage access way, the erection of a fence and compost/ wood chip bays to serve 54 allotment plots and a Community Food Growing Area at The Common.
2. The Council's Parks and Open Space Team have submitted the application as they intend to provide 54 allotment plots and a Community Food Growing Area on the site. The creation of allotment plots does not require planning permission however the creation of the car park and haulage road and the erection of a fence adjacent to the highway does. As such this application wholly relates to these elements of the scheme which will serve the allotments.

Recommendation

3. It is recommended that this application is granted conditional planning approval.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Proposed Car Park and Haul Road
 - Highway Safety
 - Proposed Structures
 - Impact on Neighbours
 - Levels
 - Ecology

Representations

5. 114 letters of objection have been received in respect of the allotments raising the following concerns:
 - The impacts of the extra traffic- cause disruption, noise pollution and will upset the natural atmosphere.
 - It will bring unwanted attention to the area.
 - The Common is a 'cul-de-sac' and therefore the no-through route will cause further congestion with the added cars etc travelling to the area.
 - The area is well used locally for dog walking and the allotments would cause disruption to the locals and children.
 - The area is used to walk, cycle and ride horses. These activities would become unsafe given the proposed plans.

- Children play in the area, due to the small amount of traffic currently, this would change and this would impact the lives of the children.
 - The area has several old aged pensioners who have chosen the area because of its quietness and solitariness. The attention of these allotments and the visitors would severely impact this.
 - The local wildlife would be further disrupted.
 - The value of the properties would suffer as a result of the allotments being placed here.
 - The area is naturally beautiful, this would suffer.
 - Not been consulted on about these plans
 - A previous planning application at The Common (Harrisons Farm) was rejected due to the hazards from increased traffic.
 - There is suitable land for allotments at Harrison Road
 - The choice of the site is flawed from a highway safety point of view- a full detailed risk assessment is required.
 - Insufficient car parking proposed- will create on street parking
 - Traffic congestion on Park Road
 - Road access unsuitable for more vehicles
 - Impact on Park Road School
 - Not enough parking proposed for 54 plots
 - Increased noise and disturbance
 - Diminish character of the area
 - Highway safety
 - The area is designated as green belt and the appearance of the area would be affected by the proposed car park, haulage accessway, 1.2 metre high post and wire fence and compost/ wood chip bays.
 - Impact on the usability of the surrounding area from a increase in traffic
 - The openness of the area will be lost by the formation of the car park- not in keeping with the main features of the landscape
 - Will harm the character and appearance of the green belt
 - The development is not an essential facility within the green belt
 - Impact on great crested newts- the application is not supported by an Ecological Assessment. The applicants should be asked to withdraw their application pending an appropriate ecological survey being completed. If the Council chooses to ignore validation requirements and the advice in PPS9 (national planning guidance on biodiversity), any decision to determine the application will be unsafe and would be subject to a judicial challenge.
 - Will lighting be proposed?
6. A petition against siting the allotments within this location has been submitted incorporating 52 signatures.
7. 2 letters of support has been received stating the following:
- The provision of allotments in the Borough are poor and this site will help address this
 - The Policy of the Council to allocate to local people should minimise traffic
 - Evidence from other sites is that traffic flow will be minimal
 - Interest in allotments sites is growing and the Council needs to provide more sites.
8. Concerns have been raised in respect to how the application forms were completed summarised as follows:
1. It has not been stated on the planning application that the land in question is designated as "Green Belt Land"
 2. Inadequate details in respect of Pre-application Advise
 3. The planning application states that there shall be NO plans to store or aid the collection of waste. We understand that there shall be storage on the site for waste materials in bins.
 4. The planning application states in (boundary treatments) that all hedges shall be retained to existing height; we understand that parts of the hedge shall be removed to allow access the proposed car park area.

5. The "Traffic Report" also states that the "Overflow" of the car park area or additional parking of vehicles shall be able to park on the "Grass Verge" of the Common Roadway. This shall desecrate the common
 6. The planning application states that there is not intention to connect to existing sewers. With some 54 plots allocated can the council confirm how human waste shall be disposed of on the location? Can the council confirm how animal waste shall be disposed of from the location?
 7. The application is incorrectly completed in respect of flood risk
 8. There has been no "Ecological Assessments & Wildlife Surveys" completed or the effects that the proposed application may have on the Ecological area and Wildlife within the proposed areas, which is a requirement by LAW.
 9. No tree survey has been completed or an assessment of the effects that the proposed application may have on trees within the proposed areas.
 10. The planning application does not detail what provisions are being made by the council in relation to the monitoring and maintenance and the supervision of the planning application.
 11. The planning application does not detail the opening hours of the proposed application, we understand from the application that the site shall be open 24 hours per day 7 days per week.
 12. "Hazardous Substances"- "Weed killer/Fertilisers" and "Animal Droppings" The council should be able to assess what amounts shall be stored on the location as it has a responsibility for the safety of the environment and inhabitants
9. In response to these concerns:
1. There is no requirement on the application forms to detail the designation of the land this is an element which is considered as part of the planning application
 2. It is not mandatory to enter into pre-application discussions. In this case several discussions have taken place in respect of the provision of allotments within the Borough and the necessity for planning permission.
 3. Any requirement for bins will be addressed as part of the management of the site which Chorley Council will retain responsibility for.
 4. Planning permission is not required to remove the hedgerow. However the submitted plans detail the retention and enhancement of hedgerows on the site
 5. It is considered that the parking provision is adequate to support the number of allotments proposed additionally it will be made clear at the time of signing the tenancy agreement that parking on the road will not be permitted.
 6. The scheme does not include toilet accommodation which is identical to the other allotments within the Borough. This consideration relates to the management of the site and is not material to the consideration of this application
 7. The application forms confirm the site is not within a flood risk zone
 8. This issue is addressed below
 9. The removal of trees does not form part of the proposals and as such a full tree survey is not required.
 10. The management and maintenance of the allotments is not material to the consideration of this application which does not relate to the allotment plots. The management will be dealt with through enforcement of the tenancy agreement as similar to other allotments within the Borough.
 11. By the nature of the proposed use of the land the site will be generally accessed during daylight hours. No lights are proposed and as such it is not considered justifiable to impose an hour's restriction from an amenity perspective.
 12. The proposal for a car park and haulage way does not include the storage of hazardous substances and as such 'not applicable' was ticked in this regard.

Consultations

10. **Lancashire County Council (Highways)** has no overriding highway objections to the proposed development in principle. The comments are discussed further below.
11. **Adlington Town Council** fully supports the provision of allotments in the village. However it would like to express concern that the proposed site is in an area with poor vehicle access,

and would like to know if any other sites in the area have been considered, for example land accessed via Harrison Road.

12. **Head of Streetscene & Leisure Contracts** has confirmed *As agreed at Executive Cabinet on 17th February 2011, any new sites shall be allocated on a 50/50 split between long standing 'any site' names on the waiting list and local requirements as determined by the applicants distance from the allotment site.*
13. **Lancashire County Council (Ecology)** have confirmed:
 - Although I understand that it is only the haul road and car park that require planning permission, Chorley Council should be aware that they have a duty under the NERC Act 2006 to have regard to biodiversity in the exercise of their functions, and therefore the impact of the allotments on biodiversity in this location would still need to be considered and carefully managed/integrated.
 - Lancashire County Council has records of common toad (Species of Principal Importance in England (section 41 NERC Act 2006)) from within and adjacent to the application area. Although the closest record for great crested newts appears to be approximately 1km from the application area, given the now historic date of the survey, it is possible that great crested newts could have colonised ponds closer to the application area since that time.
 - The application area itself appears to comprise agriculturally improved land and has been used for arable production in the past (if not now). The application area (with the exception of the pond itself and possibly hedgerows) thus comprises sub-optimal terrestrial habitat for amphibians, and the proposals are therefore unlikely to result in the loss of core terrestrial habitat for populations of protected or priority amphibians in this area. Indeed, the proposals to retain the pond and enhance its immediate surroundings as a nature area, together with proposals for hedgerow creation (and the allotments themselves), should result in an enhancement in biodiversity value.
 - As amphibians may be using the pond for breeding however, there is a risk that amphibians could be killed or injured during construction works associated with the creation of the haul road, car park, and allotments themselves. Although Natural England guidance indicates that the haul road and car park proposals are of such a small scale that an offence is unlikely, in combination with works to create the allotments the proposals would be of such a scale and sufficiently close to the pond to have the potential for offences.
 - It would therefore seem appropriate for Chorley Council to attach a planning condition requiring the submission for approval (and subsequent implementation) of a precautionary method statement for the protection of amphibians. The method statement should detail Reasonable Avoidance Measures (non-licensed avoidance measures) that will be implemented during construction and operation of the site for the protection of amphibians. Appropriate measures during construction might include restricting work to winter when amphibians are not active above ground, keeping the duration of ground works as short as possible, carrying out works during the day and on dry days only (when amphibians are unlikely to be present), hand searching of the area prior to works by a suitable ecologist, backfilling trenches /excavations over night, raising stored materials off the ground on pallets, and the avoidance of installing structures (including fences) that would act as barriers to the movement of amphibians in this area. The precise measures should be informed by a suitable licensed/.qualified ecological consultant.
 - The allotments are likely to result in the creation of habitats and places of shelter suitable for use by amphibians. It will therefore also be important for allotment owners to be aware of the possibility/likelihood of encountering amphibians, their legal responsibilities, and of the appropriate action to take. This could also be included in the method statement.
 - In addition, it would be appropriate for further details of the 'nature area' to be submitted for approval and subsequent implementation. Clearly all works in the vicinity of the pond will need to take account of the possible presence of protected/priority amphibians.

Applicants Case

14. The following points have been submitted in support of the application:
- The Small Holdings and Allotments Act (1908) places a duty on local authorities to provide sufficient allotments according to demand.
 - Key areas have been identified for allotment creation and one of these areas was Adlington
 - The current waiting list stands at 348 and there are currently 30 people on the waiting list from the vicinity of the application site.
 - The proposal incorporates 20 parking spaces for approximately 54 plots. This provides one parking space to every 3 plots. This essentially provides enough capacity to avoid anyone from the site parking on the road.

AssessmentPrinciple of the development

15. The main proposed use of the application site is for 54 allotment plots and a community growing area. It has been established in case law (Crowborough Parish Council v Secretary of State for the Environment and Wealden District Council [1981]) that the use of land as an allotment (including growing food, flowers, fruit, seeds and for the breeding and keeping of livestock) is an agricultural use. The existing use of the land is agricultural land and as such planning permission is not required to use the land for allotments and a community growing area.
16. Although the use of the land does not require planning permission this does not apply to the erection of fencing (above a certain height), sheds or polytunnels on the site nor does it relate to the formation of a car park and haulage road. As such this planning application purely relates to these elements of the proposal.
17. The site is located within an area designated as Green Belt where there is a presumption against inappropriate development. Policy DC1 of the Local Plan (which is derived from national guidance in PPG2) sets out appropriate development and includes:
- agriculture and forestry;
 - essential facilities for outdoor sport and outdoor recreation, for cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with its purposes;
 - limited extension, alteration or replacement of existing dwellings providing it is in accordance with Policy DC8A;
 - the re-use of existing buildings providing it is in accordance with Policy DC7A;
 - limited infilling in accordance with Policy DC4;
 - to provide affordable housing for local needs in accordance with Policy DC5;
 - the re-use, infilling or redevelopment of Major Developed Sites in accordance with policy DC6.

Proposed Car Park and Haul Road

18. The proposed development includes the formation of a car park to accommodate 20 vehicles, the formation of a haul road to serve the allotment plots and the formation of 5 pedestrian accessways to access the allotment plots.
19. Vehicular access to the car park and haulage road will be via The Common in the form of a 2.4 metre wide access gate. There will also be a 1.2 metre wide pedestrian access gate next to the vehicular access gate. The proposed car park will be constructed using MOT type 1 (which is crushed concrete often used in the construction of car parks) topped with gritstone. The proposed haulage way will be constructed from GrassMesh Flex (which is a polyethylene mesh used to improve wear resistance and reinforce grass areas which are used by vehicles and/or pedestrians, whilst maintaining their appearance). The proposed access paths will be surfaced using bark chip
20. The application site is located within the Green Belt as set out above. The formation of a car park, haulage way and accessways would not fall within the definition of appropriate

development within the Green Belt unless they are considered to be essential facilities which are genuinely required for uses of land which preserve the openness of the Green Belt.

21. It is noted that the use of the land for allotments falls within the definition of agriculture which is considered to be appropriate development within the Green Belt. The Council's Corporate Strategy (2011/ 12) identified the 'Deliver the Allotment project' as a key project. There are currently 348 people on the waiting list for allotments 30 of which are in the vicinity of this site. The allotments will assist in meeting the Council's Corporate Strategy, provide a valuable resource to the residents of Chorley and reduce the number of people waiting for allotments.
22. However in order for the allotments to be successful they need to be accessible by vehicles and pedestrians. It is considered that allotments, by virtue of their character and appearance and the fact that they are appropriate development, preserve the openness of the Green Belt. In accordance with guidance set out within PPG2 essential facilities also fall to be considered appropriate development. PPG2 states that *essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt* (PPG2, para 3.5). As such it is considered that the proposed car park, haul road and pedestrian accessway are genuinely required to support the allotments and as such are considered essential facilities within this Green Belt location in accordance with PPG2 and Policy DC1 of the Local Plan.

Highway Safety

23. The application site is currently a vacant agricultural field which is part of a larger agricultural holding. The formation of allotments on this site will inevitably result in an increase in vehicle movements in the area. However it should be noted that without the car park and haul road the site could be used for allotments without requiring planning permission which would still generate traffic without parking provision. The inclusion of a car park will ensure that the traffic generated by the allotments can be accommodated off the highway.
24. Access to the site is via Park Road, which is a primarily residential terraced road with on street parking, and The Common, which is a single track road which serves approximately 11 residential properties.
25. The proposed development incorporates the formation of a 20 space car park to serve the 54 allotment plots which equates to approximately 1 space per 3 plots. The Council currently manages other allotment sites within the Borough the largest being at Crosse Hall which has 70 allotment plots and only 11 car parking spaces (equating to approx 1 space per 6 plots). From previous experience in managing allotments within the Borough it is considered that 20 spaces for this site is sufficient to avoid anyone from the site parking on the road, a fact which is confirmed by the highway engineer below.
26. Additionally as the majority of the allotments will be let to local people it is considered that the tenants will chose to access the site by various modes of transport (i.e. walking) other than the car.
27. To further avoid people parking on the road at the time the tenancy agreement is signed it will be explained that parking on the road will not be permitted.
28. As set out above the Highway Engineer has no objection to the proposed scheme. The Engineer was made aware of the specific concerns raised and has made the following comments to explain why he has no objection:

Park Road – traffic.

- *The level of traffic to be generated by the development will not have any significant highway impact. The main concern is in relation to existing congestion on Park Road however the allotments will provide for up to 20 car parking spaces and this should normally equate to no more than 6-7 vehicle trips at any peak hour which will not have any material highway impact. At other times of the day the allotments will not generate any vehicle trips whatsoever. It should also be noted the allotments are likely to be at*

their busiest at weekends, will be seasonal, very likely to involve single daily trips i.e. visit am and leave pm and are local therefore will also encourage and promote foot trips.

- *There is little guidance within parking standards covering allotment use however based up on level of car parking provision at other allotment sites in Chorley the 20 no spaces would seem to be more than adequate.*
- *The congestion on Park Rd is owing to a general reliance on on-street car parking for terraced dwellings between the road bridge and Windsor Av however Park Road is a bus route and through access is maintained at all times by sensible parking arrangements. Dwellings from Windsor Av onwards have garden frontage with off-street parking therefore the level of congestion and on-street parking is reduced further along the road.*
- *Park Rd is traffic calmed with road humps and therefore together with the presence parked cars, the vehicular speeds on Park Road are much reduced. An investigation of injury recorded accidents record would show there have been only 2 minor incidents in the area in the past 5 years therefore neither is there an underlying accident problem in the area.*

The Common – proposed car park

- *The Common is a local access road and is maintained by the local authority. In terms of the access and the car park, the carriageway along The Common varies between 4.5 m wide at Park Road and 4.2m wide at the proposed entrance and is therefore sufficient for 2 way cars to pass each other slowly.*
- *There are no footways but there is a soft grass verge adjacent to the access road with hedgerow at the back on either side. It is a long straight road and owing to the wide soft grass verge the proposed access will enjoy good visibility sightlines in both directions. The hedgerow is approx 5m back of the edge of carriageway therefore there will also be sufficient standing space for cars to pull on/off the road and stops in order to open/close the field gate without overhanging into the carriageway and obstruct pedestrians and vehicles.*
- *The Engineer does not deem that congestion will be a problem at the site owing to the single gate and access as visitors will be able to give way to each other by either waiting on The Common or within the car park area.*
- *The proposed car parking layout would comply with design standards and is acceptable in terms of both car parking size and vehicle turning space.*

Temporary works – construction

- *The level of construction works proposed are unclear i.e. how much work will need to be done in terms of materials to be brought/taken on/off to site and type of plant in which case I would ask to ensure that suitable provisions are made for:*
 - *appropriate traffic management during construction including Advance road warning signs and leaflet drop etc to inform residents on movement of construction traffic,*
 - *there is adequate provision for a road sweeper on a regular basis to ensure roads are clear of mud etc,*
 - *any temporary access formed to facilitate construction works is suitable for the anticipated level of construction traffic.*

29. The Engineers specific requests can be dealt with by condition.

30. It is noted that the objections received largely relate to traffic congestion in the area and the implications the allotments will create from a highway safety and traffic generation perspective however as set out above the allotments do not require planning permission and as such these concerns are not material to the consideration of this planning application.

Proposed Structures

31. The site is a relatively flat field bordered on 3 sides by mature hedge rows with the southern boundary open. It is proposed to retain the hedgerows and infill any gaps were necessary and erect of 1.2 metre high post and wire fence around the site with rabbit proofing. The only part of this fence which requires planning permission is the section adjacent to the road due to its height. The proposed fence will be erected behind the existing hedge line and is of a design which is typical to rural locations. As such it is not considered that the fence will detrimentally impact on the openness or rural character of the area.
32. The proposals also include the erection of compost/wood chip bays which will be constructed from sleepers held into position by iron girders. They will be approximately 1.5 metres high, 5 metres deep and 7 metres wide. This feature will be located in the car park. Generally it is not considered that the placing of a compost bin on allotments constitutes development which requires planning permission however as this feature will be permanently fixed to the ground planning permission is required for this feature. The 2 bays will be located within the car park and will be a visible feature however this feature is considered to be genuinely required for the allotments and as such is not considered to be unacceptable within this Green Belt location.
33. Sheds and polytunnels are usual structures associated with allotments. Under Class A, Part 12 of Schedule 2 of the GPDO Local Authorities have permitted development rights to erect small ancillary buildings of less than 200 cubic metres and less than 4 metres high on land belonging to or maintained by them. Although such structures are not included as part of this application, as it is not known what future tenants may require, the applicants consider that such structures will be required on site and as such the Design and Access Statement sets out the tenancy requirements in this regard.
34. The current Council allotment tenancy agreement states that 'No building or structure can be built on the allotment without the consent of the Corporate Director and in accordance with the provisions of the Code of Conduct. On determination of the tenancy, the tenant is responsible, at his or her expense, for the removal of any structure that has been erected unless arrangements have been made to transfer to the next tenant.'
35. This will be further expanded on new allotment sites to say "the Council may grant permission for a single shed and greenhouse on all full, or half size plots, on the following conditions":
 1. The siting of sheds and greenhouses on individual plots is to be considered carefully so as to avoid causing any nuisance or disturbance to adjoining residential properties and to ensure that access ways are not blocked or made more difficult to use.
 2. No trees are to be lopped or removed in order to accommodate a shed or greenhouse.
 3. If the Council receives any complaints regarding the position or use of a shed or greenhouse, it may, after making an inspection and discussing the matter with all interested parties, require the shed or greenhouse to be removed.
 4. Sheds and/or greenhouses shall:
 - (a) sheds must not exceed 1.85m x 1.25m x 2m high (6 feet by 4 feet by 6 feet 6 inches high) and greenhouses/polytunnels must not exceed 1.85m x 2.50m x 2m high (6 feet x 8 feet x 6 feet 6 inches high) and should be sited so they do not cause shadows on adjacent allotments.
 - (b) be of a pitched roof type for greenhouses, and of a pitched roof or pent roof type for sheds;
 - (c) be erected in a workmanlike manner using new, good and sound materials;
 - (d) be generally in accordance with the following:
 - (i) sheds to be timber framed, the external covering to be weather boarding or tongued and grooved boarding securely fixed to the framework and laid on a suitable foundation of slabs, floated concrete is not permitted, the roof to be similarly framed with adequate boarding securely fixed and covered with appropriately fixed roofing felt;
The use of the following materials is specifically prohibited;
Bricks or blocks
Asbestos

Hardboard
Sheet metal
Corrugated iron

- (ii) greenhouses to be constructed of timber or aluminium, of a proprietary brand, laid on a suitable foundation, appropriately glazed and with doors fitted with a suitable lock;
 - (iii) be kept in good repair and condition.
 - (iv) colour to be a natural colour as approved by the Council.
 - (v) any building erected which is found upon inspection to be unsatisfactory or unsightly will be required to be removed.
 - (vi) shed may only be used to store tools, materials and other items which are directly related to the use of the allotment plot. The final decision as to what is appropriate lies with the Council.
36. Additionally the tenancy agreement goes on to say: 'No building or structure (such as polytunnels, fruit cages, chicken coops) may be erected until an application has been made to Chorley Council and permission has been granted. Structures must not exceed a total floor space of 80 square foot or 7.4 square metres.'
37. The tenancy agreement makes it clear what may be permitted on the site. The permitted development rights for such structures only applies to local authorities and do not extend to allotment holders. As such, notwithstanding the contents of the tenancy agreement, any structure erected by the allotment tenant will require planning permission. An informative will be added to the recommendation in this regard. It is considered that the most preferable way forward in this regard would be for all the tenants to work together and submit one application for the whole site detailing the siting and appearance of any structures. This will ensure there is consistency in respect of the structures erected on the site and will be a lesser fee compared to if each individual tenant applied separately.

Impact on Neighbours

38. The nearest neighbour to the application site is 33 The Common which is approximately 15 metres from the application site on the opposite side of The Common. 30 The Common, on the same side of the road as the application site, is approximately 80 metres from the application site and Shepherds Cottage is approximately 160 metres from the application site.
39. Although it is acknowledged above that the allotments will generate additional traffic movements it is not considered that the proposed car park, haul road and fencing, which is the subject of this planning application, will adversely impact on the neighbours amenities.
40. As set out above the deadline for neighbour comments is 12th July which is the same day as the Development Control Committee. The neighbours were originally consulted on 14th June and a site notice was erected on 16th June however additional neighbour letters were sent to ensure more residents than would normally be consulted were directly consulted on the application and to make it clear which parts of the scheme require planning permission. Any comments received after this report has been completed will be included on the addendum.

Levels

41. The site is a relatively flat site and the car park and haul road will be formed to create level access to the highway. As such it is not considered that levels are an issue in respect of this application.

Ecology

42. The site is bordered on three sides by a mature hedgerow and trees and there is an existing pond located to the west of the application site. As such the ecological implications of the development are a consideration.
43. Following a high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the

Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:

- (a) the activity must be for imperative reasons of overriding public interest or for public health and safety;
- (b) there must be no satisfactory alternative and
- (c) favourable conservation status of the species must be maintained.

44. The Ecologist at Lancashire County Council had been consulted and has made the comments set out above. The ecologist considers that the application area comprises sub-optimal terrestrial habitat for amphibians and as such the proposals are unlikely to result in the loss of core terrestrial habitat for populations of protected or priority amphibians in this area. Guidance from Natural England indicates that the haul road and car park proposals are of such a small scale that an offence is unlikely. However there is a risk that amphibians could be killed or injured during construction works associated with the creation of the haul road, car park. As such appropriately worded conditions have been suggested in this regard. It is considered that the three tests set above have been met and a favourable conservation status of protected species will be maintained.

Overall Conclusion

45. It is established that the proposed use of the site for allotments does not require planning permission. The elements of this scheme which require planning permission are the formation of the car park and haul road, the erection of the fence along the highway boundary and the compost/ wood chip bays. It is considered that these features are genuinely required to serve the main use of the site and as such are considered to be acceptable within this Green Belt location.

Other Matters

Non- material planning considerations

46. One concern raised is why this location was chosen for allotments and an alternative site at the end of Harrison Road has been suggested. The use of the land for allotments does not form part of the consideration of this application however the question has been forwarded to the Council's Parks and Open Space Team who has confirmed that the Harrison Road site was considered a number of years ago however it was dismissed as it was considered that the bridge was too narrow and access was restricted. The applicant has assessed the site which is overgrown and a vast area of land. Developing this site for allotments would require ecological surveys to be carried out, the site is too large taking into account the budgetary limitations and some of it is allocated as cemetery extension. As such this site was discounted.
47. Reference has been made to the refusal of a planning application at Harrisons Farm. This reference actually relates to the 1997 Local Plan Inspectors Report (dated 1995). At this time there were 2 site suggestions to allocate the land as green belt and to allocate part of the land for housing. The Inspector recommended that part of the land should be allocated as An Area of Special Restraint (now known as safeguarded land) and part should be allocated as housing land. Access issues were raised with the Inspector however the Inspector considered at the time that there was a need for more housing and the access issues could be addressed. However before the adoption of the Local Plan there was a Modifications Stage which deleted the housing allocation and the site reverted back to An Area of Special Restraint. This was due to the fact that the Replacement Structure Plan was published which determined that there was no need for further housing. Additionally an objection was received from Lancashire County Council Surveyors in terms of the access and it was not considered that the access constraints could be overcome within the plan period. As such all of the land was allocated as An Area of Special Restraint within the 1997 Local Plan which was carried over into the 2003 Local Plan which designates the land as safeguarded. These notwithstanding as set out above the allotments do not require planning permission and as such the additional traffic generated by the allotments is not a material consideration of this planning application.

48. One concern has been raised about whether the allotments will actually be allocated to the residents in the local area as if the allocation is based on a 'first come first served' basis the 30 residents within the immediate area, who are on the waiting list, may not be allocated an allotment. Although this is not a material planning consideration in respect of this application this query was passed onto the applicant. After further correspondence with the applicant it has been confirmed that in the Overview and Scrutiny Task Group and subsequent Executive Report it was agreed that the new allotment sites will be allocated by a 50/50 split between the neighbourhood area waiting list and people waiting for any site from the top of the waiting list. The Council aim to allocate plots to those who live nearest with a view to being more sustainable. Additionally the applicant has confirmed that more requests from residents in Adlington to be added to the waiting list have been received since the planning application was publicised so there are now more than 30 people on the waiting list. However the most recent enquirers won't necessarily get a plot straight away.

Planning Policies

National Planning Policies

PPS1, PPG2, PPG13, PPG17

North West Regional Spatial Strategy:

Policy DP1, Policy ER5

Chorley Borough Local Plan Review 2003:

DC1, EP4, EP9, EP10, TR4

Joint Core Strategy

Policy 25: Community Facilities

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The approved plans are:

Plan Ref.	Received On:	Title:
	6 June 2011	Site Location Plan
	6 June 2011	Detailed Layout Plan

Reason: To define the permission and in the interests of the proper development of the site.
3. The car park, haulage way and compost/wood chip bays hereby approved shall only be used in connection with the allotments. In the event that the allotment plots are not created and/ or are no longer required the car park, haulage way and compost/wood chip bays shall be removed from the field and the land restored to its former condition.
Reason: The proposals are only considered appropriate development within the Green Belt in association with the allotments. To remove inappropriate development in the Green Belt in accordance with Policy DC1 and advice contained in PPG2: Green Belts.
4. The materials specified on the application forms for the car park and haulage accessway shall be used and no others substituted.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.
5. Prior to the commencement of the development a scheme and programme for the construction phase of the development shall be submitted to and approved by the Local Planning Authority. The scheme and programme shall cover:

1. Site compound and contractor parking and management of contractors parking to ensure parking does not overspill onto surrounding roads.
2. Construction operating hours including deliveries and site construction staff.
3. Full details of traffic management measures during construction, including advanced road warning signs, details of how the residents will be updated in respect of the construction phase and measures for cleaning the roads.

The approved scheme and programme shall be implemented.

Reason: To ensure that noise and disturbance resulting from hours of operation, delivery and construction traffic does not adversely impact on the amenity of existing residents and to keep the roads clear of mud.

6. Prior to the commencement of the development a precautionary method statement for the protection of amphibians shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the Reasonable Avoidance Measures (non-licensed avoidance measures) that will be implemented during construction and operation of the site for the protection of amphibians. The development thereafter shall be carried out in accordance with the approved measures.

Reason: To ensure that during the construction period measures are implemented to ensure that amphibians are not killed or injured. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

7. Prior to the commencement of the development full details of the 'nature area' detailed on the proposed layout plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that any work within the vicinity of the pond takes into account the possible presence of protected/priority species. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.

Item 11/00466/FUL

Case Officer Caron Taylor

Ward Heath Charnock And Rivington

Proposal Retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Location Go Ape Rivington Lane Rivington Bolton Lancashire

Applicant Go Ape

Consultation expiry: 19 July 2011

Application expiry: 29 July 2011

Proposal

1. The proposal is a retrospective application for the building up (raising) and enlargement of two zipwire landing sites at Go Ape course (landing area for site 2 located near site 3, and landing area for site 3 located near site 4).

Recommendation

2. It is recommended that this application is granted retrospective planning approval, and also that Members defer the application for a site visit before determining the application.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Public Right of Way
 - Ministerial Statement – Planning for Growth

Representations

4. 20 letters of objection have been received, including one from The Friends of Lever Park on the following grounds:
 - Lord Leverhulme gave this area of land and open space for the people to enjoy, not to be turned into some theme park;
 - The proposal violates the Liverpool Corporation Act 1902. The public are prevented from walking in areas through the Go Ape site and this would require an amendment to the 1902 Act that cannot be implemented by the Council. The implication of the Act needs to be fully investigated;
 - Section 21, subsection (2) of the Liverpool Corporation Act 1902 states 'to secure their free and uninterrupted enjoyment by the public';
 - The applicants state on the application forms that the proposals do not require any diversion/extinguishments and/or creation of rights of way, when they should have stated that it does, as the proposal would extinguish the right of way through this part of Lever Park;
 - The application states it affects a definitive right of way;
 - It is contrary to Local Plan Policies HT13, EP2 and LT7;

- It is contrary to the Supplementary Planning Document Trees and Development;
- The Council have not notified English Heritage of a planning application to a Grade I or Grade II Historic Park and Garden – which is compulsory;
- The Tree Survey dated 17th May 2008 is incorrect and therefore doesn't comply with BS5853 (trees and development). 9 trees in use on the course have not had a tree survey, nor are they referred to on the site location plan;
- Failure to comply with the Council's Statement of Community Involvement which says Community Involvement must be encouraged for 'smaller development on sensitive sites';
- There has been failure to consult any local group who would object to any application;
- The size/appearance of the landing areas have a detrimental effect on the character of the park;
- If allowed to be retained it will be contrary to all the policy statement in the Local Plan which indicate the Council is committed to preserving Historic Parks and Gardens;
- The applicants state in the application there are no trees on the development site, however one of the landing areas is actually built around a tree;
- The applicant states during the construction of the course it was necessary to build two of the areas bigger than indicated. This is not true, the landing areas were enlarged 12 months later in 2011;
- The original planning application stated the lengths of the two landing zones would be 8m, these have increase to 19m and 12m. They are unsightly, on too large a scale and severely impact on the character of the area;
- The proposal is contrary to Chapter 5 Heritage (Historic Parks and Gardens) and Chapter 4 Environmental Protection – it is a Biological Heritage Site;
- It is a mess and a blot on the landscape. The landing zones are already too large with wood chips flowing everywhere and a once tranquil wood has been destroyed;
- Rivington is already gridlocked by visitor numbers and they do not wish the area to change from its unique character and protected by an Act of Parliament;
- There are numerous trees which are not indicated on the plans which now form part of the course which have not been part of any tree survey;
- An up to date plan of the course with a new environmental assessment showing the correct tree numbers should be supplied;
- United Utilities Conservation Areas are affected by the Development;
- Just because the landing zones are made from wood does not necessarily make them compatible with the landscape around them;
- They request that Committee make a site visit with regard to the sizes of the landing zones and trees in use;
- It is difficult for the public to make an accurate assessment of the development, because the 2008 tree surveys don't match with regard to tree numbers and location;
- It desecrates the beautiful countryside;
- It causes noise pollution;
- It is habitat for many wildlife creatures living in the area;
- The environmental impact of development has been considerable. Any extension and raising of the landing zones only impacts further on the woodland and increases the artificial appearance of the woodland floor;
- There is still an unresolved application for an additional zip line 10/00426/FUL. There needs to be a comprehensive review of the current position before more changes or retrospective permissions are granted;
- A precedent is set for commercial development of the park;
- Too much Green Belt has been built over already;
- The site notices were put up late – lack of community involvement;
- The submitted plans indicate a location for a landing zone at site 3, this is impossible to find because site 3 on the site location plan doesn't show a landing zone. It is impossible for any member of the public to go on site with the site map and find trees and landing zones referred to;
- Because of the sub-standard information provided, it is impossible to calculate and therefore the application must be deemed in admissible;

- Landing zone site 3 is not in the position shown on the site plan. Landing zone is 15 metres north;
 - The application with regard to the landing zone at site 4 on the location plan, makes no mention that the zip wire anchor tree has been moved;
 - The plans show the south and east of a landing zone for site 3, on the submitted location plan there is no identification of a landing zone at site 3;
 - Section 9 of the application forms are not filled in;
 - That the proposal is retrospective and therefore does not benefit from planning permission means it had not been inspected to see that it is safe to allow the public onto the site, which raises the question of whether the public and those using the activities have public and third party liability insurance to cover these activities;
5. One letter of support have been received on the following grounds:
- They state they are not connected to the business other than as a user, but they have recently been involved with projects to try and revitalise Chorley. There is no doubt the town is going through a tough time for traders so anything that attracts people to the area and increases business should be encouraged. Go Ape is a brilliant facility that has opened up Rivington and appears to be very popular. Go Ape is good for the town and good for Rivington. If the trees were being damaged, they'd show it but a simple stroll round the area shows that Go Ape are looking after things just fine.
6. Rivington Parish Council object to the application on the following grounds:
- If planning permission is granted it will be contrary to the provisions and restrictions contained within the 1902 Liverpool Corporation Act. The Land Registry records clearly show that the area is subject to the terms of this Act of Parliament that states that everyone should be allowed free and uninterrupted use of the area; there is a definitive right of way;
 - This application also contravenes the policies for Rivington and the Lever Park area as referred to in the Chorley Borough Council Local Plan Review adopted in 2003 and, in particular, the sections relating to Leisure and Tourism LT7 and Historic Parks and Gardens HT13;
 - Planning regulations were not followed correctly in the initial Planning Application 08/00553/FUL. The original plans were granted under delegated powers by Chorley Council with a lack of community involvement. Therefore any subsequent applications are inappropriate;
 - Go Ape is an experienced company, with many other operating sites throughout the country. This company should not have underestimated the size of the zip wires needed for the Rivington course and should have estimated the extent of the course at the outset. Inadequate information has been provided in many ways, demonstrated by the lack of calculation of the car parking spaces needed;
 - The Rivington Parish Councillors strongly object to the drip feeding for yet another planning application, retrospective or otherwise, within Rivington's Go Ape site.
7. A letter of objection has been received from the Open Spaces Society on the following grounds:
- The proposal will have an adverse effect on people's enjoyment of the historic Lever Park under the Liverpool Corporation Act 1902, Section 21(2), the public has 'free and uninterrupted enjoyment' throughout the park. Clearly the development will conflict with that provision, since the Go Ape development will be noisy and intrusive;
 - The planning application states that the development will affect a definitive right of way. In fact, it affects an area where the public has a right of access generally. Presumably the intention is to prevent the public from walking through the Go Ape site, but that would require an amendment to the 1902 Act and cannot be implemented by the Planning Authority;
 - The application is unacceptable and they trust it will be rejected.
8. A letter of objection has been received from the Chorley and District Natural History Society on the following grounds:

- The political argument about whether or not such a development should ever have been allowed has been made by the Friends of Lever Park. They support their views. They agree that there is a parking problem in the locality. The expansion being applied for is clearly designed to increase usage, which will exacerbate the parking problems;
 - They objected to the original application on the grounds that the mature woodland was to be damaged to the detriment of local wildlife. Their fears have been borne out in that in addition to the removal of more trees than originally planned for, the understorey has been damaged – possibly beyond restoration. There is no attempt to confine users to the pathways. As a result a wide area of undergrowth has been unnecessarily trampled;
 - The owners of the site have clearly demonstrated their contempt for planning procedures by deliberately exceeding permitted boundaries and heights. They urge the present application is rejected.
9. An objection has been received from the Lancashire Gardens Trust.
- The application states: Environmental Impact Assessment – not required and they ask why not, as any alteration will affect the surroundings of the Grade II Lever Park;
 - PPS5 (HE9.1) states:
There should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting;
 - PPS 5 ANNEX 2 under Terminology states ‘setting’ is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance_or may be neutral;
 - There are two heritage assets in consideration here, Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley’s conservation policy states:
We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough's heritage;
 - Surely the incremental development of commercial activities surrounding both the Barn and Lever Park represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.

Consultations

10. **Chorley’s Conservation Officer**
 States that the application site lies within Lever Park, which is a Grade II Registered Park & Garden. Registered Parks and Gardens are ‘designated heritage assets’ as defined by Annex 1 of PPS5. Accordingly this application is judged in terms of its impact upon the significance of that designated heritage asset or its setting.
11. The application site falls outside of the designed landscape areas of Lever Park and sits within an area of woodland on the western side of Rivington Lane on the eastern shores of the Lower Rivington Reservoir.
12. The application site is approximately 190m from Great House Barn and Visitor Centre, which are also designated heritage assets as defined by Annex 1 of PPS5, being both grade II listed buildings. Furthermore the works are screened by trees and the level of the land to such an extent that the development is not visible from the Listed Buildings. The works are therefore also considered in terms of their impact upon the significance of these designated heritage assets, the listed buildings.
13. It is the Conservation Officers considered opinion that, given the distance between these designated heritage assets and the application site, plus the difference in the levels and the

screening by trees, the works will have no impact upon the significance of either the listed buildings or their setting.

14. Given the location of the works within the area of woodland it is also their opinion that whilst care must be taken to determine that the compound effect of additional works undertaken over time do not overwhelm their setting, that situation is some considerable way off in this case and that the works have no impact upon the significance of the Registered Park and Garden or its setting. Furthermore it is their view that these works are, when compared to the area of woodland in which they sit, of such negligible scale as to be of no consequence to the character or significance of the park.
15. Consequently they consider the application to be acceptable.

Lancashire County Council (Ecology)

16. State that whilst the applicant has not submitted the results of an ecological assessment in support of this application, it is their opinion there is little to be gained by requiring a survey at this stage and they are satisfied that sufficient information has been submitted to enable determination of this application. Having said that, as the application is retrospective, it is obviously difficult to establish whether or not there have been any additional impacts on biodiversity (over and above those of the proposals as originally approved).
17. It seems unlikely that the raising of the landing areas would have any additional impact on biodiversity, over and above the impact of the footprint of the landing areas itself. Indeed, the 'log pile' construction of the raised areas appears to have created log pile/dead wood habitats for species such as invertebrates, amphibians and small mammals. The raised construction is thus likely to be of greater biodiversity value than a landing zone flush with the woodland floor.
18. The County Ecologist states an increase in the footprint of the landing zones could potentially result in additional losses of ground flora and/or prevent the establishment of new trees in these areas. The submitted photographs clearly show the whole area around the landing zones as devoid of vegetation (although understorey/ground cover can be seen in the background) and this might be interpreted as an impact of the Go Ape course/construction of the landing zone areas. The photographs are somewhat misleading however, as in reality it is more likely that the area is devoid of ground flora not as a result of the Go Ape course but due to its location in an area of shady beech plantation woodland where the ground flora is both shaded out by the dense canopy and suppressed by the thick layer of leaf litter and beech mast (as this takes longer to decay than the leaves of other tree species). Indeed, the extent to which ground flora has been suppressed over a wider area by the even-aged beech planting becomes clear when viewed in person, and cannot therefore be directly attributed to the increased landing zone footprint.
19. Having reviewed the submitted information, and visited the site, it is their opinion that the increase in the footprint of the landing zones will not have resulted in significant impacts on biodiversity and there is no requirement for mitigation or compensation. The proposals are in accordance with the requirements of biodiversity planning policy and guidance (i.e. PPS9, ODPM 06/2005, RSS EM1).
20. On a more general note, the County Ecologist states it seems that the woodland as a whole in this area would benefit from some further positive management. The relatively even-aged nature of the beech trees means that there is little age or structural diversity within the woodland, and the areas under a closed beech canopy are clearly suppressed. Whilst some trees have been felled, further selective thinning of the beech trees (or indeed a rolling programme of removal) and replacement with locally appropriate native species would help to reduce the detrimental effects of beech by allowing more light to the woodland floor and reducing the quantity of beech litter. It would also facilitate the establishment of woodland of greater age, structural and species diversity. It is also apparent that Himalayan Balsam is prevalent in several areas within the woodland and towards the shore. This species is likely to have a detrimental effect on the more valuable areas of woodland in the longer term. A programme of control or eradication would therefore be beneficial.

21. It is accepted that a programme of woodland management and removal of Himalayan Balsam may be beneficial but they may not be an option at this time, but they will be brought to the attention of United Utilities although they do not directly concern this application.

Chorley's Arboricultural Officer

22. The extending of the landing bases for the zip lines will make little or no difference to the surrounding trees.
23. Although the base of one of the pines is enclosed by the end of the landing zone, the influence upon its root zone will be minor due to a couple of factors. The first is that the woodchip used as a landing cushion is porous and so will let through air and water, the second is that it doesn't actually cover a large percentage of the root plate and so should cause the tree no extra hardship.
24. Given this, from an arboricultural standpoint the application is acceptable.

LCC Public Rights of Way Officer

State they understand this is a retrospective application for structures that are already in position and in use. They have no comments to make with respect to this application.

Chorley Planning Policy

Have no observations to make on the application.

Applicants Case

27. The landing areas contain wood peel that allows customers to land in a safe manner. It is critical that customers land within these areas, and they are constructed once the zip line is up, ensuring they provide as safe and as comfortable landing as possible.
28. During the construction of the course, it was necessary to build two of the landing areas bigger than indicated on the original planning application. The reason for this was that when the zip lines were put up, the topography of the area mean that people descending the zip lines spent a large percentage of the zip very low to the ground. This had two effects:
- The zip lines had a potentially bigger impact on the other users in the park with people zipping lower than intended;
 - It had an impact on the landings, making it more likely for customers to land before the wood peel area, potentially affecting the safety mechanisms in place.
- To solve the second issues, the landing sites were lengthened, allowing customers to land property in the wood peel. To minimise the lengthening of the landing sites, and in order to help solve the first problem, the zip line and landing sites were raised – giving more clearance from the ground.
29. The landing zones are raised using wood, topped up with soil and this is then covered by wood peel. The soil is retained by driving stakes into the banked earth, with wooden planks between these stakes.

Assessment

30. This assessment deals with the retrospective planning application for the two landing zones only.

Principle of the development

31. The application site is in the Green Belt which is covered by Planning Policy Guidance Note 2 (PPG2) and is reiterated by Local Plan Policy DC1. These state that essential facilities for outdoor sport and recreation, which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it, are appropriate development. The Go Ape course is considered outdoor recreation and the raised landing zones are required essential for the operation of the course. The landing zones are therefore considered acceptable in principle in line with PPG2 and policy DC1.

32. Policy LT7 covers Historic Parks and Gardens. This states that development and restoration proposal which would enhance the attraction of Lever Park and Terraced Gardens at Rivington will be permitted provided a number of criteria are met.
33. Criterion (a) requires that the special character and appearance of the park or garden and any important landscape features within it are protected. The two landing zones the subjects of this application are not within designed areas of Lever Park. Given their size and scale in the context of the park as a whole it is not considered that they impact on the special character and appearance of the park or result in the loss of any important features within it.
34. Criterion (b) requires compliance with Policy HT13 and this is discussed later under the Historic Park and Garden Section. In relation to criterion (c) - that the proposals are compatible with the character and appearance of the area and the Council's policies relating to the Green Belt - the latter has already found to be satisfied above. The former is discussed under the design section below.
35. Criterion (d) - access is available by a choice of means of transport other than the private car - is not directly relevant to this application as the two landing zones in themselves are for use on the wider Go Ape course.
36. In terms of criterion (e) – the site has adequate access and the traffic generated can be safely accommodated on the local highway network - the changes to the landing zones will not allow more people to participate in the Go Ape course than at present and therefore it is not considered the application is contrary to it.
37. Therefore the proposal is considered to comply with Policy LT12 subject to the proposal being compatible with the character and appearance of the area, under criterion (c) and policy HT13 being satisfied.

Impact on the neighbours

38. The landing zones are located within the Go Ape course itself. The nearest residential property is Great House Cottage adjacent to Great House Barn and is over 200m from the nearest landing zone the subject of this application. It is not considered the changes to the landing zones from that previously approved will have detrimental impact on this property and they are not visible from it.

Design

39. The landing zones have been increased in length and height from that approved. The landing zones have soil topped with bark shavings, this mixture is retained by logs and planks which raise up and lengthen them. In design terms, the visual impact of these elevated landing zones is considered acceptable, they are constructed of materials which are easily removed from the land and are appropriate to the woodland setting and therefore are considered compatible with the character and appearance of the area. Policy LT12 is also therefore considered to be met.

Trees and Landscape

40. Policy EP9 of the Local Plan covers trees and woodlands. The Council's Arboricultural Officer has been consulted on the application and has inspected the two landing zones the subject of this application.
41. He advises that the extending of the landing bases for the zip lines will make little or no difference to the surrounding trees. He acknowledges that the base of one of the pines is enclosed by the end of the landing zone, but advises that the influence upon its root zone will be minor as the woodchip used as a landing cushion is porous and so will let through air and water and that it doesn't actually cover a large percentage of the root plate. As a result the landing zone should cause the tree no extra hardship and he finds the application acceptable. The retrospective changes to the two landing zones are therefore considered acceptable in relation to Policy EP9.

Ecology

42. Policy EP2 of the Local Plan covers County Heritage Sites and Local Nature Reserves. The two landing zones are within a Biological Heritage Site (BHS). The County Ecologist has been consulted on the application and visited the site. Their advice deals with the raising of the landing zones and their increase in footprint separately.
43. With regard to the raising of the two zones they advise that it seems unlikely that raising of the landing areas would have any additional impact on biodiversity, over and above the impact of the footprint of the landing areas itself [as previously approved]. They advise that the 'log pile' construction of the raised areas appears to have created log pile/dead wood habitats for species such as invertebrates, amphibians and small mammals. The raised construction is therefore likely to be of greater biodiversity value than a landing zone flush with the woodland floor. It is not therefore considered this aspect will have an adverse effect on the BHS.
44. With regard to the increase in the footprint of the landing zones the County Ecologist advises that this could potentially result in additional losses of ground flora and/or prevent the establishment of new trees in these areas. The submitted photographs clearly show the whole area around the landing zones as devoid of vegetation (although understorey/ground cover can be seen in the background) and this might be interpreted as an impact of the Go Ape course/construction of the landing zone areas. They advise the photographs are somewhat misleading however, as in reality it is more likely that the area is devoid of ground flora not as a result of the Go Ape course but due to its location in an area of shady beech plantation woodland where the ground flora is both shaded out by the dense canopy and suppressed by the thick layer of leaf litter and beech mast (as this takes longer to decay than the leaves of other tree species). Indeed, the extent to which ground flora has been suppressed over a wider area by the even-aged beech planting becomes clear when viewed in person, and cannot therefore be directly attributed to the increased landing zone footprint.
45. Having reviewed the submitted information, and visited the site, they advise it is their opinion that the increase in the footprint of the landing zones will not have resulted in significant impacts on biodiversity and there is no requirement for mitigation or compensation. They consider the proposals are in accordance with the requirements of biodiversity planning policy and guidance (i.e. PPS9, ODPM Circular 06/2005 and RSS Policy EM1). It is therefore considered that the enlargement of the floor area of the landing zones is not contrary to policy EP2.

Historic Park and Garden

46. The landing zones are within Lever Park which is registered Grade II Park covered by Policy HT13 of the Local Plan: Historic Parks and Gardens. PPS5: Planning for the Historic Environment is also relevant.
47. A resident has contacted English Heritage regarding the application and they have confirmed that since Lever Park is a Grade II registered landscape the Council are not obliged to consult English Heritage on such development applications, as they are only statutory consultees on grade I and II* parks and gardens (the Council was copied in to their response). They advise that Garden History Society, are consultees on all grades of park and garden and they have been consulted on the application.
48. The Garden History Society were consulted on the application as required but have not responded.
49. Lancashire Gardens Trust has objected to the application as detailed in the representations section above. They state there are two heritage assets in consideration Lever Park and Great House Barn, both Grade II. The setting around them is important. Chorley's conservation policy states: '*We take our responsibility for listed buildings very seriously. We encourage and enable the enhancement of the borough's heritage*'. They comment that incremental development of commercial activities surrounding both the Barn and Lever Park

represent a threat to the setting of these important places, which people come to visit because of their beauty. Their beauty should not be compromised further.

50. The Council's Conservation Officer has reviewed their comments. He advises, that in his opinion *'the development is so far removed from the designated heritage assets as to have no impact upon their setting. The development site is out of view of the designated heritage assets, obscured by trees. Furthermore the works are outside the designed landscape areas of Lever Park and are set within natural self seeded woodland and is of such small scale as to have very limited impact upon the character of Lever Park. As the designated heritage assets and the development site cannot be seen one from the other he fails to see how 'their beauty' could in any way be compromised'*.
51. Taking into account the above objection it is not considered changes to the landing zones the subject of this application have an unacceptable impact on the setting of Lever Park. In addition the listed Great House Barn, Great House Cottage and the building housing the Information Centre are some 200m away from the nearest landing zone, are not visible from it and visitors pass a car park in front of the Barn before they reach the nearest landing zone. Therefore it is not considered the changes to the landing zones impact on the setting of the listed buildings.
52. In terms of Policy HT13 it is not considered the changes to the landing zones would lead to the loss of, or cause harm to, the historic character or setting of any part of a Park of Garden of Special Historic Interest, given their limited size in the context of the Park as a whole and their location within it, i.e. not within a designed part of the Park. The changes to the two zones would not block an historic path or route, the proposal is therefore considered to comply with Policy HT13.
53. As it is considered that the proposal complies with HT13 the proposal also therefore complies with Policy LT7 as detailed at paragraph 37 above.

Traffic and Transport

54. The changes to the two landing zones do not permit more participants on to the course, and therefore there is no increase in demand for parking as a result of them. Parking issues raised in relation to the Go Ape course are being looked into separately and further proposals are expected.

Public Right of Way

55. Bridleway 15 (Rivington) is a right of way shown on the definitive map and runs parallel with the Go Ape course to its west. It is not considered the changes to the two landing zones will impact on the setting of this Bridleway and they do not obstruct it in any way. Lancashire County Council Public Rights of Way Officer has been consulted on the application and makes no comments on it. The application is therefore considered to comply with policy LT10 of the Local Plan which covers public rights of way.
56. The issue of the right of way raised by objectors in relation to the Lever Park Act is a separate issue, the rights they refer to are not a public right of way shown on the definitive map. The Lever Park Act is discussed at the end of this report.

Response to Objections Not Already Covered

This application is not accompanied by a tree survey, however it is considered that there is enough information available to the authority to make a decision on the retrospective changes to the two landing zones.

57. The two landing zones are not within the conservation areas on the edge of the reservoir that United Utilities have created (these are not planning conservation areas as defined in the local plan).
58. There is an undetermined application with the Council for an additional zip wire but this is a separate issue to the two landing zones.

59. The site notices have been displayed for the required 21 days.
60. The applicants are criticised for their description of where the landing zones are in the application submission. However, the Council have described the location of the two landing zones in its consultation on the application.
61. The application is only for the change to the two landing zones themselves, it is not in relation to anchor trees. Section 9 (materials) on the application is filled in and refers readers to the statement accompanying the application in terms of materials.
62. In terms of noise pollution, at the time of the original application it was noted that Rivington is an area of countryside people enjoy, but it is considered that the area is large enough to accommodate a whole range of activities that people may wish to pursue in this type of environment. In addition, it is to be located in an area close to the existing Barn and car park, rather than it being located in some of the more isolated areas.
63. Section 38(6) of the Planning and Compulsory Act 2004 expressly requires an application be determined in accordance with the development plan unless material considerations suggest otherwise.
64. There are no matters raised by either consultees or objectors that would outweigh the acceptability of this application when assessed against the development plan.

Ministerial Statement – Planning for Growth

65. This was made in March 2011 and gives the Governments clear expectation that the answer to development and growth should wherever possible be 'yes'. The growth agenda also means a need for a range of leisure activities to support the increased development expected. Local Authorities should place particular weight on the potential economic benefits offered by an application

Overall Conclusion

66. The changes to the landing areas are considered acceptable for the reasons set out above and the retrospective application is recommended for approval subject to a condition that the use of the course ceases for a period of one year within 10 years of its completion the landing zones the subject of this approved shall be removed and the area restored to its former condition. However, it is recommended that Members defer the application to make a site visit before determining the application.

Other Matters

Lever Park Act

67. Section 38(6) of the Planning and Compulsory Act 2004 expressly requires an application be determined in accordance with the development plan unless material considerations suggest otherwise and that the Planning Acts were of course prepared after the Lever Park Act.
68. The advice of the Council's Head of Governance has been sought as to whether the application breaches the provisions of the Liverpool Corporation Act 1902.
69. *'Firstly, prior to considering the Act I can confirm that as local planning authority, the duty as a committee is to consider the planning merits of the application. You are not required to consider whether the proposed development can take place due to restrictions on the legal title to the land.*
70. *However, due to past history on this matter I am fully aware of the position of the Friends of Lever Park in relation to the Go-Ape site. They oppose this development and seek to rely on the wording at section 21 (2) of the Act "desirable in order to secure their free and uninterrupted enjoyment by the public" to support their position that the application should be refused. The group suggest that this development will prevent their "free and uninterrupted enjoyment.*

71. *I do not agree with this interpretation, even with the restrictive extract provided. If members of the committee consider the full provisions of this subsection, it specifically grants to the owner general powers to do almost what they wish to provide that the public enjoy the park. This includes the provision of new buildings.*
72. *To confirm therefore, my advice is that this development / application does not contravene the Act, indeed, given that it may open Lever Park up for the enjoyment of a different category of the public it would appear to be in line with its requirements.*
73. *To be absolutely clear however, the committee do not need to have regard to the Act when considering the planning application. It is a private act and is not a material planning consideration'.*

Other Non Material Considerations

74. With regard to the point raised by objectors that the application has not been consulted on by the applicants in line with the Council's Statement of Community Involvement, this is something the Council encourages but it cannot refuse to deal with an application that has not been subject to it. In respect of the landing zones, they are already on the site and therefore the scope to change them through consultation is limited and they are the subject of an existing complaint to the Council. It is therefore considered expedient to progress the application as soon as possible.
75. The Lancashire Gardens Trust questions why the application is not subject to an Environmental Impact Assessment. The landing zones are not Schedule 1 development. It is not considered the changes to the two landing zones have a significant impact on the environment by virtue of their nature, size or location. They are not above the threshold set out in Schedule 2 or in a defined 'sensitive area' in the regulations.
76. The issue of public liability insurance is not a matter for the Council as Planning Authority in determining the application.

Planning Policies

National Planning Policies:

PPG2, PPS5, PPS9

Adopted Chorley Borough Local Plan Review

Policies: DC1, EP2, EP9, HT13, LT7

Planning History

08/00553/FUL - Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark. Permitted July 2008.

10/00426/FUL - Addition of additional zip line to Go Ape course (at site 4 within course) with associated landing area. Application undetermined.

Recommendation: Permit Full Planning Permission Conditions

- Where the use of the course hereby approved ceases for period of one year within 10 years of its substantial completion the landing zones hereby permitted shall be removed and the area restored to its former condition.
Reason: To avoid a proliferation of structures in the Green Belt for which there is not a continuing need and in accordance with Policy No. DC1 of the adopted Chorley Local Plan Review and PPG2.

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Item	11/00453/REMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Chorley South East
Proposal	Section 73 application to vary conditions 1 (approved plans), 4 (approved plans), 10 (finished floor levels in respect of plots 6-8, 80-89 and 126-134), 26 (carbon emissions) and 27 (code for sustainable homes) attached to planning approval 10/00946/REMAJ
Location	Duxbury Park Myles Standish Way Chorley Lancashire
Applicant	Arley Homes
Consultation expiry: 28 July 2011	
Application expiry: 23 August 2011	

Proposal

1. This application is a Section 73 application to vary several of the conditions attached to the reserved matters approval for the residential parcel of land at the former Vertex training site, Myles Standish Way, which is being developed by Arley Homes.
2. Outline planning permission was originally granted to United Utilities in December 2008 to construct up to 200 dwellings and 10,800 square metres of B1 office space on the site. This outline approval was subsequently amended by virtue of a S73 application in January 2011 and Arley Homes were granted reserved matters approval for the erection of 135 dwellings on the residential part of the site in February 2011.
3. The proposed amendments are detailed below and result in the loss of 1 housing unit on the site creating an overall residential development of 134 dwellings.

Recommendation

4. It is recommended that this application is granted conditional planning approval subject to the associated Section 106 Agreement.

Main Issues

5. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Condition 1
 - Condition 4
 - Condition 10
 - Condition 26
 - Condition 27

Representations

6. 2 letters have been received querying what exactly the proposed amendments are including what house substitutions are proposed
7. 1 letter of support has been received
8. 1 letter raising no objection to the proposed amendments has been received.

AssessmentPrinciple of the development

9. The principle of redeveloping the site was established by the grant of outline planning permission and the subsequent reserved matters approval. This application purely proposes amendments to the detail of the approval which is addressed below.

Condition 1

10. Condition 1 of the reserved matters approval stated:
The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters or unless otherwise first agreed to in writing by the Local Planning Authority.

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

11. As set out below Arley Homes are suggesting some amendments to the approved scheme and as such the development will not be carried out in accordance with the approved plans as specified on the reserved matters approval, in the event that this S73 application is approved. If this application is approved an identical condition will be attached to the decision notice and condition 4, see below, will be amended to reflect the amendments approved.

Condition 4

12. Condition 4 of the reserved matters approval stated:

The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev C	19 January 2011	Planning Layout
502	24 November 2010	Proposed Drainage Connections
1237-903 Rev B	16 November 2010	Landscape General Arrangements
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev A	21 January 2011	Street Scenes
502-101	22 October 2010	Location Plan
502-111	22 October 2010	Site Section Sheet 2
ASPUL-2/101 Rev A	19 January 2011	Aspull
EUXTON-3/101 Rev A	19 January 2011	Euxton
EPSOM-4F/101	19 January 2011	Epsom
CALDY-4R/101	19 January 2011	Caldy
OXFORD-3/101 Rev A	19 January 2011	Oxford (Tudor details)
OXFORD-3/102 Rev A	19 January 2011	Oxford (Tile hanging details)
H119-4/101 Rev A	19 January 2011	Prestbury
ALDGATE-3/101 Rev A	19 January 2011	Aldgate
LANGLEY-4/101 Rev A	19 January 2011	Langley
LANGLEY-4/102 Rev A	19 January 2011	Langley
LANGLEY-4/103 Rev A	19 January 2011	Langley (Gable Roof)
THORNBURY-4/101 Rev A	19 January 2011	Thornbury
SOMERTON-4/101 Rev A	19 January 2011	Somerton
APPLETON-4S/101 Rev A	19 January 2011	Appleton (side entry garage)
APPLETON-4S/102	19 January 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev A	19 January 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 RevA	19 January 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 RevA	19 January 2011	Grantham (front aspect)
GRANTHAM-5SA/103RevA	19 January 2011	Grantham (front aspect)
GRANTHAM-5SA/101 RevA	19 January 2011	Grantham (side aspect)
NEWBURY-5/101 Rev A	19 January 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev A	19 January 2011	Newbury (Tile hanging detail)
NEWBURY-5/103 Rev A	19 January 2011	Newbury (Tudor detail)

WAVERTON-5/101 Rev A	19 January 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev A	19 January 2011	Waverton
PORTLAND-5/101 Rev A	19 January 2011	Portland (Tudor gable)
HARBURY-5/102 Rev A	19 January 2011	Harbury (Tudor Detail)
HARBURY-5/101 Rev A	19 January 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
TGL/DETAIL/101 Rev A	19 January 2011	Twin Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101	19 January 2011	Ashbourne
Ashbourne-4/102	19 January 2011	Ashbourne
Richmond-4/101	19 January 2011	Richmond
Hale-4/101	19 January 2011	Hale
502-122	21 January 2011	Site Sections Location Plan
502-110 Rev B	21 January 2011	Site Sections Sheet 1
502-111 Rev A	21 January 2011	Site Sections Sheet 2
502-112 Rev A	21 January 2011	Site Sections Sheet 3
502-113 Rev A	21 January 2011	Site Sections Sheet 4
502-114	21 January 2011	Site Sections Sheet 5
502-115	21 January 2011	Site Sections Sheet 6
502-116	21 January 2011	Site Sections Sheet 7

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

13. Arley Homes have applied to vary this condition as they are proposing minor changes to the layout, house types, streetscenes and other general amendments. The proposed amendments to the layout are as follows:
- Plots 6-13: 6 detached and 2 linked houses have been amended to 7 detached houses (one plot has been deleted)
 - Plots 14-80: renumbered to suit (as above)
 - Plots 23 and 24: the orientation revised to improve elevations/ streetscene
 - Plots 81-91: 8 semi-detached properties and 3 detached properties amended to 8 semi-detached properties and 2 detached properties (1 plot deleted)
 - Plots 92-113: renumbered to suit (as above)
 - Plots 114-125: 6 semi-detached and 5 detached dwellings amended to 10 semi-detached and 2 detached houses (1 plot added)
 - Plots 126-134 renumbered to suit (as above)
 - House type substitutions plots 14, 15, 48-53, 58-66, 80-88, 92, 94, 98, 99, 117, 122-125 and 130.
 - Plot adjustments plots 16, 79, 101-110, 130 and 131.
 - Floor levels adjusted plots 6-8, 81-89 and 126-134.
14. The proposed changes to the houses types, streetscenes and other general amendments are as follows:
- Individual house types have been adjusted in the streetscene to reduce the overall number of houses with tudor elevational elements in order to focus the tudor finishes on selected focal points.
 - House type refinements plots 1-5, 13, 17-28, 33, 35, 40, 42-47, 67, 70, 71, 73-75, 90, 91, 93, 95, 96, 97, 100, 102-115, 127-129 and 131-134.
 - The Aldgate, Langley, Thornbury and Somerset house types, all 2.5 and 3 storey dwellings with integral garages, have been rationalised based on a standard ground floor plan with alternatives for the first and second floor plans with front and rear lounges and elevational variations (a small number of Thornbury and Somerset types remain on the Myles Standish Way frontage.)
 - A family room extension to the Grantham house type on plots 88, 92, 117 and 130.

- Minor alterations such as window sizes or the positions and orientation of a few plots have been incorporated.
15. The amendments proposed incorporate amendments to a mixture of 3, 4 and 5 bedroom dwellings. The proposed new dwellings incorporate adequate parking space for the size of dwelling proposed. Of the properties proposed which incorporate integral garages none of the garages accord with the Manual for Streets dimensions. These garages are considered sufficient to accommodate a vehicle and the width to enable drivers to enter/ exit the vehicle whilst in the garage however the length of the garage does not allow for storage space which is what the Manual for Streets dimensions seek to achieve. In these instances a shed will be provided in the garden of the properties, required by condition, to ensure that sufficient storage space is provided whilst ensuring the garage can be utilised for a vehicle.
 16. The properties on plots 14, 53, 89, 94 and 99 are proposed to be four and five bedroom dwellings replacing approved 3 bedroom dwellings. The proposed dwellings require an additional parking space compared to the properties previously approved on these plots however adequate parking space is provided for each property (with a shed) and as such the amendments are considered to be acceptable.
 17. As part of the previous reserved matters application it was acknowledged that *There are significant level differences across the site which have informed the layout of the development.* Strictly applying the Council's spacing guidelines was not considered to be the most appropriate use of this brownfield site and it was considered *that the sectional plans submitted with the application demonstrate that dwellings can be accommodated on the site whilst accommodating the level differences and ensuring that the amenities of the future residents are protected.* Taking this into account and assessing the distances retained between the properties, subject to the amendments set out above, and the neighbouring properties the distances accord with, and most cases exceed, the distances which were previously approved. As such it is not considered that the amendments will adversely impact on the amenities of the future residents.
 18. None of the properties which are subject to house type substitutions or alterations to the layout adjoin the common boundary with Little Carr Lane or Duxbury Gardens. As set out above the properties on plots 70-71, 73-75, 91 and 127-129 are subject to house type refinements, these properties adjoin the site boundary. The amendments are only minor amendments to the appearance of the property. The dwellings will be sited no closer to the common boundary than the previously approved layout.

Condition 10

19. Condition 10 of the reserved matters approval stated:
The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and 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.
20. Following the grant of reserved matters approval Arley Homes have begun preparing the land for development and constructing the slab levels of the dwellinghouses. A number of the residents on Little Carr Lane and Duxbury Gardens have raised concerns with the siting and finished floor level of dwellings within this part of the site. The properties in this part of the site will be set at a higher land level than the existing dwellings a fact which was detailed on the approved layout plan and addressed in the committee report for the reserved matters application as follows:

The proposed dwellings along the boundary with Little Carr Lane are set at a higher land level than the existing properties on Little Carr Lane. As the proposed dwellings back onto the rear of the existing dwellings on Little Carr Lane the main consideration is the rear to rear distance (standard 21 metres) and the length of the garden (standard 10 metres). The proposed property on plot 74 (which is the closest property to the dwellings on Little Carr Lane apart from plot 93 which has its side gable adjacent to Duxbury House) is 1.95 metres

higher than 6 Little Carr Lane. Applying the Councils spacing standards would require a 27 metre separation between these properties. 24 metres is retained between the two properties however the garden length of the proposed dwellings is 15 metres, 5 metres in excess of the required garden length. Taking into consideration the extended garden areas, the fact that the properties proposed are restricted to 2 storey dwellings and the proposed boundary treatment along this boundary (a 1.8 metre high fence with 300mm trellis on top is proposed) it is not considered that a slight reduction in the rear to rear spacing distances (although they still extend the standard spacing distances) will adversely impact on the privacy or amenities of the existing or future residents.

The property on plot 127 is 1.42 metres higher than 45 Duxbury Gardens however 29 metres is retained between these two properties (which exceeds the required spacing distances taking into account the level difference). The proposed dwellings along this boundary incorporates a mix of 2 and 2.5 storey. At outline stage it was established that 3 storey dwellings could be accommodated at this location due to the existing 3 storey dwellings at Duxbury Gardens. It is considered that the siting of the proposed dwellings will ensure that the amenities of the existing and future residents are protected.

21. In response to the concerns raised the Council's Enforcement Officer has visited the site and confirmed that the dwellings are being constructed in accordance with the approved plans.
22. However Arley Homes have also acknowledged the concerns raised and have reassessed the proposed finished floor levels. They have identified where the levels can be lowered namely, plots 126 to 130, along with boundary with the properties on Duxbury Gardens. The amendments are as follows:
 - Plot 126 (previously plot 127) was 76.65. Proposed 76.30
 - Plot 127 (previously plot 128) was 76.65. Proposed 76.30
 - Plot 128 (previously plot 129) was 76.45. Proposed 76.10
 - Plot 129 (previously plot 130) was 76.30. Proposed 75.90
 - Plot 130 (previously plot 131) was 76.00. Proposed 75.90
23. The amendments are only minor variations however any reduction in the finished floor levels should assist in addressing the neighbours concerns.
24. Additionally the following amendments to the finished floor levels are proposed:
 - Plot 6 (previously plot 6) was 76.70. Proposed 76.95
 - Plot 7 (previously plots 7 and 8) was 77.30 and 77.90. Proposed 77.95
 - Plot 8 (previously plot 9) was 79.00. Proposed 78.85
 - Plot 80 (previously plot 81) was 83.20. Proposed 83.35
 - Plot 81 (previously plot 82) was 83.20. Proposed 83.35
 - Plot 82 (previously plot 83) was 82.00. Proposed 82.55
 - Plot 83 (previously plot 84) was 82.00. Proposed 82.55
 - Plot 84 (previously plot 85) was 81.40. Proposed 81.60
 - Plot 85 (previously plot 86) was 81.40. Proposed 81.60
 - Plot 86 (previously plot 87) was 80.50. Proposed 80.70
 - Plot 87 (previously plot 88) was 80.50. Proposed 80.70
 - Plot 88 (previously plot 89 and 90) was 79.00 and 78.10. Proposed 79.65
 - Plot 89 (previously plot 91) was 78.00. Proposed 78.20
 - Plot 131 (previously plot 132) was 76.00. Proposed 76.05
 - Plot 132 (previously plot 133) was 75.80. Proposed 75.825
 - Plot 133 (previously plot 134) was 75.65. Proposed 75.675
 - Plot 134 (previously plot 135) was 75.35. Proposed 76.375
25. As demonstrated above it is proposed to increase the height of some of the finished floor level however these are internally within the site and an assessment has been made, as above, to ensure that this amendment will not impact on the future occupants amenities when compared to the previously approved spacing distances.
26. Where level changes are proposed adjacent to the site boundaries the finished floor levels are actually lower than the approved levels. Arley Homes have assessed the section of the

site adjacent to Little Carr Lane and Carr Lane and it is not possible to amend these finished floor levels due to the drainage of the site. As such these levels remain as per the approved scheme.

Condition 26

27. Condition 26 of the reserved matters approval stated:

Prior to the commencement of each phase of the development full details of the predicted energy use of the development expressed in terms of carbon emissions for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule for each phase of development should include how energy efficiency is being addressed in that phase of development, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot in that phase of development by means of low carbon sources. Details shall be submitted for each phase of development for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. Such details as may be approved shall be implemented and retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

Condition 27

28. Condition 27 of the reserved matters approval stated:

Prior to the commencement of the development full details shall be submitted to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. Such details as may be approved shall be implemented and retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

29. Prior to the submission of this Section 73 application Arley Homes applied to discharge all of the prior commencement conditions attached to the reserved matter approval which included these conditions. In this regard it was confirmed, by officers, via letter that:

Condition 26 requires full details of the predicted energy use of the development expressed in terms of carbon emissions and I have noted the submitted Renewable Energy Options Appraisal. It is considered that as this document details the on-site measures to be installed which will meet the necessary carbon emission reductions this sufficiently addressed the requirements of Condition 26. As such Condition 26 can be discharged once the agreed low/zero carbon technology, as set out in Appendix A of the Renewable Energy Options Appraisal, have been incorporated. These measures shall be retained in perpetuity.

In respect of condition 27, which requires the submission of full details of how the design and layout of the buildings will withstand climate change, I have noted the submitted Renewable Energy Options Appraisal and the additional information submitted on 21st April. It is considered that the information submitted demonstrates that all the dwellings will meet Code for Sustainable Homes Level 3. As all of the dwellings will be commenced prior to 2013 Level 4 does not apply. As such condition 27 can be discharged once the dwellings have been completed to meet Code Level 3.

30. However Arley Homes have now applied to vary these conditions to remove the requirement for the affordable housing to accord with these conditions. In support of the proposed rewording the supporting planning statement identifies the following material considerations which are addressed below:
- Impact on the Viability of the Development
 - Arley Homes Delivery Performance
 - Chorley Borough Housing Supply
 - Delivery of Affordable Housing
 - Sustainability Assessment
 - Exception
31. Impact on the Viability of the Development- The supporting statement confirms that Arleys Homes offer to United Utilities, when purchasing the land, was based on the affordable homes not being constructed to code for sustainable homes level 3. If the affordable housing is not exempt from the Council's sustainability requirements then this will impact on the viability of the scheme. This is further exacerbated by the fact that the remediation of shallow mine workings on site are required which were not identified originally and added to the costs of the project.
32. Arley Homes Delivery Performance- Within the submitted supporting planning statement the agents for the application have sited Arleys Home's recent projects in Chorley, including The Waggon and Horses and The Dog and Partridge which, it is stated, *demonstrates Arley Homes excellent performance in delivering residential development and affordable housing within the Borough.* The statement goes onto confirm that Arley Homes are proposing to commence development of the affordable housing on this site in October 2011 with a target of 21 affordable houses completed and handed over to Adactus Housing in May 2012. However it is stated that *if the sustainability conditions are not varied accordingly, the viability of the development will be jeopardised which will impact on the deliverability timescales of the affordable housing and as a result the residential development as a whole.*
33. Chorley Borough Housing Supply- The statement considers the Council's housing land supply and states *The Duxbury Park housing development has been included within the Council's reported housing supply however if the Council maintains its sustainability requirements for the affordable housing then the rate of delivery of the development will be jeopardised. The delayed delivery of the residential development at Duxbury Park coupled with the halted delivery of a number of housing schemes (such as apartment led development) due to the current economic downturn which make up the Council's housing supply could result in the Council's 5 year housing requirements not being achieved. In contrast however, if the Council was to relax its sustainability requirements for the proposed affordable houses and approve this s73 application, it will enable Arley Homes to deliver the development as soon as possible in line with its ongoing residential schemes in the Borough.*
34. Delivery of Affordable Housing- The statement concludes that the *Council has a corporate objective to deliver affordable housing and the Central Lancashire SHMA (2009) identifies that Chorley has a shortfall of affordable housing with an annual need of 605 units per annum. If the Council maintains its proposed sustainability requirements for the affordable houses then the viability of delivering these units will be significantly impacted, delaying the delivery timescales of this considerable provision*
35. Sustainability Assessment- the applicants have undertaken a Predicted Energy Assessment to compare the sustainability credentials of a new dwelling constructed to current building regulation standards with a new dwelling built to Code for Sustainable Homes Level 3. The statement concludes that these assessments demonstrate *that both a house constructed to current building regulations and a similar house type constructed to code for sustainable homes level 3 fall with band B under the energy efficiency and environmental impact ratings. The house constructed to current building regulations scores lower than the house built to code for sustainable homes level 3. However the difference is marginal and the removal of the Council's sustainability requirements will enable the affordable houses to be delivered in the short term whilst still securing sustainably built affordable homes*

36. Exception- the statement confirms that *Arley Homes is committed to continuing to develop houses within the Borough of Chorley to meet local needs. The requirements of the Council's sustainable resources DPD are fully understood by Arley Homes however due to significant material considerations outlined, Arley Homes cannot deliver the proposed affordable houses in line with the Council's sustainability requirements.* A letter from the applicant, appended to the supporting planning statement, confirms that this will be the last site Arley Homes develop where they will ask the Council to waive the sustainability requirements.
37. Although the above six points are material to the consideration of this application it is considered that the weight that could be attached to these points is limited particularly taking into account the fact that the outline planning approval incorporated conditions requiring the Code for Sustainable Homes level and the renewable requirements. As such Arley Homes would have been aware of the requirements when they purchased the site. Additionally, although this site is included within the Council's 5 year housing land supply and is considered to be a sustainable, deliverable site, the Council has over a 5 year housing land supply (currently 5.38 years), a fact which is supported by the recent appeal decision at Cuerden, and the removal of this site would not result in less than a 5 year supply.
38. As such the applicants were advised that only limited weight could be attached to these points and additional information would be required which demonstrated what would actually be done on site. In this regard Arley Homes have submitted a Sustainability Statement. This Statement confirms that the affordable housing on this site will achieve a carbon reduction, when compared with a standard house, mainly through fabric improvements. The 'fabric first' approach has recently been promoted by the Zero Carbon Hub and results in reductions in carbon emissions which is what Policy SR1 seeks to achieve. The statement confirms that the detailed insulation specification which has been developed to achieve the required improvements over building regulation standards will, to a certain extent, be applied across the site including the affordable housing.
39. To achieve a greater specification than standard houses and to reduce carbon emissions the affordable dwellings will incorporate the following improvements/ inclusions:
- **Energy:** Greater insulation specification
 - Low energy lighting will be provided in accordance with Code Level 3 standards
 - External drying space will be provided in the form of rear garden areas
 - All white goods fitted in the dwellings will be A rated as required by Code Level 3
 - Any external lighting will be Code 3 compliant
 - All the dwellings will have private rear gardens that could accommodate cycle storage
 - All the affordable units will be 2/3 bedroom which incorporates the potential for any spare bedroom to be used as a home office
 - **Water Use:** Water use will be reduced to around 105 litres per person per day by the installation of fixtures and fittings designed to reduce water consumption which is Code 3 compliant
 - The rainwater drainage pipes within the private rear gardens could accommodate rainwater collection butts
 - **Materials:** The principals of the construction specification that has been developed to achieve Code 3 accreditation in terms of the Green Guide rating for the five main building elements will be applied to the affordable dwellings
 - **Surface Water:** The surface water drainage of the site will include measures to reduce the surface water run off rate
 - The site will not increase the overall risk to flooding thus achieving compliance with Code 3.
 - **Waste:** All dwellings will include the provision of a three bin recycling system within the dwellings thus complying with Code 3
 - A reduction in the amount of waste produced and the promotion of recycling will be implemented as part of the construction phase in compliance with the code
 - Composting facilities could be accommodated in rear garden areas
 - **Pollution:** The scheme will achieve Code 3 accreditation in terms of the GWP of Insulants

- The construction heating specification that has been developed to achieve Code 3 accreditation in terms of boiler NOx emissions will be implemented.
 - **Health:** The sound insulation will achieve code accreditation
 - All dwellings have private rear gardens which achieves the required Code 3 accreditation
 - **Management:** All dwellings will be provided with a home information pack (Home User Guide) in accordance with the Code requirements
 - The development will be constructed under the Considerate Contractors scheme which achieves Code 3 accreditation
 - **Ecology:** In respect of ecology code 3 accreditation is achieved for the overall site including ecological enhancements within the affordable housing and protection of ecological features
40. The statement concludes that of the 9 main headings of the Code, listed above, the affordable housing responds to all of the requirements to some extent. Of the 34 detailed requirements 21 are fully achieved with most of the others gaining at least part compliance.
41. In terms of condition 26 and the requirements to include on site renewable technology within the scheme it has been considered on previous schemes that in certain circumstances the 'fabric first' approach is favoured due to the life span of fabric improvements compared to the relatively short life span of renewable technology (typically 25 years). Additionally the inclusion of renewable technologies on dwellings (e.g. photovoltaic's) can create maintenance issues. As the majority of the affordable properties will be rented it is unlikely that the tenants would be willing to accept any cost implication of future maintenance. As such in this situation it is considered acceptable that a fabric first approach is the most appropriate way forward which will achieve carbon emissions savings which is the purpose of Policy SR1.
42. It is acknowledged that the affordable houses will not achieve the required 15% reduction in carbon emissions required as part of Policy SR1 due to the viability of the scheme. However the affordable houses will have a greater insulation specification than standard house types and as such it is proposed to split condition 26 into 2 conditions as follows:

Condition

The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

Condition

Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113), to reduce the carbon emissions of the development (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

43. In terms of the Code for Sustainable Homes requirements taking into account the initial justification put forward by the applicant and the fact that the principles for the Code are being embraced to some extent it is proposed to split condition 27 into 2 conditions as follows:

Condition

All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1st January 2013 will be required to meet Code for Sustainable Homes Level 4.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

Condition

Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 21, 22, 23, 24, 25, 26, 27, 28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes Level 3 criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:

- Low energy lighting
- All white goods fitted
- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)
- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

Section 106 Agreement

44. As the approval of this application results in the issuing of a new planning approval a short supplemental S106 Agreement is required tying this application into the original obligations.

45. The original S106 Agreement and Committee reports detailed how 20% affordable housing will be achieved on site. The original committee report associated with the outline application stated:

In accordance with Policy L5 of the Regional Spatial Strategy and Policy HS5 of the Adopted Local Plan and 20% on site affordable housing will be required as part of the development. This obligation will form part of the Section 106 Agreement associated with the development and the 20% provision will be split between 70% rented affordable units and 30% shared ownership affordable units. This split is based on local need in the area.

46. To expand on this the committee report associated with the reserved matters application stated:

In accordance with the Section 106 Agreement associated with the outline approval (and the recently approved Section 73 application) the scheme is required to incorporate 20% affordable housing on site, which for 135 dwellings is 27 units as set out above. The scheme incorporates 14 two bedroom dwellings and 13 three bedroom dwellings located within a central located on the site (plots 22-30, 104-115 and 43-48).

47. The affordable units will actually be located on plots 21-29, 102-113 and 42-47 taking into account the above suggested amendments.
48. Adactus Housing will be managing the affordable units on site however Adactus wish to alter the tenure split and house size split set out above which is reflected within the S106 Agreement. The original agreement would have resulted in a split of 19 rented units and 8 intermediate units on the following tenure basis:
Rented- 10 two bedroom properties and 9 three bedroom properties
Intermediate- 4 two bedroom properties and 4 three bedroom properties
49. Adactus Housing propose to amend this split to 22 rented properties and 5 intermediate properties on the following tenure basis:
Rented-12 two bedroom properties and 10 three bedroom properties
Intermediate- 2 two bedroom properties and 3 three bedroom properties
50. The Council's Strategic Housing Section have assessed this proposed amendment and the reasons for it and are satisfied with the suggested amendments. As a supplemental S106 Agreement is required to tie this application into the obligations it is considered appropriate to incorporate the above variations to the original S106 Agreement within the supplemental agreement.

Overall Conclusion

51. The proposed amendments to the layout and house types are relatively minor changes which are considered to be acceptable and will not adversely impact on the scheme or the existing neighbours. The changes to the finished floor levels along the common boundary of the site are only minor but will assist in addressing some of the neighbours concerns in this regard.
52. It is noted that the affordable housing will not accord with Policy SR1 in respect of Code for Sustainable Resources and renewable energy however the affordable houses do embrace the principles of Code for Sustainable Homes and will incorporate fabric improvements to reduce carbon emissions. In this instance it is considered that the suggested conditions require the affordable units to have greater specifications than standard house types but do not require full compliance which is considered to be acceptable taking into consideration the specific issues in respect of the deliverability of this site.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS9, PPS22, PPS23, PPS25, PPG17

North West Regional Spatial Strategy:

Policies DP1, DP4, DP7, RDF1, L4, L5, RT9, EM1, EM5, EM15, EM16, EM17

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, GN9, EP4, EP9, EP17, EP18, HS4, HS5, HS6, HS21, EM1, EM2, TR1, TR4, TR18

Supplementary Planning Guidance:

- Statement of Community Involvement
- Design Guide

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

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
 Policy 28: Renewable and Low Carbon Energy Schemes
 Policy 29: Water Management
 Policy 30: Air Quality

Sites for Chorley- Issues and Options Discussion Paper December 2010
 CH0174 Chorley Training and Conference Centre, Little Carr Lane

Planning History

06/00850/CB3- Creation of an access junction off the proposed Eaves Green Link Road (site area 0.31ha). Approved November 2006

08/01044/OUTMAJ- Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares). Approved December 2008

10/00004/DIS- Application to discharge condition 29 of planning approval 08/01044/OUTMAJ. Discharged January 2010

10/00240/DIS- Application to discharge condition 14 of planning approval 08/01044/OUTMAJ. Discharged April 2010

10/00888/FULMAJ- Application to vary conditions 11, 12 (ground remediation), 19 (surface water attenuation) and 21 (archaeology) of outline planning permission ref: 08/01044/OUTMAJ to enable the site to be developed in phases. Approved 11th January 2011

10/00946/REMAJ- Reserved Matters application, pursuant to Section 73 planning permission 10/00888/OUTMAJ, proposing full details for the siting, layout, appearance and landscaping for a residential development comprising 135 dwellings at Duxbury Park, Myles Standish Way, Chorley. Approved February 2011

11/00190/DIS- Application to discharge conditions 6, 8, 9, 12, 13, 14, 19, 21, 22, 24, 26, 27, 28, 29, & 30 attached to planning approval 10/00946/REMAJ. Discharged May 2011

11/00263/FUL- Construction of a temporary junction and access road for use during the construction period. Approved May 2011

Recommendation: Permit (Subject to Legal Agreement) Conditions

1. The proposed development must be begun not later than two years from the date of planning approval reference 10/00946/REMAJ (9th February 2011) or not later than six years from the date of the outline planning permission (reference 08/01044/OUTMAJ)
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. All windows in the first floor of the rear elevation on plots 77 and 78 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.
Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.
3. The approved plans are:

Plan Ref.	Received On:	Title:
502-102 Rev R	14 July 2011	Planning Layout

502	24 November 2010	Proposed Drainage Connections
1237-903 Rev H	24 May 2011	Landscape General Arrangements
115	25 November 2010	Footpath Diversion Plan
P.130.10.01	22 October 2010	Existing Site and Tree Survey
P.130.10.02 Rev B	22 October 2010	Tree Protection Arrangements
6010/01 Rev A	22 October 2010	Topographical Survey
502-103 Rev E	14 July 2011	Street Scenes
502-101	22 October 2010	Location Plan
502-111 Rev C	6 July 2011	Site Section Sheet 2
ASPUL-2/101 Rev B	6 July 2011	Aspull
EUXTON-3/101 Rev B	6 July 2011	Euxton
OXFORD-3/102 Rev C	6 July 2011	Oxford (Tile hanging details)
H119-4/101 Rev C	6 July 2011	Prestbury
ALDGATE A-3FL/101	6 July 2011	Aldgate A
ALDGATE A-3RL/101	6 July 2011	Aldgate A
LANGLEY-4FL/101	6 July 2011	Langley C
LANGLEY-4RL/101	6 July 2011	Langley C
LANGLEY-4FL/102	6 July 2011	Langley C
LANGLEY-4RL/102	6 July 2011	Langley C
THORNBURY-4/101 Rev B	6 July 2011	Thornbury
SOMERTON-4/101 Rev B	6 July 2011	Somerton
APPLETON-4S/102 Rev B	6 July 2011	Appleton (side entry garage)
APPLETON-4F/101 Rev C	6 July 2011	Appleton (front entry garage)
GRANTHAM-5FA/101 Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM- 5FA/102 Rev B	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/103Rev C	6 July 2011	Grantham (front aspect)
GRANTHAM-5SA/101 Rev B	6 July 2011	Grantham (side aspect)
NEWBURY-5/101 Rev C	6 July 2011	Newbury (Tudor gable)
NEWBURY-5/102 Rev C	6 July 2011	Newbury (Tile hanging detail)
WAVERTON-5/101 Rev B	6 July 2011	Waverton (Tudor gable)
WAVERTON-5/102 Rev B	6 July 2011	Waverton
PORTLAND-5/101 Rev C	6 July 2011	Portland (Tudor gable)
HARBURY-5/101 Rev C	6 July 2011	Harbury (Tudor details)
SGL/DETAIL/101 Rev A	19 January 2011	Single Garage
DGL/DETAIL/101 Rev A	19 January 2011	Double Garage
D-SGL/DETAIL/101 Rev A	19 January 2011	Double & Single Garage
SD-??	22 October 2010	1800 High Closeboard Fence with 300mm Trellis
SD-??	22 October 2010	1800 High Closeboard Fence
SD-15-W01	22 October 2010	1800 High Brick Wall with Tile Crease
1237.904	1 February 2011	Vegetated Linear Features.
Ashbourne-4/101 Rev B	6 July 2011	Ashbourne
Ashbourne-4/102 Rev B	6 July 2011	Ashbourne
Richmond-4/101 Rev A	6 July 2011	Richmond
Hale-4/101 Rev A	6 July 2011	Hale
502-122 Rev B	6 July 2011	Site Sections Location Plan
502-110 Rev E	6 July 2011	Site Sections Sheet 1
502-111 Rev C	6 July 2011	Site Sections Sheet 2
502-112 Rev D	6 July 2011	Site Sections Sheet 3
502-113 Rev C	6 July 2011	Site Sections Sheet 4
502-114 Rev C	6 July 2011	Site Sections Sheet 5
502-115 Rev B	6 July 2011	Site Sections Sheet 6
502-116 Rev C	6 July 2011	Site Sections Sheet 7
H119-4/102 Rev A	6 July 2011	Prestbury (Tile Hanging)
Portland-S/102 Rev A	6 July 2011	Portland
Harbury-S/103 Rev A	6 July 2011	Harbury (Tile Hanging)
Grantham+-5/FA101	6 July 2011	Grantham +
Grantham+-5/FA102	6 July 2011	Grantham +
Grantham+-5/FA103	6 July 2011	Grantham +

CAMBRIDGE-3/101
DURHAM-4/101

6 July 2011
6 July 2011

Cambridge
DURHAM

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

4. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
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.
5. The development hereby permitted shall be carried out in accordance with the approved remedial measures (Section 7 of the updated ground investigation and risk assessment, dated 28th May 2010, Ref: CL1301-03 submitted as part of discharge of condition application 11/00190/DIS.) and in accordance with the conclusions of the Shallow Mining & Mineshaft Investigation, (dated 16th June 2010, Ref: CL1207-02-R1 submitted as part of discharge of condition application 11/00190/DIS).
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.
6. Upon completion of the remediation works for each phase (as identified by LK Consult Limited Figure 1 Drawn August 2010) a validation report for that phase containing any validation sampling results shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control
7. The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (submitted as part of discharge of condition application 11/00190/DIS) and the Ecologists suggestions (set out in the letter to Arley Home dated 17th May 2011).
Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.
8. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.
Reason: To protect the appearance of the locality and 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.
9. The access link from Little Carr Lane shall cease to be used prior to the commencement of the development hereby permitted (including the construction and site clearance stage).—Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.
Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.
10. The development hereby permitted shall be completed in accordance with the approved surface water drainage scheme (Longitudinal Sections reference 02-04/05 Rev D and the drainage layout reference 02-03 Rev D submitted as part of discharge of condition application 11/00190/DIS)
Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk

11. The development hereby permitted shall be carried out in accordance with the approved programme of archaeological work (undertaken by John Trippier Archaeological and Surveying Consultancy/Bluestone Archaeology submitted as part of discharge of condition application 11/00190/DIS). On completion of the archaeological work the final report shall be submitted to and approved in writing by the Local Planning Authority.
Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.
12. During the construction period, all trees to be retained shall be protected in accordance with the approved Tree Protection Arrangements Plan (reference P.130.10.02 Rev B) submitted as part of discharge of condition application 11/00190/DIS. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.
15. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way, to include access roads into the two employment areas located to the east and west of the access junction, as set out on plan reference B3141 P017A, dated 21st November 2008, or any other such works which have been submitted to and approved in writing by the Local Planning Authority, have been completed to the satisfaction of the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
16. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.
17. The approved Neighbourhood Consultation Document (undertaken by Arley Homes submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved procedure. Copies of the update letters shall be sent to the Local Authority to keep a record on the file.
Reason: To ensure that the existing residents are fully aware of the progress of the development.
18. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

19. The development hereby permitted shall only be carried out in conformity with the approved hard ground- surfacing materials (General arrangements plan- reference 1237-903 Rev D, submitted as part of discharge of condition application 11/00190/DIS).
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
20. All planting, seeding or turfing comprised in the approved details of landscaping (General arrangements plan (reference 1237-903 Rev D) submitted as part of discharge of condition application 11/00190/DIS) shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
21. No dwelling on plots 2, 6, 9, 10, 12, 14, 16, 31, 32, 35, 36, 37, 40, 49, 50, 53, 56, 60, 61, 62, 63, 64, 65, 67, 70, 71, 74, 77, 78, 81, 82, 83, 84, 85, 86, 90, 119, 120, 121, 122, 123, 124, 129, 131 and 133 shall be occupied until a garden shed has been provided in accordance with the approved details (submitted as part of discharge of condition application 11/00190/DIS). The garden sheds shall be retained in perpetuity thereafter.
Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets
22. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.
Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review
23. The open market dwellings hereby approved shall be constructed in accordance with and incorporate the approved on-site low/ zero carbon technology set out in Appendix A of the Renewable Energy Options Appraisal (submitted as part of discharge of condition application 11/00190/DIS). The approved measures shall be retained in perpetuity.
Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD
24. Within 3 months of this planning approval full details of the on-site measures, in respect of the affordable dwellings hereby approved (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113), to reduce the carbon emissions of the development (related to predicted energy use using the 2006 Building Regulations as the base figure) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be retained in perpetuity.
Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD
25. All of the open market dwellings hereby approved shall meet Code for Sustainable Homes Level 3, in accordance with the submitted Renewable Energy Options Appraisal (submitted as part

of discharge of condition application 11/00190/DIS). The approved details shall be retained in perpetuity. Please note any dwellings commenced after 1st January 2013 will be required to meet Code for Sustainable Homes Level 4.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

26. Within 3 months of this planning approval full details of how all of the affordable dwellings (plots 21, 22, 23, 24, 25, 26, 27,28, 29, 42, 43, 44, 45, 46, 47, 102, 103, 104,105, 106, 107, 108, 109, 110, 111, 112 and 113) hereby approved achieve a minimum of 21 credits in respect of Code for Sustainable Homes Level 3 criteria shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include details of the following and the credits awarded to each:

- Low energy lighting
- All white goods fitted
- Any external lighting
- Fixtures and fittings designed to reduce water consumption
- Rainwater collection butts
- The construction specification (Green Guide rating)
- Composting facilities
- Details of the GWP of Insulants
- The construction heating specification
- The sound insulation
- Home User Guide
- Details of the Considerate Contractors scheme
- Details of the ecological enhancements and protection of ecological features

The approved details shall be retained in perpetuity.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

27. The approved play area (reference 1237-905 Rev A received 21st April 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented and completed in accordance with the approved details prior to the occupation of the dwellinghouses on plots 30, 39-47, 101, 27-29 and 102.

Reason: To ensure adequate provision for public open space and play area within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

28. The approved Habitat Creation, Enhancement & Management Plan (undertaken by TPM Landscape dated February 2011 submitted as part of discharge of condition application 11/00190/DIS) shall be implemented in full

Reason: To ensure that habitat connectivity is provided throughout the site and to ensure the protection and enhancement of the Biological Heritage Site. In accordance with Policy EM1 of the North West Regional Spatial Strategy.

29. No dwelling shall be occupied until all fences and walls shown in the approved details (reference SD-24, SD-??, SD-15-W01 and SD-?? 1800 High Closeboard Fence read in conjunction with the General Arrangements Plan submitted as part of discharge of condition application 11/00190/DIS) 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, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings on plots 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 31, 32, 34, 35, 36, 37, 39, 40, 41, 68, 69, 70, 71, 72, 73, 74, 75, 76, 80, 81, 82, 84, 85, 87, 88, 89, 91, 93, 94, 95, 96, 97, 98, 99, 100, 101, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128 and 129 hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

Item	11/00474/REMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Clayton-le-Woods And Whittle-le-Woods
Proposal	Re-plan of plots 818-823, 863-866 and 927-928 of Parcel I, Phase 2, Buckshaw Village (12 dwellings in total)
Location	Parcel I Euxton Lane Euxton Lancashire
Applicant	Redrow Homes

Consultation expiry: 1 August 2011

Application expiry: 15 September 2011

Proposal

1. This application relates to a replan of 12 plots at Parcel I, Phase 2, Buckshaw Village. Redrow Homes were granted reserved matters approval in September 2009 for the erection of 227 dwellings at Parcels I and H6. Development has commenced on site and this application proposes a replan of some of these previously approved plots which form part of Parcel I, Phase 2.

Recommendation

2. It is recommended that this application is granted conditional reserved matters planning approval

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Background information
 - Amendments compared to the previous approvals
 - Density
 - Levels
 - Impact on the neighbours
 - Design
 - Traffic and Transport

Consultations

4. **The Environment Agency** have no comments to make
5. **Lancashire County Council (Highways)** no objection
6. **Chorley's Waste and Contaminated Land Officer** has no comments to make

Assessment

Principle of the development

7. Outline permission was granted for the Buckshaw Village development in 1997 and amended in 2002. The site as a whole is split between the administrative areas of South Ribble Borough Council and Chorley Borough Council. This application site is entirely within the boundary of Chorley Borough Council.
8. Policy GN2 of the Adopted Chorley Borough Local Plan Review applies to the Royal Ordnance Site. This states that high quality and phased development will be permitted for purposes appropriate to the concept of an Urban Village. Parcel I Phase 2 incorporates

various character areas including Traditional Street character area (facing the Green Corridor along the north eastern boundary of the parcel), Period Formal character area (facing the Green Corridor along the north western boundary of the parcel) and as Village Street character area (facing the central Village Green area associated with the Community Centre).

9. The part of the site subject to this planning application is located within a 'Village Streets' character area. For these areas the Masterplan states that they should reflect the growth of the village and its transition from agrarian to industrial with 2 to 3 storey blocks with a density of 40-50 dwellings per hectare.

Background Information

10. Reserved matters approval for originally granted for the development of Parcels I (Phase 1 and Phase 2) and H6 in September 2009. At the time of this planning approval the Council were concerned about the proximity of some of the proposed dwellings to the highway (the main loop road) particularly as the previously approved highway layout incorporated a landscaped edge along the carriageway. As such some of the plots were conditioned out of this approval.
11. A separate reserved matters application was submitted and subsequently approved in January 2010 for these remaining plots. The original application incorporated 227 across the two parcels however the subsequent application incorporated amendments to take into account the requirements along the main loop road which resulted in the loss of 3 plots. As such the previous approvals at the site have incorporated the erection of 224 dwellings.

Amendments compared to the previous approvals

Parcel I Phase 2

12. The original reserved matters approval for Parcel I Phase 2 incorporated the erection of 121 dwellings. When the subsequent reserved matters approval was submitted the amendments resulted in the loss of one plot on Phase 2 which resulted in the erection of 120 dwellings on this parcel.
13. In 2010 further amendments were approved to Parcel I, Phase 2 (10/01110/REMMAJ) which included the addition of 2 dwellings (equating to the erection of 122 dwellings on this part of Parcel I).
14. This application proposes amendments to 12 dwellings on Phase 2 which includes:
 - Re-siting plot 818 closer to the highway
 - Substituting the detached dwelling and the pair of semi-detached dwellings on plots 819, 820 and 821 with a pair of semi-detached dwellings and a detached dwelling.
 - Re-siting and substituting the detached 4 bedroom dwelling on plot 822 closer to the highway
 - Replacing and reorientating the approved Brecon house type on plot 823 with a detached Tetbury house type.
 - Re-siting the approved 3 bedroom detached dwelling on plot 863 further away from the highway and substituting it with a detached 4 bedroom dwelling
 - Substituting and reorientating the detached dwelling on plot 864 with a larger detached dwelling.
 - Substituting and reorientating the 4 approved detached dwellings on plots 865-866 and 927-928 with 2 detached and 2 semi-detached dwellings
15. The proposed amendments result in the erection of 8 three bedroom dwellings and 4 four bedroom dwellings on this part of Parcel I (the previous approval incorporated 5 three bedroom dwellings and 7 four bedroom dwellings). The previously approved scheme for this part of the site incorporated ten 2 storey detached properties and two 2 storey semi-detached properties. The proposed amendments include the erection of eight 2 storey detached properties and four 2.5 storey semi-detached properties. The proposed inclusion of 2.5 storey dwellings incorporates 2 storey properties with a front dormer window incorporating accommodation in the roof space.

16. The proposed amendments do not result in an increase in the number of dwellings on this parcel and will not adversely impact on the character or appearance of the scheme.

Density

17. The whole site covers 15.8 acres which equates to 6.39 hectares. In total 225 new dwellings are proposed for the whole site (12 as part of the application) which equates to approximately 35 dwellings per hectare.

Levels

18. The levels on this parcel rise upwards from south to north with the properties along the northern boundary approximately 2 metres higher, in respect of the finished floor level, than the southern boundary. The level difference was addressed as part of the previous approval on the site and no loss of amenity was created. The submitted plan details the finished floor levels of the properties which are considered to be acceptable in respect of neighbour amenity.

Impact on the neighbours

19. When the scheme was originally submitted some of the properties did not meet the required spacing standards however the scheme has been amended to incorporate the required distances and as such it is not considered that the proposal will adversely impact on the amenities of the future residents.

Design

20. The proposed scheme incorporates the erection of 12 dwellings which are examples of Redrow's standard house types which has been utilised elsewhere on the site. As such the principle of these house types has already been established on this site.
21. Seven of the properties proposed in the part of Parcel I Phase 2 subject to this planning application overlook the Central Village Green area. These properties follow the principle which has already been established on this part of the site which will provide a traditional street character with direct vehicular access off the highway serving garages set back/ to the rear of the dwellings.

Traffic and Transport

22. The scheme incorporates a mix of 3 and 4 bedroom dwellings. For the 3 bedroom properties 2 off road parking spaces are required and for the 4 bedroom properties 3 off road parking spaces are required. The originally submitted scheme incorporated sufficient parking for the majority of the plots apart from plot 928 which was a 4 bedroom property with only 2 parking spaces. The applicants were made aware of this issue and the property type has been amended to a three bedroom property with 2 off road parking spaces. Lancashire County Council Highways have no objection to the proposed amendments.

Overall Conclusion

23. The proposed amendments follow the design and layout principles already established for this parcel and as such the amendments are considered to be acceptable.

Other Matters

Waste Collection and Storage

24. Adequate provision is required as part of the development for bin storage and to enable the refuse vehicles to collect the bins. All of the dwellings proposed as part of this application have direct road access to enable bins to be stored kerbside on collection days.

Planning Policies

National Planning Policies:

PPS1, PPS3, PPS23, PPS25

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, GN9, EP18, HS4, HS5, TR1, TR4, TR18

Buckshaw Village Residential Design Code

Planning History

97/00509/OUT: Outline application for mixed use development. Granted in 1999

02/00748/OUT: Modification of conditions on outline permission for mixed use development. Approved December 2002

05/00523/REMAJ: Formation of phase 1 of link road to serve residential development. Approved July 2005

05/00525/REMAJ: Formation of phase 1 of link road to serve residential development (duplicate of planning application 05/00523/REMAJ). Approved July 2005

09/00449/REMAJ: Reserved matters application for the erection of 227 dwellings with associated garages, roads, sewers & parking spaces for Parcels H6, I (Phase 1) and I (Phase 2). Including a part amendment to the road layout previously approved as part of reserved matters approval 05/00523/REMAJ and 05/00525/REMAJ. Approved September 2009

09/00797/REMAJ: Reserved matters application for the erection of 17 dwellings on Parcel I, Buckshaw Village. Including a part amendment to the road layout previously approved as part of reserved matters approval 05/00523/REMAJ and 05/00525/REMAJ and a part amendment to reserved matters approval 09/00449/REMAJ. Approved January 2010

10/00072/DIS: Application to discharge conditions 5 & 12 attached to planning approval reference 09/00797/REMAJ. Discharged April 2010

10/00074/FUL: Application for variation of condition 5 attached to planning approval reference 09/00449/REMAJ. Approved April 2010

10/00197/MNMA: Application for a Minor Non Material Amendment to replace garages with 2 parking spaces at Parcel H6 & Parcel I, Buckshaw Village. Approved April 2010

10/00350/REMAJ: Reserved Matters Application for a Plot substitution of Plots 890-895 & 915-921 - 13No Dwellings (Phase I1) and Plots 757-763 / 782-789 / 816-823 & 829-868 - 63No Dwellings (Phase I2) - 76No Dwellings in total. Approved July 2010

10/00711/DIS: Discharge of conditions attached to planning application approval 10/00350/REMAJ. Discharged April 2010

10/00713/MNMA: Minor material amendment for additional garage for PLOT 897 to be added to side of double garage PLOT 888 & 889. Approved September 2010

10/01110/REMAJ: Re-plan of plots 759-760, 788-789, 811, 818-823, 829, 845, 863-866 and 927-929 of Parcel I, Phase 2. Re-plan of plots 886-890, 894-900, 874-880 and 899 of Parcel I, Phase 1. Re-plan of plots 721-725 of Parcel H6. (43 dwellings in total). All approved as part of planning approvals 09/00449/REMAJ, 09/00797/REMAJ and 10/00350/REMAJ. Approved April 2011

Recommendation: Approve Reserved Matters Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
	21 July 2011	Location Plan
BVED-01 Rev E	27 May 2011	Various Detail
BV-I/H6/ENG022 Rev E	27 May 2011	Highway Surfacing Plan
BV-I/H6/ENG001-1 Rev D	27 May 2011	Drainage Layout

Parcel I Phase 2

Plan Ref.	Received On:	Title
BV-IPH2-11-02-002 Rev V	21 July 2011	Detailed Site Layout
BV-IPH2-11-02-002 Rev M	21 July 2011	Material Schedule
BV-IPH2-11-02-003 Rev E	21 July 2011	Boundary Treatment Plan

House Types

C3H108	27 May 2011	The Kenilworth (Brick)
C3H108	27 May 2011	The Kenilworth (Render)
C3H108	27 May 2011	The Kenilworth (Brick)
C4H109	27 May 2011	The Stratford (Brick)
C4H109	27 May 2011	The Stratford (Render)
C3H099	27 th May 2011	The Brecon 2
C4H127	27 May 2011	The Oxford + Brick
C3H102	27 May 2011	The Warwick
C3H090	15 July 2011	The Tetbury
C4H133 Rev C	21 July 2011	The Cambridge

Garage Accommodation

L-DSG02 Rev B	27 May 2011	Double Single Garage
C-SG02 Rev B	27 May 2011	Single Garage
C-DG03 Rev C	27 May 2011	Double Garage

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

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

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 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, to provide reasonable standards of privacy to residents and in accordance with Policy No.HS4 of the Adopted Chorley Borough Local Plan Review.
- All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
- The external facing materials detailed on the approved plans shall be used.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review
- The hard ground- surfacing materials detailed on the approved plans shall be used.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

8. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

9. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review

10. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and 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.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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

Item	11/00554/REMAJ
Case Officer	Mrs Nicola Hopkins
Ward	Astley And Buckshaw
Proposal	Application to extend the time limit for implementation of extant planning permission 08/00396/REMAJ for the erection of a public house on plot 4400, Buckshaw Village.
Location	Plot 4400 Buckshaw Avenue Buckshaw Village Lancashire
Applicant	Mitchells & Butlers Retail Ltd & CBRE Investors

Consultation expiry: 27 July 2011

Application expiry: 16 September 2011

Proposal

1. This application relates to an extension to the time period for implementation of a previously approved planning application (which was extant at the time of submission) for the erection of a public house on plot 4400, Buckshaw Village.
2. Reserved matters planning approval was granted on 3rd July 2008 and the applicants had until 3rd July 2011 to commence the development. This development has not commenced however in October 2009 legislation was introduced, subsequent to the 2008 Planning Act, which allows applicants to extend the time period for implementation of extant planning approvals.
3. This legislation was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. A new planning permission is applied for to replace the existing permission.
4. In accordance with the legislation it is normal to extend the time period attached to the outline planning approval as the reserved matters approval is directly linked to the outline approval. However in this case the outline approval is still extant (the time limit for submitting reserved matters does not expire until 2014) and as such it is considered appropriate to extend the time period for commencing the reserved matters approval.

Recommendation

5. It is recommended that this application is granted conditional reserved matters planning approval.

Main Issues

6. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Other issues

Assessment

Principle of the development

7. Guidance issued by the Department of Communities and Local Government states that when determining applications for extensions to time limits the development will by definition have been judged to be acceptable in principle at an earlier date (in this case by permitting application 08/00396/REMAJ). While such applications must be decided in accordance with the plan, unless material considerations indicate otherwise, Local Planning Authorities should in making their decision focus their attention on development plan policies and other material consideration which may have changed significantly since the original grant of planning

permission.

8. In this case there has not been any physical change to the site however, there have been changes to policy that the proposal should be assessed against. The Government has amended PPG13 which allows local authorities to set their own parking levels.
9. The public house/ restaurant will be two storeys. The ground floor is 489 square metres and the first floor is 307 square metres. Principal trading areas are provided at ground floor. The first floor will be occupied by 'on site' management accommodation, together with toilet facilities for customers and office accommodation. There is a 50-space car park, outside storage area and landscaped areas also proposed.
10. The building will be sited in a very prominent location within the Village and as such the building has been designed and orientated to fit into the surroundings and ensure that 'appropriate' elevations are introduced for all four elevations. The design is a modern building which utilises a palette of materials including cedar horizontal boarding, slate and brickwork. Full height glazing and glazed corners have been introduced to create a contemporary building.
11. Parking is proposed adjacent to Buckshaw Avenue, however additional planting is proposed along the highway boundary to screen the parking area. A low post and rail fence is proposed around the boundary of the site with entrance gates and posts at the pedestrian access to the site via Buckshaw Avenue.
12. The proposal incorporates 50 parking spaces including 3 disabled parking spaces. The site forms part of Buckshaw Village which, when completed, will form a sustainable village with various modes of transport serving the Village. As such the site will be accessible by a number of different transport modes, including by foot as the public house will serve occupants of the village and the nearby businesses. In accordance with the North West Regional Spatial Strategy parking standards the size of the public areas proposed would result in the requirement for approximately 58 parking spaces. However, in accordance with PPG13, levels of parking provided in association with development should promote sustainable transport choices (paragraph 50). Within this sustainable location it is considered that a reduced parking provision will encourage other modes of transport to the premises.

Other Issues

13. In September 2008 the first policy document, Sustainable Resources DPD, within Chorley's new Local Development Framework (LDF), was adopted which post dates the planning approval. The agent for the application has acknowledged this change within his submission documents and has requested that appropriately worded conditions are attached in this regard. However this application is a reserved matters application based on the original 2002 outline planning approval. As the outline application is still extant, in respect of the submission of reserved matters, and the requirements of Policy SR1 did not form part of the outline planning permission it is not possible to impose further requirements, such as BREEAM, at this stage.

Overall Conclusion

14. The Planning Policy changes which have occurred since the original grant of reserved matters approval would not have resulted in a different outcome if a new planning application for this site was submitted now. As such it is recommended that a three year extension for the commencement of this development is approved.

Planning Policies

National Planning Policies:

PPS1, PPS4

Adopted Chorley Borough Local Plan Review

Policies: GN2, GN5, TR4, PS2

Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

Planning History

97/00509/OUT: Outline application for mixed-use development. Approved August 1999

02/00748/OUT: Modification of conditions on outline permission for mixed use development. Approved December 2002

07/01420/REM- Reserved matters application under outline ref 9/02/00748 for a proposed spur road. Approved January 2008

08/00396/REMAJ- Reserved Matters application for the erection of a public house on plot 4400, Buckshaw Village. Approved July 2008

10/00975/REM- Application to extend the time limit for implementation of extant planning permission 07/01420/REM for the construction of a spur road at Buckshaw Link, Buckshaw Village. Approved December 2010

Recommendation: Approve Reserved Matters Conditions

1. The proposed development must be begun not later than three years from the date of this permission.
Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.
Reason: To protect the appearance of the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building (notwithstanding any details shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.
5. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of

the area and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

6. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy 7 of the Joint Lancashire Structure Plan

7. The use hereby permitted shall be restricted to the hours:

- between 8am and 12am (midnight) on Monday to Thursday,
- between 8am and 1am Friday and Saturday and
- between 9am and 12am (midnight) on Sundays.

On the following dates the use hereby permitted shall be restricted to the hours between 8am and 1am:

New Years Day; Valentine’s night; Burns night; St David’s Day; St Patrick’s Day; Good Friday; Easter Sunday; Easter Monday; Boxing Day, Halloween and Bank Holiday Mondays.

On the following dates the use hereby permitted shall be restricted to the hours between 8am and 2am: Christmas Eve and New Years Eve.

On the following dates the use hereby permitted shall be restricted to the hours between 9am and 1am: the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August.

The use hereby permitted shall be restricted to the hours listed.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

8. Prior to the commencement of the development a scheme to control noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate methods to contain noise within the building. The development thereafter shall be constructed in accordance with the approved details.

Reason: To protect the amenities of the nearby residents and in accordance with Policy Nos. EP20 of the Adopted Chorley Borough Local Plan Review.

9. The approved plans are:

Plan Ref.	Received On:	Title:
2652/103A	21 April 2008	Elevations
2652/102	21 April 2008	Floor Plans
	21 April 2008	Landscape Proposals
HGO695:01/1	21 April 2008	Location Plan
2652/001	21 April 2008	Existing Site Plan
G14999/LEV 1	21 April 2008	Proposed Site Development Levels
G14999/FW1	21 April 2008	Proposed Foul Water Drainage
G14999/SW1	21 April 2008	Proposed Surface Water Drainage
2652/101B	21 April 2008	Proposed Site Plan
2652/104	21 April 2008	External Works Detail

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

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	9 August 2011

ENFORCEMENT ITEM –

Operational Development comprising engineering works to form a vehicular access and area of hard standing together with pipework, on Land to the West of Billinge House, Euxton Lane, Euxton, Lancashire, PR76DL

PURPOSE OF REPORT

1. To consider whether it is expedient to serve an enforcement notice to secure the closure of the vehicular access, removal of area of hard standing and reinstatement of the land.

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:

Alleged Breach

- i. Without planning permission the formation of a vehicular access and hard standing area.

ii Remedy for Breach

1. Close off the vehicular access permanently by removing the metal gate and timber gate posts, and planting a hawthorn hedge between points A and B shown on the attached plan.
2. Remove the area of hard standing comprising hardcore material, planings/chippings and pipework between the highway and the access gateway.
3. Reinstate the area by sowing grass seed.

iii (a). Period for Compliance

Two Months.

iv (b). Reason.

The newly formed access is contrary to Policy TR4 criterion (c) of the Chorley Borough Local Plan Review Adopted Edition, in that it would result in conflict between vehicles, pedestrian and cycle users of the highway, to the detriment of highway safety along Euxton Lane and the service road. The access does not provide safe and adequate access contrary to policy TR4 Chorley Borough Local Plan Review Adopted Edition and policy RT4 of the North West Of England Plan Regional Spatial Strategy (RSS) to 2021,

and provisions within PPG13: Transport.

EXECUTIVE SUMMARY OF REPORT

3. The land in question is located to the south side of Euxton Lane to the west of Billinge House and is accessed off a service road which adjoins the west-bound carriageway of Euxton Lane. The land comprises a grassed highway verge and open field that is part of the agricultural unit at Silvesters Farm, Washington Lane, Euxton. Policy RT4 of the North West of England Plan RSS to 2021 states that where safety is not compromise, engineering measures should reflect local character, including landscape and conservation. Policy TR4 of the Chorley Borough Local Plan also states that development would need to meet a number of highway development control criteria. These include, the provision of safe and adequate access having regard to environmental considerations, the impact of traffic and avoidance of traffic of excessive volume, size or weight.
4. The issue for consideration in this case is whether the operational development that has been carried out conforms to the requirements detailed in Policy TR4 criterion (c) of the Chorley Borough Local Plan Review Adopted Edition, in that it would provide safe and adequate access into the adjacent field and onto the service road off Euxton Road.

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

5. The unauthorised operational development to form an access on to Euxton Lane Service Road has been undertaken within close proximity to Euxton Lane and the link from the access to the service road has been made at an acute angle. The Highways Authority have commented that the access is unacceptable in its present format as it would not provide sufficient space to make the required manoeuvring operations, and would result in vehicles manoeuvring close to and on the adjacent cycle way and footpath. Therefore, resulting in conflict between vehicles, and pedestrians and cyclists using the cycle way and footpath along Euxton Lane.
6. Due to the geometry of the access layout and its proximity to the cycle way and footpath along Euxton Lane, it is considered that the development to form the new access is detrimental to the safety of vehicular, pedestrian and cycle users of the highway. Therefore, the unauthorised operational development does not provide a safe and adequate access, and the development is considered to be contrary to Policy TR4 of the Chorley Borough Local Plan Review Adopted Edition, Policy RT4 of the North West of England Plan RSS to 2021 and provisions within PPG13; Transport.
7. The works comprise the infilling of a ditch with layers of hardcore, with pipe laid beneath. With a layer of planings / chippings laid on top and flattened to provide a level surface to an area of scraped earth and tarmac along the Euxton Lane Service Road. It is considered that this is a clearly intentional and designed operation, with significant amount of material, which has subsequently been levelled to provide an access point and link on to the service road. Two timber gate posts and metal gate have also been erected in the opening made in the hedgerow.
8. Taking into consideration the totality of the works it is considered that they would constitute an engineering operation. Therefore, it is considered that operational

development as defined within Section 55 of the Town and Country Planning Act 1990 (As Amended) has taken place for which planning permission is required.

9. Planning permission has not been granted for the engineering operations to form an access by way of an application. The engineering operations / operational development are within 25 metres of a classified road (Euxton Lane) and would not be permitted development under Class A, Part 6 (Agricultural Buildings and Operations) of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended). Therefore, the development carried out is unauthorised and in breach of planning control.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

10. None

CORPORATE PRIORITIES

11. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	X
Safe Respectful Communities		Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

12. The site is located to the south side of Euxton Lane and to the east of the junction of Euxton Lane and Central Avenue, Euxton. The site currently comprises a grassed verge and open field used for grazing livestock as part of the agricultural unit at Silvesters Farm, Washington Lane, Euxton. There is an existing longstanding access into this field which currently accesses directly off Euxton Lane.
13. The works undertaken have comprised the removal of a section of hedgerow, and installation of two timber gate posts and metal gate. A pipe and layer of hardcore material to a depth of approximately 1 metre have been laid in a ditch running along the north boundary of the field. A further layer of planings / chippings has been laid on top to provide a level area of hardstanding which continues up to the Euxton Lane Service Road. A length of earth and verge have also been scraped back along the edge of the service road up to the newly formed hard standing area.
14. The newly formed area of hardstanding and opening provides access from the adjacent field onto the Euxton Lane Service Road. The Euxton Lane Service Road then joins on to on to Euxton Lane via a priority road junction approximately 40 metres to the east of Billinge House. The Euxton Lane Service Road and grass verges either side are part of the adopted highway. The service road currently provides access to Billinge House and a separate grassed field to the south and east of Billinge House. The service road is approximately 6 metres wide before it tapers at its western end. Some of the works have been undertaken on the adopted highway and land owned by Lancashire County Council.

15. A site visit has been carried out where the landowner explained that an application for planning permission would be submitted to the Council to retain and amend the new access and to close up the existing access directly on to Euxton Lane. However, no application has yet been submitted to the Local Planning Authority for consideration.

IMPLICATIONS OF REPORT

16. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal	x	No significant implications in this area	

COMMENTS OF THE HEAD OF GOVERNANCE

17. The works undertaken are development for the purposes of the Town and Country Planning Act 1990. As no permission has been granted it is appropriate to seek the removal of the works and remediation of the site.

Lesley-Ann Fenton
 Director of Partnerships, Planning and Policy

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Christopher Hobson	5229	28/07/11	***

Report of	Meeting	Date
Director of Partnerships, Planning and Policy	Development Control Committee	9 August 2011

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 1 JULY 2011 AND 28

JULY 2011 -

PLANNING APPEALS LODGED

1. Appeal by Adactus Housing against the Development Control Committee decision to refuse planning permission for erection of five 3-bedroom houses and four 2-bedroom apartments and associated works at land bounded by Park Road and 1 Acresfield, Adlington (Planning Application: 10/00770/FUL Inspectorate Reference: APP/D2320/A/11/2155297/NWF). Planning Inspectorate letter received 1 July 2011.

PLANNING APPEALS DISMISSED

2. Appeal by Mr Conrad Dale against the delegated decision to refuse planning permission for erection of a single storey front and rear extension following the demolition of existing garage at 58 Blackburn Road, Whittle-le-Woods PR6 8LH (Planning Application: 11/00155/FUL Inspectorate Reference: APP/D2320/D/11/2154249). Planning Inspectorate letter received 13 July 2011.
3. Appeal by Mrs Linda Atzeni against the delegated decision to refuse planning permission for the erection of detached storage building at Cross End House, Charnock Richard PR7 5JR (Planning Application: 11/00018/FUL Inspectorate Reference: APP/D2320/D/11/2152893). Planning Inspectorate letter received 13 July 2011.
4. Appeal by Mr and Mrs Jeremy Rothwell against the delegated decision to refuse planning permission for the erection of outbuilding for the storage of gardening/landscaping equipment at Mintholme Hall, Gowans Lane, Brindle PR6 8NU (Planning Application: 10/01023/FUL Inspectorate Reference: APP/D2320/A/11/2149592/NWF). Planning Inspectorate letter received 21 July 2011.

PLANNING APPEALS ALLOWED

5. Appeal by Mr and Mrs R. Green against the delegated decision to refuse planning permission for the erection of a two storey side extension at Brook House Farm, Brook Lane, Charnock Richard PR7 5LJ. (Planning Application: 11/00183/FUL Inspectorate Reference: APP/D2320/D/11/2153665). Subject to conditions not to begin later than three years from the date of the decision, subject to approved plan ref: A1411/PL02 dated February 2011 and subject to materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building. Planning Inspectorate letter received 19 July 2011
6. Appeal by Fox Land and Property (FLP) against the non-determination of planning permission for outline application for residential development of up to 300 dwellings (comprising 2, 2.5, & 3 storeys) with details of access and highway works and indicative

proposals for open space, landscape and associated works at land South Of Cuerden Farm and Woodcocks Farm and land North Of Caton Drive, Wigan Road, Clayton-Le-Woods. The appeal was recovered by the Secretary of State's determination on 25 January 2011, because the proposal involves residential development over 150 units or on sites over 5 hectares which would significantly impact on the Government's objectives to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. The Secretary of State agrees with the Inspectorate's recommendation to allow the appeal. (Planning Application: 10/00414/OUTMAJ Inspectorate Reference: APP/D2320/A/10/2140873). Office of Communities and Local Government's letter received 22 July 2011.

PLANNING APPEALS WITHDRAWN

7. None

ENFORCEMENT APPEALS LODGED

8. None.

ENFORCEMENT APPEALS DISMISSED

9. None.

ENFORCEMENT APPEALS ALLOWED

10. None

ENFORCEMENT APPEALS WITHDRAWN

11. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

12. Planning permission granted for the erection of a UV control kiosk, electrical sub-station, switch gear kiosk and re profiling of the ground with excavated material. to North West Water Authority's sewage disposal works at Riverside Crescent, Croston (Application No. 11/00387/CTY). Received 27 July 2011.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	27.07.2011	***

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