

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 18TH JUNE 2019, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 21 MAY 2019 OF
DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 8)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary 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.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted four items for planning applications to be determined (enclosed).

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.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

A **18/00108/FULMAJ - CHORLEY RUGBY UNION CLUB,
CHANCERY ROAD, ASTLEY VILLAGE, CHORLEY**

(Pages 9 - 20)

B **19/00016/CO3MAJ - LAND TO THE REAR OF BROOKFIELD,
ALKER LANE, EUXTON (REPORT TO FOLLOW)**

C **19/00325/FUL - PLAYING FIELD, KEM MILL LANE, WHITTLE-
LE-WOODS**

This item has been withdrawn from the agenda.

D **19/00437/ADV - LAND 200M NORTH OF DERIAN HOUSE,
EUXTON LANE, CHORLEY, PR7 1PS**

(Pages 21 - 26)

4 **CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER
NO. 1 (FINNINGTON LANE, FENISCOWLES, WITHNELL) 2019**

(Pages 27 - 34)

6 **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 15
APRIL 2019 AND 10 JUNE 2019**

Report of the Director (Customer and Digital) to follow.

7 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Steve Murfitt, Neville Whitham and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

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MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 21 May 2019

MEMBERS PRESENT: Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Steve Murfitt and Neville Whitham

OFFICERS: Adele Hayes (Planning Services Manager), Iain Crossland (Senior Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

RESERVES: Councillor Gordon France

APOLOGIES: Councillor Alan Whittaker

OTHER MEMBERS: Councillors Gillian Sharples and Sheila Long

19.DC.74 Minutes of meeting Thursday, 25 April 2019 of Development Control Committee

Decision – That the minutes of the Development Control Committee held on 25 April 2019 be approved as a correct record for signature by the Chair.

19.DC.75 Declarations of Any Interests

No declarations of interest were received.

19.DC.76 Planning applications to be determined

The Director of Customer and Digital submitted twelve items for consideration. In considering the applications, Members of the Development Control Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals.

a 19/00162/FUL - Chorley Hospital, Preston Road, Chorley

Registered speakers: Jenny Hurley (Objector) and Michelle Nix (Applicant – ParkingEye)

After careful consideration it was proposed by Councillor Alistair Morwood, seconded by Councillor Martin Boardman and a decision was subsequently taken (9:3:1) **that full planning permission be granted, subject to conditions in the report and that**

the approved plans condition be updated to detail the revised plans demonstrating a reduction in height of 52no. signs as detailed in the addendum. Members also asked that officers write to Parking Eye Limited setting out their concerns about the scheme.

b 19/00163/ADV - Chorley Hospital, Preston Road, Chorley

Registered speaker: Jenny Hurley (Objector) and Michelle Nix (Applicant – ParkingEye)

After careful consideration it was proposed by Councillor Alistair Morwood, seconded by Councillor Gordon France and a decision was subsequently taken (9:3:1) **that advertisement consent be granted, subject to conditions in the report.**

c 18/01211/FULMAJ - Land 10m South of 21 Dunrobin Drive, Euxton

Registered speakers: Lynda Barron (Objector), Dez Rigg (Parish Councillor), Gillian Sharples (Ward Councillor) and Louise Leyland (Agent)

After careful consideration, it was proposed by Councillor Danny Gee that planning permission be refused. The motion was seconded by Councillor Tom Gray. A vote was taken, and the motion was lost (4:9:0).

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Gordon France and a decision was subsequently taken (9:4:0) **that full planning permission be granted, subject to conditions in the addendum and a Section 106 legal agreement to secure a contribution towards the maintenance of on-site amenity greenspace. In addition, condition no. 25 as detailed on the addendum was amended to ensure that no deliveries take place and no generators are used before 9.30am each day the wording of the condition was delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair. The Planning Services Manager corrected for the record that a letter had been received from Lindsay Hoyle MP relaying residents' concerns, but it was not an objection.**

d 18/00821/OUT - Land South of the Straits, The Straits, Hoghton

Registered speakers: Helene Lawson (Objector), Sheila Long (Ward Councillor) and Louise Leyland (Agent).

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Martin Boardman and a decision was subsequently taken (12:0:1) **that outline planning permission be refused for the following reason:**

The proposed development would be inappropriate development in the Green Belt and therefore harmful by definition. There would also be other moderate visual harm through the urbanising effect of the access road. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is therefore contrary to the National Planning Policy Framework.

e 18/00813/FUL - Berkeley Farm, Shady Lane, Cuerden, Bamber Bridge, Preston

After careful consideration it was proposed by Councillor Chris France, seconded by Councillor Alistair Morwood and a decision was subsequently taken (12:1:0) **that full planning permission be granted, subject to conditions. Members also asked that officers write to LCC to request that they enforce the removal of planters on Shady Lane in their capacity as the Highway Authority as their removal cannot be secured by a planning condition.**

f 18/00855/FULMAJ - The Hop Pocket, Carr Lane, Chorley

Registered speakers: Chris Browne (Objector) and Scott Haverley (Agent)

The Planning Services Manager reported that in addition to the information detailed in the addendum South East Ward Councillors (Cllrs Bradley, Walmsley & Murray) had submitted comments in support of representations made by residents stating the following:

- We recognise that the development is a more intensive and intrusive use of the site than the previous public house, and in particular will result in loss of amenity to neighbours, principally the residents of 69 Melrose Way and neighbours;
- There are existing traffic issues in the area that result in localised congestion and nuisance to residence around school drop-off and pick up times and with limited parking for the shops and takeaway adjacent to the site;
- The issues affecting residents will be further exacerbated by any approval of the application above and therefore ward councillors request the following conditions are applied if approval is considered appropriate:
 - That the ridge heights currently detailed to plots 2,3,4 & 5 which are <1m above those of 69 Melrose Way are conditioned to prevent any deviation either with the voluntary agreement of the developer or by imposed condition
 - That deliveries to the site are not permitted between 8.15-9.15am and 3.00-4.00pm to prevent additional impact to the school pick-up and drop-off issues currently occurring – by imposed condition.
 - That consideration is given to preserving the parking on Carr Lane for the shops and other local services to avoid displacement to surrounding streets either with the voluntary agreement of the developer or by imposed condition.

We trust that the above can be supported by the DC committee and that if required a deferral for a site visit be arranged prior to any decision being made in order that members can be fully satisfied as to all the material factors affecting this application

After careful consideration it was proposed by Councillor Alistair Morwood, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) **that full planning permission be granted, subject to conditions in the addendum and a Section 106 Legal Agreement. In addition, condition no.4 as detailed on the addendum was amended to ensure that the ridge heights of plots 2, 3, 4 and 5 are no higher than 1 metre above the maximum ridge height of 69 Melrose Way;**

the wording of the condition was delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

g 19/00106/FUL - Canal Boat Cruises, Riley Green Marina, Bolton Road, Withnell, PR5 0SP

Registered speakers: John Yates (Supporter) and Lesley Yates (Applicant)

After careful consideration it was proposed by Councillor Martin Boardman, seconded by Councillor Aaron Beaver and a decision was subsequently taken (12:0:1) **that full planning permission be granted subject to conditions detailing the approved plans, requiring implementation of the approved development within three years, restricting the playing of music after 11.00pm; requiring the implementation of a fixed sound limiting device and limiting the siting of the tipi to the months applied for; the wording of the conditions was delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.**

h 19/00075/FULMAJ - Brook House Hotel, 662 Preston Road, Clayton-le-Woods, Chorley

After careful consideration it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) **that full planning permission be granted, subject to conditions in the report and a Section 106 legal agreement to secure a financial contribution towards the off-site provision of public open space.**

i 19/00091/FULMAJ - Haslem Printers Ltd, Standish Street, Chorley, PR7 3AJ

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Danny Gee and a decision was subsequently taken (unanimously) **that full planning permission be granted, subject to conditions in the report.**

j 19/00214/FUL - Church Farm Livery Stables, High Street, Mawdesley, Ormskirk, L40 3TD

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Gordon France and a decision was subsequently taken (unanimously) **that full planning permission be granted, subject to conditions in the report and addendum.**

k 19/00220/FULMAJ - Unit 1 Brindle Mill, Bournes Row, Brindle

Registered speaker: Richard Maudsley (Agent)

After careful consideration, it was proposed by Councillor Chris France, seconded by Councillor Aaron Beaver, and a decision was subsequently taken (unanimously) **that full planning permission be granted, subject to conditions in the addendum.**

l 19/00294/FULHH - 14 The Warings, Heskin, Chorley, PR7 5NZ

After careful consideration it was proposed by Councillor Danny Gee, seconded by Councillor Chris France and a decision was subsequently taken (unanimously) – **that full planning permission be granted, subject to conditions in the report.**

Chair

Date

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APPLICATION REPORT – 18/00108/FULMAJ**Validation Date: 27 March 2018****Ward: Astley And Buckshaw****Type of Application: Major Full Planning****Proposal: Section 73 application to vary condition 6 (approved plans) attached to planning approval 17/00413/FULMAJ to allow alterations to the details of the rugby clubhouse building.****Location: Chorley Rugby Union Club Chancery Road Astley Village Chorley PR7 1XP****Case Officer: Mr Iain Crossland****Applicant: Primrose Holdings****Consultation expiry: 18 April 2018****Decision due by: 26 June 2018**

UPDATE REPORT

The recommendation remains that the application is approved subject to conditions and supplemental s106 agreement.

Members will recall that this application was considered by Development Control Committee on 17 July 2018. The Committee resolved to grant planning permission subject to conditions and a supplemental s106 agreement to secure the previously agreed and outstanding obligations.

Since this time the applicant has sought to progress the development but has been unable to gain the agreement of all the stakeholders involved. As such the rugby club element of the development has not progressed and remains partially developed. Continued dialogue between the Council, the applicant and stakeholders has sought to address the concerns of all parties and has now reached a point at which all stakeholders are in agreement and are prepared to proceed.

These discussions have resulted in a further amendment to the development, specifically the positioning and size of the artificial pitch. The artificial pitch has been amended to a smaller size in a slightly different position in order to avoid a water main and easement. This would continue to provide the sports facilities that would support the future of the rugby club, whilst addressing a practical impediment to the implementation of the scheme. The reduced pitch size is acceptable to all stakeholders and an obligation to deliver the pitch in addition to all other rugby club facilities would remain as part of the supplemental s106 on the basis of this reduced pitch size.

It is considered, therefore, that this further amendment to the scheme is acceptable on the basis that it would address a practical impediment to the continued delivery of the development and is supported by all stakeholders, including the rugby club, with an obligation to deliver all the facilities as set out in this application.

PREVIOUS REPORT

RECOMMENDATION

1. It is recommended that the application is approved subject to conditions and supplemental s106 agreement.

SITE DESCRIPTION

2. The application site comprises the grounds of Chorley Rugby Union Club and a recently completed residential housing development of 50 dwellings. It is located in the core settlement area of Chorley. The Clubhouse for the rugby club has been partially erected and the associated pitches and supporting facilities have not yet been completed. As such the Chorley Rugby Union Club portion of the site has the appearance of a stalled development site, whilst the residential development appears complete.
3. The residential development occupies the northern portion of the site and comprises detached dwellings of a modern design. The rugby club facilities occupy the southern portion of the site. Both elements are accessed from Chancery Road.

DESCRIPTION OF PROPOSED DEVELOPMENT

4. This application seeks to vary condition 6 (approved plans) attached to planning approval 17/00413/FULMAJ to allow alterations to the details of the rugby clubhouse building. The amended scheme would result in a clubhouse of reduced scale and more traditional design on the same footprint as that which was previously approved.

REPRESENTATIONS

5. Representations have been received from the occupiers of 5no. addresses raising the following issues:
 - Disappointment with the delays in the rugby facilities being completed.
 - Disappointment with the reduced level of facilities.
 - The creation of a grass mound spectator area would have an adverse impact on the privacy of neighbouring occupiers.
 - Impact of lighting and floodlighting on neighbour amenity.
 - Landscaped planting would not adequately screen coaches parking at the rugby club and would leave the site open to vandalism. A wall or fence should be used.
 - The Clubhouse opening times should consider the proximity to residential housing.
 - Would like to see results of traffic impact assessment.
 - Would like details of where the try posts will be located.
 - Anti-social behaviour taking place on the development site.

CONSULTATIONS

6. Euxton Parish Council: No comments have been received.

PLANNING CONSIDERATIONS

7. Planning permission on the site was originally granted in 2013 for the erection of 50 residential dwellings and for the redevelopment of the existing rugby club and associated facilities (ref: 13/00082/FULMAJ). It was intended at that time that Persimmon Homes, who were to build the houses, would also build the new rugby facilities on behalf of the Rugby Club Trustees. This application relates to the Chorley Rugby Union Club portion of the development site.

8. Following this approval, the Rugby Club Trustees decided to procure and manage the build of the new rugby facilities themselves. They applied for and received a further planning permission (ref: 14/00429/FULMAJ) for an enhanced two-storey clubhouse building and to make alterations to the parking.
9. A further application (ref. 15/00577/FULMAJ) re-plan the layout of 14 of the dwellings was submitted by Persimmon Homes following the discovery that a water main crossing the site was not in exactly the same location as had been advised to them, which affected the siting of some of the properties. This was approved.
10. Following this, issues arose during the construction of the new rugby facilities. The Rugby Club Trustees were to procure and manage the building of the rugby facilities themselves and appointed a construction management company to manage the build on their behalf. As Persimmon Homes were no longer building the facilities on behalf of the Trustees this was to be funded by Persimmon Homes making payments in line with agreed milestones in the build process. The payments were made by Persimmon Homes as agreed, however the construction management company appointed by the Rugby Club Trustees, due to various issues they have had with them, parted company and it became apparent there was a funding shortfall for the rest of the build. As a result building work stopped on the enhanced rugby facilities.
11. The planning permission for the whole scheme originally restricted the number of houses that could be completed (through condition 26) in line with the progress of the new rugby facilities. Condition 26 allowed 30 houses to be completed prior to the construction of the clubhouse and car park (including coach parking) and 40 houses to be completed prior to its completion.
12. As the rugby club build had stopped, this prevented Persimmon Homes from completing any more properties, which they had buyers waiting for, but also prevented any more funding being released to the Rugby Club Trustees, as the funding is linked to house sales, to allow them to continue with the build of the rugby facilities.
13. Therefore, Persimmon Homes applied to vary condition 26 to allow 40 completions prior to construction of the clubhouse building, car park and coach parking and 47 homes prior to its completion (ref: 17/00038/FULMAJ). This was approved and allowed Persimmon Homes to build further housing on the site, and as a result allow them to release further funding to allow the construction of the clubhouse etc. to continue. A unilateral undertaking legal agreement was also submitted by Persimmon that contained a 'long-stop' date to ensure that the rugby facilities would still be finished if a certain date passed, no matter how many dwellings were constructed (to avoid the situation that if Persimmon stopped building on site and, therefore, never met the number of legal completions which required the rugby club facilities to be built).
14. The development of the rugby facilities remained stalled, however, and, therefore, a further application (ref. 17/00413/FULMAJ) was submitted and approved to entirely remove the conditions that restrict phasing of the housing development so that all the dwellings could be built prior to the provision of the sports facilities.
15. Although the conditions protecting the delivery of the rugby club facilities were removed in their entirety, Persimmon submitted a unilateral undertaking agreement with a longstop date that the rugby facilities would be commenced within two years from the date of the approval of planning permission 17/00413/FULMAJ and completed within five years.
16. The officers report for the previous application stated that although not controllable through the planning process, Persimmon would look to work with the Rugby Club contractor and that the final building for the Rugby Club may need to be of a reduced scale as originally approved or a suitably value engineered design (subject to any necessary planning permission) to fit the remaining available budget. Persimmon would look to deal directly with the developer and not the Rugby Club and would establish a fixed price for the works and utilise a design and build contract with simple monthly valuations. This would allow for control of the works and would limit payments to cover the work completed.

17. As envisaged the negotiations between Persimmon and the Rugby Club's contractor have established that the remaining funds would only allow for the completion of a reduced scale of clubhouse more in keeping with that originally approved under application ref. 13/00082/FULMAJ, with similar facilities. The proposed clubhouse would utilise some of the development carried out to date and, therefore, occupies the same position. The scale is reduced and the design more traditional than the extant scheme, which is of a more contemporary nature. The building would be fit for purpose and would contain all the facilities considered necessary at the time of the very original application. On this basis the proposed amendments are considered to be acceptable and have no detrimental impact on the amenity of neighbouring occupiers or the character of the locality.
18. It is recommended that all conditions, other than the approved plans condition and those already complied with, remain unchanged and are carried through to any grant of planning permission.
19. A supplemental s106 agreement is required to tie in the unilateral undertaking designed to provide assurance that the facilities would still be built even if all the houses were completed, with the inclusion of a 'longstop' date.
20. The supplemental s106 agreement would also have the effect of removing the clause requiring the delivery of the artificial pitch. This is to satisfy the contractual arrangements between Persimmon and the Rugby Club's contractor, and would ensure the delivery of the clubhouse, rugby pitch and parking facilities etc. The artificial pitch would remain part of the approved development, however, its delivery would no longer be time limited to ensure that the more essential elements of the proposal, namely the clubhouse, pitch and car park can be delivered without further delay.

Other matters

21. In response to the matters raised in the representations received these are addressed below.
22. Disappointment with the delays in the rugby facilities being completed: This is regrettable and it is the intention of this application to address the issues leading to the stalled development of the rugby club facilities.
23. Disappointment with the reduced level of facilities: The facilities would be similar to those granted under the original permission ref. 13/00082/FULMAJ but would not be as extensive as those approved under application ref. 14/00429/FULMAJ.
24. The creation of a grass mound spectator area would have an adverse impact on the privacy of neighbouring occupiers: The grass mound spectator area was approved under a previous application ref. 14/00429/FULMAJ and is not for consideration as part of this application.
25. Impact of lighting and floodlighting on neighbour amenity: The use of the floodlighting has been assessed as and approved under previous permissions and was limited by condition. It is recommended that such a condition should be carried through to any grant of planning permission. It is recommended that details of any other external light are required by condition, as with previous planning permissions.
26. Landscaped planting would not adequately screen coaches parking at the rugby club and would leave the site open to vandalism. A wall or fence should be used: The landscaping was approved under previous consents and considered to be adequate.
27. The Clubhouse opening times should consider the proximity to residential housing: The use of the balcony area was limited by condition on previous planning permissions. It is recommended that such a condition should be carried through to any grant of planning permission. The opening times for the clubhouse are required to be provided by condition, as with previous planning permissions.

28. Would like to see results of traffic impact assessment: A transport statement is available on the planning file for planning permission 13/00082/FULMAJ.
29. Would like details of where the try posts will be located: These shall be located on the rugby pitch in a position to be determined by the Rugby Club.
30. Anti-social behaviour taking place on the development site: This is regrettable and it is hoped that the continuation of the development as a result of this planning application will help to address any issues with unauthorised access to the site.

CONCLUSION

31. The amended design of the rugby clubhouse is considered to be acceptable to deliver the necessary facilities, without any adverse impact on neighbour amenity or the character of the area.
32. As with previous applications, risk is a factor to be taken into account but this has to be balanced against the fact that it is in Persimmon Homes' interest to see the site developed with rugby facilities as they have made commitments to recent purchasers of their properties on the site who bought properties on the understanding that these would be provided.
33. It is considered that the unilateral undertaking with a long-stop date continues to provide adequate protection for the provision of the rugby facilities and the application is, therefore, recommended for approval subject to a satisfactory supplemental s106 agreement.
34. The application is recommended for approval subject to conditions and legal agreement.

RELEVANT HISTORY OF THE SITE

Ref: 13/00082/FULMAJ **Decision:** PERFPP **Decision Date:** 28 August 2013

Description: Proposed erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns

Ref: 14/00429/FULMAJ **Decision:** PERFPP **Decision Date:** 28 January 2015

Description: Section 73 application to vary condition no.5 (approved plans) of planning permission no. 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to change the size and design of the clubhouse building and make alterations to the parking.

Ref: 14/01250/ADV **Decision:** PERADV **Decision Date:** 13 February 2015

Description: Proposed erection of two signs and two flagpoles advertising future housing development. One of the signs (flanked by two flagpoles) is proposed on West Way and the other (with no flagpoles) is proposed on Chancery Road.

Ref: 15/00137/DIS **Decision:** PCO **Decision Date:**

Description: Application to discharge conditions 3 (carbon reduction statement), 6 (levels), 9 (lighting), 10 (landscaping), 12 (foul and surface water drainage), 15 (scheme of parking for contractors), 16 (hours of clubhouse), 19 (contamination report), 22 (Design Stage Assessment), 23 (cycle and motorcycle parking), 28 (grass pitch specification), 29 (artificial pitch specification), 30 (clubhouse noise attenuation) and 32 (clubhouse external materials) of planning permission ref: 14/00429/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including 8 x 15m floodlighting columns).

Ref: 15/00164/ADV **Decision:** PERADV **Decision Date:** 29 April 2015

Description: Proposed stacker board sign flanked by two flagpoles (advertising future housing development) at entrance to Rugby Club.

- Ref:** 15/00577/FULMAJ **Decision:** PERFPP **Decision Date:** 9 September 2015
Description: Re-plan of 14 no. dwellings, including associated landscaping and parking (part of larger scheme of 50 dwellings previously approved under ref: 13/00082/FULMAJ and 14/00429/FULMAJ), to avoid water main that crosses the site.
- Ref:** 15/00667/MNMA **Decision:** PEMNMZ **Decision Date:** 10 August 2015
Description: Application for a minor material amendment to change the external materials of the dwellings (due to supply issues) previously approved under ref: 14/00429/FULMAJ (which was for 50 dwellings and redevelopment of the rugby club).
- Ref:** 15/00742/MNMA **Decision:** PEMNMZ **Decision Date:** 21 August 2015
Description: Application for a minor non-material amendment to planning permission ref: 13/00082/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to alter the design of the canopy of the 'Hatfield' house type previously approved.
- Ref:** 15/00916/DEMCON **Decision:** WDN **Decision Date:** 23 September 2015
Description: Application for prior determination of the proposed demolition of the clubhouse and golf driving range
- Ref:** 16/00550/MNMA **Decision:** PEMMAZ **Decision Date:** 22 July 2016
Description: Minor non-material amendment to change the brick type (of dwellings) previously approved.
- Ref:** 17/00038/FULMAJ **Decision:** PERFPP **Decision Date:** 3 April 2017
Description: Section 73 application to vary condition 26 of permission ref: 14/00429/FULMAJ (which was for the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the pavilion/club house and car park shall be constructed prior to the occupation of the 40th dwelling and shall be completed prior to occupation of the 47th dwelling (as opposed to by the 30th and 40th dwelling previously approved).
- Ref:** 17/00413/FULMAJ **Decision:** PERFPP **Decision Date:** 5 December 2017
Description: Section 73 application to remove conditions 25 and 26 of permission ref: 17/00038/FULMAJ (which was a variation of condition application relating to the erection of 50 no. residential dwellings and the redevelopment of existing rugby club and associated facilities including floodlighting columns) to allow the phasing of the development to be changed - so that the dwellings can be built prior to the provision of the sports facilities.
- Ref:** 93/00081/FUL **Decision:** PERFPP **Decision Date:** 30 March 1993
Description: Use of land for car boot sales of 100 pitches Sundays 4.4.93 to 10.10.93 and Saturdays 1.5.93 to 25.9.93 inclusive for a period of one year
- Ref:** 92/00540/FUL **Decision:** PERFPP **Decision Date:** 1 September 1992
Description: Modification of condition no 3 on 9/91/572 to amend hours of opening to 10.00am to 4.00pm instead of 2.00pm to 8.00pm
- Ref:** 92/00352/FUL **Decision:** PERFPP **Decision Date:** 9 June 1992
Description: Use of land for Sunday market and other events
- Ref:** 91/00572/FULMAJ **Decision:** PERFPP **Decision Date:** 18 February 1992
Description: Use of land for car boot/market on Thursdays
- Ref:** 89/00634/ADV **Decision:** PERFPP **Decision Date:** 20 September 1989

Description: Display of internally illuminated signs on building and access

Ref: 89/00067/FUL **Decision:** PERFPP **Decision Date:** 27 February 1989

Description: Alterations and provision of external boiler house

Ref: 88/00228/FULMAJ **Decision:** WDN **Decision Date:** 16 May 1988

Description: Use of land for general market to operate on Saturdays commencing 7/5/88

Ref: 88/00679/FUL **Decision:** PERFPP **Decision Date:** 18 October 1988

Description: Use of land as a Golf Driving Range

Ref: 85/00179/ADV **Decision:** PERFPP **Decision Date:** 2 April 1985

Description: Display of illuminated signs across gable of club house

Ref: 81/00934/FUL **Decision:** PERFPP **Decision Date:** 1 December 1981

Description: Club House

Ref: 80/00892/FUL **Decision:** PERFPP **Decision Date:** 20 October 1980

Description: Use of land for recreational purposes (rugby pitches, car parking, changing pavilion, and new access to Chancery Road)

Ref: 79/00453/FUL **Decision:** WDN **Decision Date:** 25 June 1979

Description: Use of land for recreational purposes (Rugby Club) including rugby pitches, changing room/pavillion, car parking and new access (Outline)

Ref: 79/00452/FUL **Decision:** WDN **Decision Date:** 25 June 1979

Description: Land for Recreational Purposes (Rugby Club)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. 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 this permission.

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

2. The floodlights hereby permitted shall be constructed in accordance with the details as shown on approved plan ref: 000348 E01 (Proposed Floodlighting) and shall not be used before 14:00 hours or after 21:30 hours on any day of the week.

Reason: In the interests of the amenities of neighbouring properties.

3. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Proposed site plan	F6700-5A	24 May 2019
Proposed Floodlighting	000348 E01	20 May 2014
Clubhouse Elevations	F6700-1A	02 February 2018
Clubhouse Floor Plans	F6700-2B	02 February 2018
Location Plan	CRC/LP1	24 April 2014
The Hatfield	HAT	24 April 2014
The Roseberry	ROS	24 April 2014

The Cranthorne	CRA	24 April 2014
The Cherybum	CHR	24 April 2014
The Winster	WIN	24 April 2014
The Barrington	BAR	24 April 2014
The Newby	NEW	24 April 2014
Fencing Layout	EW/CRC/FL1	3 September 2014
Plot Divisional Fence	SDF11-08	3 September 2014
Plans and Elevations (conservatory)	CONS-01	3 September 2014
1.8m High Timber Screen Fence	SDF05	3 September 2014
1800mm Wall with Brick Pillars	PR.S.D.24/2	3 September 2014
Proposed Site Plan Boundary	22927 L (9-) 01 REV-	13 November 2014

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

4. Within three months of the date of this decision a scheme for the landscaping of the rugby club element of the development and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, particularly relating to the mound spectator area, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

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

5. The parking spaces and garaging and associated manoeuvring facilities shown on the plans for the properties hereby approved shall be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.

6. The visitor parking for the dwellings shown on the plans hereby approved shall be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).

Reason: To ensure provision of adequate off-street parking facilities within the site.

7. Before any external lighting is installed in relation to the pavilion building hereby permitted or the associated facilities such as the car park, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall then be implemented precisely in accordance with the approved details which shall then not be varied.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents.

8. The soft and hard landscaping at the site shall be carried out in accordance with the following plans: For the residential element:

4411.02
4411.03
4411.04

CRC/ST/01

The existing hedges on the boundary with Chancery Road and West Way shall be retained.

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

9. The integral garages hereby approved shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015) or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation unless off street parking can be provided within the curtilage of the property in accordance with the Council's parking standards in force at that time.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking.

10. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which may create a potential hazard to road users.

11. Parking areas for visitors and contractors shall be provided during construction as shown on drawing ref: CRC.TMP and 22937 L (9-) 02.

Reason: To ensure there is sufficient parking provided within the site and to discourage parking on Chancery Road to the inconvenience of surrounding residents.

12. Before the club house/pavilion building hereby permitted is brought into use the opening hours of the building shall be submitted to and approved in writing by the Local Planning Authority. The club house/pavilion building shall thereafter only operate in accordance with the hours of opening.

Reason: To safeguard of local residents from noise disturbance.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015) (Schedule 2, Part 1, Class A) or any Order revoking or re-enacting the Order, no extensions shall be undertaken that would be built off the rear elevation of the conservatories approved under this permission (for clarity the rear elevation is defined as the elevation of the conservatories parallel with the rear elevation of the dwelling), without express planning permission being granted.

Reason: The conservatories would be classed as the 'original dwelling' for Permitted Development purposes and therefore to protect the amenity of adjoining properties.

14. Prior to either of the pitches hereby permitted being brought into use, the ball protection netting shown on approved plan ref: 22937 L (9-) 01 Rev P2 Proposed Site Plan Boundary Fences shall have been erected in accordance with the approved plans. The ball protection netting shall thereafter be retained in accordance with the approved details at all times.

Reason: To prevent balls entering the housing element of the scheme and to protect the amenities of occupiers of the residential properties.

15. The development shall proceed in accordance with the conclusions and recommendations in the ground investigation report ref: Chorley Rugby Club Phase 2 Site Investigation May 2013. A letter of verification shall be submitted to the Local Planning Authority when the site is completed, to confirm that the made ground has been taken off-site for disposal or remains onsite only under areas of hardstanding (as opposed to gardens/landscaped areas).

Reason: To ensure the site is suitable for the proposed end-use.

16. Before the development hereby permitted is first occupied, details of cycle and motorcycle parking provision for the Rugby Club shall have been submitted to and approved in writing by the Local Planning Authority. Such parking provision shall be provided in accordance with the approved details and maintained at all times thereafter.

Reason: To ensure adequate on site provision for cycle parking.

17. No works of tree felling, hedgerow clearance or demolition shall take place between from the beginning of March to the end of August unless the absence of nesting birds has been confirmed by surveys that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect Protected Species.

18. The specification for the grass and artificial pitches shall be as shown on the following plans:
-Natural Turf Pitch Proposed NTP Plan and Section ref: SS1987 06 Rev 01;
-Artificial Turf Pitch Proposed ATP Plan and Section ref: SS1987 05 Rev 01

This is subject to the following:

1. The artificial grass pitch shall be constructed in-line with 'World Rugby Regulation 22' and upon completion be tested to ensure that it is compliant and is therefore permissible for rugby union activity;
2. The grass pitches shall be constructed in-line with RFU guidance note 2 and shall meet The Institute of Groundsmanship Performance Quality Standards;
3. The colour of the lines detailing the rugby union pitch should be white with any secondary lines (e.g. football) being yellow in colour.

Reason: To ensure the development is fit for purpose and sustainable.

19. The development shall be carried out in accordance with the i) Noise Management Plan by Bower Mattin Partnership and ii) Control of Noise Break-out from Approved Chorley RUFC Clubhouse by Hepworth Acoustics. The clubhouse shall be constructed and managed in accordance with these details, including that the exit doors from the clubhouse onto the balcony shall be shutter controlled preventing access to the balcony after 9:30pm (but which will automatically lift in the case of a fire or other emergency); the building envelope shall be constructed to limit noise emissions as detailed and the mechanical ventilation of the building shall allow sound to be attenuated by silencers within air extraction ducts. The noise from building services equipment should also be controlled as detailed. The volume of all music in the clubhouse shall be controlled (including for any mobile sound system brought in) as detailed in the reports. The maximum levels of music limiting controls shall be submitted to and agreed in writing with the Local Planning Authority prior to the music system being brought into use, then operated in accordance with the maximum levels agreed.

Reason: To ensure noise from the clubhouse/pavilion does not have an unacceptable impact on nearby residential properties.

20. The balcony hereby permitted on the first floor of the clubhouse/pavilion building shall not be used after 9.30pm on any night of the week.

Reason: To prevent noise nuisance to nearby residential properties.

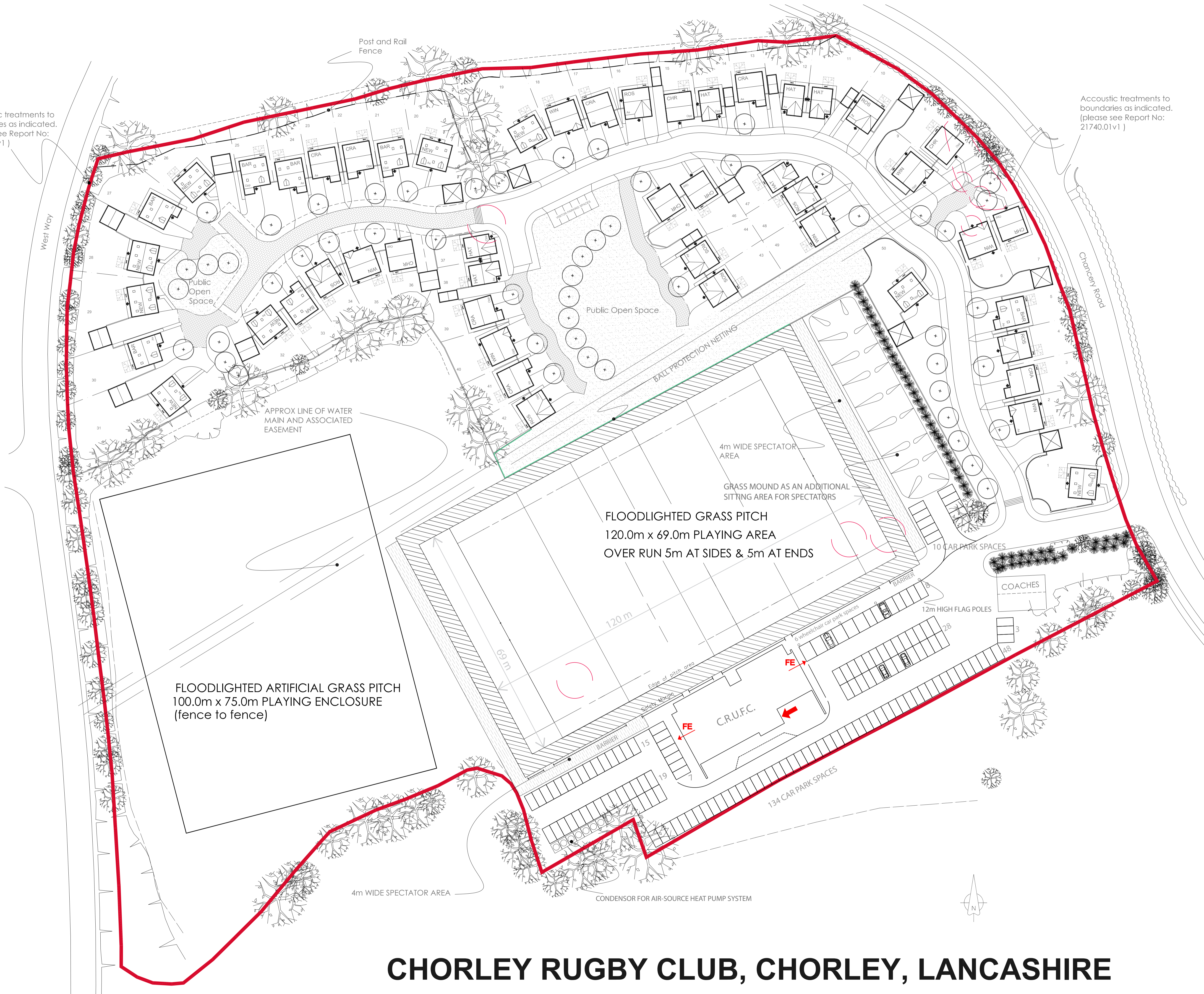
21. The pavilion/club house building shall be constructed using facing materials as detailed on the approved plans.

Reason: To ensure that the materials used are visually appropriate to the locality.

Acoustic treatments to boundaries as indicated. (please see Report No: 21740.01v1)

Acoustic treatments to boundaries as indicated. (please see Report No: 21740.01v1)

MIX SCHEDULE				
SITE AREA	Acres	Gross	6.497	
		Net	4.708	
	Hectares	Gross	2.629	
		Net	1.905	
P.O.S.	Acres	1.220		
	Easements	Acres	0.569	
HOUSE TYPE				
	SG.FT	NO	TOTAL SQ.FT	
Hutfield	769	6	5314	
Roseberry	1096	8	8768	
Crathorne	1154	7	8078	
Chryburn	1242	6	7452	
Winstler	1257	7	8799	
Barrington	1535	7	10745	
Newby	1732	9	15588	
TOTAL		50	65244	
FOOTAGE (GROSS)				
	Per Acre	10,242		
	Per Hectare	24,815		
FOOTAGE (NET)				
	Per Acre	13,858		
	Per Hectare	34,245		
UNITS (GROSS)				
	Per Acre	8		
	Per Hectare	19		
UNITS (NET)				
	Per Acre	11		
	Per Hectare	26		



Revision	Date	Amendment	Initials
C	17.04.14	Amended to indicate layout of mixed Rugby Club building and capping to standards. Car parking to east end of main pitch, indicated by spectator 'boom' / embankment	DS
B	31.05.13	Acoustic fencing notes added.	EW
B	31.05.13	Acoustic fencing notes added.	EW
A	18.05.13	Amends in line with LPA comments.	JB

Development	Chorley Rugby Club		
Location	CHORLEY		
Marketing Name			
Drawing Title	PLANNING LAYOUT		
Drawing Number	JB/CRC/PL1		
Revision	D	Scale @ A1	1:500
Drawn By	JB	Date Started	04.01.2013
Checked by		Date	

PERSIMMON
 Persimmon Homes Lancashire
 Persimmon Homes Lancashire Business Park, Cotton Road, Lancaster, LA1 3BQ
 Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com

CHORLEY RUGBY CLUB, CHORLEY, LANCASHIRE

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APPLICATION REPORT – 19/00437/ADV**Validation Date: 7 May 2019****Ward: Chorley North West****Type of Application: Advertisement****Proposal: Building mounted signage to new digital hub.****Location: Land 200M North of Derian House Euxton Lane Chorley PR7 1PS****Case Officer: Caron Taylor****Applicant: Chorley Council****Agent: Howarth Litchfield****Consultation expiry: 7 June 2019****Decision due by: 2 July 2019**

RECOMMENDATION

It is recommended that advertisement consent is granted.

SITE DESCRIPTION

The Digital Hub building at Strawberry Fields is located on Euxton Lane and is currently nearing completion. This application is required to be reported to committee as the council is the applicant.

DESCRIPTION OF PROPOSED DEVELOPMENT

The application seeks advertisement consent for the display of 2no. illuminated signs.

RELEVANT HISTORY OF THE SITE

Ref: 15/00096/SCE **Decision:** PESCEZ **Decision Date:** 18 February 2015
Description: Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for a mixed-use development comprising Digital Health Park, light industrial/employment units (B1/B2/B8), care home and specialist care facility (C2), local convenience store (A1), family pub (A4), residential units (C3), and associated access, landscaping and infrastructure.

Ref: 15/00224/OUTMAJ **Decision:** PERFPP **Decision Date:** 4 December 2015
Description: Outline application (specifying access only) for a mixed-use development comprising Digital Health Park, industrial/employment units (Use Classes B1/B2/B8); Care Home and Specialist Care Facility (Use Class C2); local convenience store (Use Class A1); family pub (Use Class A4) and/or medical centre (Use Class D1); residential units (Use Class C3) and associated access, landscaping and infrastructure.

Ref: 16/00337/REMMAJ **Decision:** PERRES **Decision Date:** 13 May 2016

Description: Reserved matters application (for the appearance, landscaping, layout and scale) for the erection of a digital office park (use class B1); data centre (use class B8) and business centre units (use classes B1/B2/B8), associated spine road and car parking (associated with outline planning permission ref: 15/00224/OUTMAJ).

Ref: 16/01096/OUTMAJ **Decision:** PDE **Decision Date:** Pending

Description: Application to vary conditions 2, 30, and 31 (section 73 application) of planning permission ref: 15/00224/OUTMAJ (which was for a mixed use development comprising Digital Health Park, industrial/employment units (Use Classes B1/B2/B8); Care Home and Specialist Care Facility (Use Class C2); local convenience store (Use Class A1); family pub (Use Class A4) and/or medical centre (Use Class D1); residential units (Use Class C3) and associated access, landscaping and infrastructure), to substitute a new parameters plan under condition 2 to swap the location of residential use and care home and specialist care facility uses on the site. Also to vary conditions 30 and 31 to reflect the new parameters plan reference.

Ref: 18/00046/DIS **Decision:** PCO **Decision Date:** Pending

Description: Application to discharge conditions 1 (phasing plan); 5 (samples of materials); 7 (ground contamination); 11 (construction method statement); 16 (surface water drainage); 17 (foul water drainage); 20 (site access and off site highway works); 21 (estate street phasing); 22 (future management and maintenance of streets); 23 (construction details of streets); 26 (risk assessment) and 30 (services provision) of outline planning permission ref:15/00224/OUTMAJ (which was for the means of access for a mixed use development comprising Digital Health Park, industrial/employment units (Use Classes B1/B2/B8) ; Care Home and Specialist Care Facility (Use Class C2) ; local convenience store (Use Class A1) ; family pub (Use Class A4) and/or medical centre (Use Class D1) ; residential units (Use Class C3) and associated access, landscaping and infrastructure) and conditions 3 (amphibian crossing tunnels), 5 (elevational treatment below FFL and 6 (noise assessment) of reserved matters consent ref. 16/00337/REMMAJ (which was for the appearance, landscaping, layout and scale) for the erection of a digital office park (use class B1) ; data centre (use class B8) and business centre units (use classes B1/B2/B8), associated spine road and car parking (associated with outline planning permission ref: 15/00224/OUTMAJ).

Ref: 18/00161/FUL **Decision:** PERFPP **Decision Date:** 17 April 2018

Description: Widen existing access, re-surface area using reinforced concrete

Ref: 18/00316/FUL **Decision:** PERFPP **Decision Date:** 8 June 2018

Description: Temporary construction access

Ref: 18/00373/MNMA **Decision:** PEMNMZ **Decision Date:** 2 August 2018

Description: Minor non-material amendment to the development approved under reserved matters consent 16/00337/REMMAJ (Reserved matters application (for the appearance, landscaping, layout and scale) for the erection of a digital office park (use class B1); data centre (use class B8) and business centre units (use classes B1/B2/B8), associated spine road and car parking (associated with outline planning permission ref:15/00224/OUTMAJ) involving changes to the Digital Office building to include omission of overhanging features, substitution of materials from cladding to render and brick and reduction in glazing, reduced FFL from 80.000 to 76.500; amendments to car parking layout and relocation of substation to the north east of the site; and removal of 2no. trees.

Ref: 18/01115/MNMA **Decision:** PEMNMZ **Decision Date:** 19 December 2018

Description: Amendment to approved scheme (ref: 15/00224/OUTMAJ) to substitute a revised parameters plan so that: 1) use classes A1 and A4 are no longer relevant to the proposed development; 2) use class C2 is now located left of the proposed access point; 3) use class D1 has been reduced at the entrance to the site but is now also located at the far north; 4) use classes B1 / B2 and B8 are also located at the far north of the site and have retained their position south of the spine road; 5) use class C3 has been shifted slightly to the right to accommodate the previous point.

REPRESENTATIONS

None representations have been received.

CONSULTATIONS

Lancashire Highway Services – No comments have received to date. Any received will be report on the committee Addendum.

PLANNING CONSIDERATIONS

The National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Impact on amenity

Two signs are proposed, one on the south elevation and one on the north elevation of the building. They would both be the same. Whilst the proposed sign on the south elevation would be highly visible from Euxton Lane, as is intended, it would be appropriately sited close to the top of the façade of the building. It is not considered that the proposed sign would be a visually discordant feature and a sign would be expected in the location proposed. The logo itself would be illuminated internally but the words 'Strawberry Fields Digital Hub – Chorley' would not be illuminated. This is considered an appropriate method of lighting, that would draw attention to the site without it making it overly prominent. The sign on the north side of the building would face inwards towards the wider Strawberry Fields site and would not appear as prominent in the wider area.

Public safety

The proposed signs would be of a size and scale appropriate to the building and would not be unduly prominent or distracting, for example to drivers.

CONCLUSION

The proposed advertisement signs would not result in any detrimental harm to the visual amenity or character of the area or public safety. Therefore, it is considered that the advertisement signs accord with the Framework and the application is accordingly recommended for approval.

RELEVANT POLICIES: The National Planning Policy Framework (the Framework).

Suggested conditions

1. The consent hereby granted is for a period not exceeding FIVE YEARS from the date of this consent.

Reason - Required to be imposed pursuant of the Town and Country Planning (Control of Advertisements) Regulations 2007

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Received On
Overall Sign Size	7 th May 2019
Logo Fixing Solution	7 th May 2019
Text Size and Construction Details	7 th May 2019
Photo Montages Showing Signage	7 th May 2019
Site Plan General Arrangement Option 4	7 th May 2019

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

3. The limits of the illuminance shall not exceed 900 candela per square metre in accordance with the approved plans.

Reason: To avoid glare, dazzle or distraction to passing motorists

Overall sign size

675 cm

168 cm

Strawberry Fields

DIGITAL HUB - CHORLEY



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Report of	Meeting	Date
Head of Legal, Democratic & HR Services	Development Control Committee	18 June 2019

PROPOSED CONFIRMATION OF THE CHORLEY BOROUGH COUNCIL TREE PRESERVATION ORDER NO. 1 (FINNINGTON LANE, FENISCOWLES, WITHNELL) 2019 WITHOUT MODIFICATION

PURPOSE OF REPORT

- To consider formal confirmation of the Chorley Borough Council Tree Preservation Order No. 1 (Finnington Lane, Feniscowles, Withnell) 2019 without modification.

RECOMMENDATION

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order.

EXECUTIVE SUMMARY OF REPORT

- Formal confirmation of the Order affords permanent as opposed to provisional legal protection to the trees covered by the Order. Not to confirm the Order would mean allowing the Order, and thereby the protection conferred on the trees covered by the Order, to lapse.

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all	x	A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- The Order was made on 25 February 2019. The Order was served by post along with the statutory notice prescribed in Regulations on all those with an interest in the land on which the trees are situated on the same day. A copy of the order was also left at the registered office of the limited company which owns 4 Finnington Lane on 27 February

2019 and sent on 5 March 2019 to solicitors presumed to be acting for the purchasers of one of the affected registered titles. The Order was made because on the assessment of the Council's Tree Officer the trees make a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible by a number of properties and members of the public via the adjacent public highway (A674) and the Leeds and Liverpool Canal. Their removal or unsympathetic pruning works would have a significant impact on the environment and its enjoyment by the public. Several large prominent trees within a small woodland at 4 Finnington Lane had already been felled creating an immediate threat to the trees. An application for outline planning permission had been submitted to develop a dwelling in the area adjacent to remaining trees which created a risk of felling of more trees to accommodate future development. The species protected are beech, sycamore and holly. They are predominantly mixed broad-leafed trees with some evergreen. Their age is semi-mature to mature.

6. No objection has been received in response to the making of the above Order. It is therefore now open to the Council to confirm the above Order as unopposed. The effect of formally confirming the Order will be to give permanent legal force to the Order, as opposed to provisional force, thereby making it an offence on a permanent basis to fell or otherwise lop, prune etc, any of the trees covered by the Order without first having obtained lawful permission.

IMPLICATIONS OF REPORT

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

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	x	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

1. If the trees were to be lopped or pruned or felled in breach of the order, or wilfully damaged the Council would incur staff costs in any criminal investigation and prosecution. Staff costs in the Planning Department are also involved when dealing with applications for consent to work to protected trees.

COMMENTS OF THE MONITORING OFFICER

2. The legal effect of the order and the consequences of breach are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Alex Jackson	01257 515166	22 May 2019	IKEN file 5509

Tree Preservation Order

Town and Country Planning Act 1990

The Chorley Borough Council Tree Preservation Order No. 1 (Finnington Lane, Feniscowles, Withnell) 2019

Chorley Borough Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order -

Citation

This Order may be cited as the Chorley Borough Council Tree Preservation Order No. 1 (Finnington Lane, Feniscowles, Withnell) 2019

Interpretation

1. (1) In this Order "the authority" means Chorley Borough Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

2. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall —
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

3. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

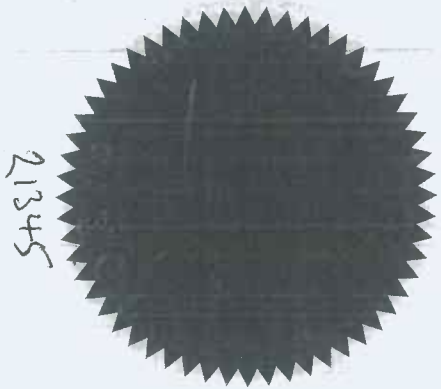
Dated this 25 day of February 2019

The **COMMON SEAL** of

CHORLEY BOROUGH COUNCIL

was affixed to this Order

in the presence of:



.....
 Authorised Signatory

CONFIRMATION OF ORDER

This Order was confirmed by Chorley Borough Council without modification on the [] day of []

OR

This Order was confirmed by Chorley Borough Council, subject to the modifications indicated by [], on the [] day of []

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Chorley Borough Council on the [] day of []

SCHEDULE

Specification of trees

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Beech, sycamore, oak and holly. Predominantly mixed broad leaved trees with some evergreen. Semi-mature to mature age class	Land adjacent to 4 Finnington Lane, Feniscowles Withnell, Chorley, Lancashire

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

VARIATION OF ORDER

This Order was varied by the Chorley Borough Council on the [] day of [] by a variation order under reference number [] a copy of which is attached.

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

[This Order was revoked by Chorley Borough Council on the [] day of []]

Signed on behalf of the Chorley Borough Council

.....

Authorised by the Council to sign in that behalf



4 Finnington Lane



1:500

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