

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF DEVELOPMENT AND REGENERATION	DEVELOPMENT CONTROL COMMITTEE	24/04/2007	

ADDENDUM

ITEM A1 – 07/00062/FULMAJ LAND BOUNDED BY THE M61 A674 BLACKBURN ROAD LEEDS-LIVERPOOL CANAL AND INCLUDING CANAL MILL BOTANY BAY CHORLEY LANCASHIRE

LCC (Ecology) have now provided comments on the Japanese Knotweed method statement. It is advised that the method statement is generally acceptable. However, there are some outstanding issues that need resolving and these can be dealt with by the following condition, which should be substituted for condition no. 10.

Prior to the commencement of development, a further method statement (notwithstanding that already submitted) shall be submitted to and approved in writing by the Local Planning Authority detailing how Japanese Knotweed will be eradicated from the site taking into account the comments of LCC (Ecology), a copy of which is enclosed. The Japanese Knotweed on the site shall only be eradicated in accordance with the approved method statement.

Reason: To prevent the spread of and eradicate Japanese Knotweed from the site.

The applicant has also provided amended elevations of Unit 1 detailing fenestration to match the other units hence the details of Unit 1 are now considered to be acceptable. The following condition specifies the approved plans: -

The approved plans are:

Plan Ref.	Received On:	Title:
FIRM1001	22 nd January 2007	Site Location Plan
VA1369/024 Rev D	12 th April 2007	Site Plan & Car Parking
VA1369/103 Rev C	12 th April 2007	Unit 1 Proposed Elevations
VA1369/116 Rev A	30 th March 2007	Proposed Soft Landscape Layout
VA1369/050	22 nd January 2007	Unit 1 Proposed Plans & Section
VA1369/051	22 nd January 2007	Unit 2 Proposed Plans & Section
VA1369/052	22 nd January 2007	Unit 5 Proposed Plans & Section
VA1369/54	22 nd January 2007	Unit 2 Proposed Elevations
VA1369/55	22 nd January 2007	Unit 5 Proposed Elevations

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

The following additional condition is also recommended to ensure that the upgraded road links up with the new road to the north of the site running through the outline planning permission area (ref no. 05/00394/OUTMAJ) which has been granted (subject to S106 agreement).

Within 6 months of the substantial completion of the new access road through the northern site area for which outline planning permission has been granted (ref no. 05/00394/OUTMAJ), the new section of road linking this road to the upgraded existing road running adjacent to the canal towpath shall be fully completed in accordance with the amended plan dated 12th April 2007 (ref no. VAI 369/024 Rev D) and the redundant section of temporary road shall be removed and the land restored to its former condition.

Reason: To ensure a satisfactory vehicular access to the site and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

The following condition requires further improved details of the tower feature to Unit 5 and the materials condition has been amended to include window details. These conditions follow comments from the Council's Economic Regeneration and Conservation Manager. A further condition as a result of comments from the Architectural Liaison Officer requires the gates between the canal towpath and site to be locked when the offices are not in use.

Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until full details of the tower feature to the southeastern elevation of Unit 5 have been submitted to and approved in writing by the Local Planning Authority. The tower feature to Unit 5 shall only be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings and details of windows (frames/finish/fixing details) (notwithstanding any details shown on the approved plans) 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 and window details.

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.

The gates between the canal towpath and the site shall remain locked at all times when the offices are not in use.

Reason: To maintain site security and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

The recommendation remains as per the main agenda subject to the above conditions.

ITEM B2 – 07/00178/COU - LAND 20M NORTH EAST OF 21 GORSEY LANE MAWDESLEY

Comments have now been received from Mawdesley Parish Council. The Parish Council have commented that the application is an inappropriate use of a semi-detached house in a primarily residential area.

Three additional letters of representation have been received from neighbours raising the following points:

- Concern that the proposal would have a detrimental impact on the amenity of local residents mainly due to noise and disturbance. The large wagons (referred to as horseboxes) are more like HGV'S. The wagons are noisy and intrusive and have a detrimental impact on the character of the area;
- Concern about highway safety and parking. The occupiers of the property have on several occasions parked the vehicles on the highway making it difficult for other vehicles to get past and for other residents to manoeuvre in and out of their driveways;
- Unsure about the use class that the application falls under but strongly object to the property being given permission to be used for uses within B1 & B2 or any other industrial, storage or business uses;
- The use of the premises for a business that operates HGV type vehicles is therefore not appropriate;
- The noise of the vehicles starting up is particularly intrusive. Even if times for the use of the vehicles were stipulated there is no way of enforcing this;
- Given that there is no grazing land suitable for keeping horses at the premises to use part of the building for stables seems inappropriate and is likely to give rise to an increase in journeys to and from the premises by HGV type vehicles to take the horses somewhere to exercise;
- Potential health implications such as vermin. Concern that the horses will attract rats and mice to an area in close proximity to front and rear gardens where children play;
- The Council have previously rejected applications for the premises to be used for B1/B2 use. If it is not intended to give permission for a B1/B2 use and permission for personal use is granted what is to stop the owner applying for a certificate of lawfulness at a later date?
- Suggest that before a decision is made relevant members of the committee visit the premises in order to get a feel for the residential nature of the premises and how inappropriate the intended use for 21 Gorse Lane is;
- Suggest that the Council consider the previous planning history;
- Enforcement notices have been placed on the property in the past;
- If permission is granted would like confirmation of what is allowed and within what hours;
- Would maintenance be allowed on the site, there seems to be no mention of this. There has been a large compressor on the site that is likely to be noisy and an indication that work on the vehicles is intended;
- It would appear that the number of trips undertaken by the horse boxes so far this year is close to what has been suggested for the year;
- The property is semi detached with a garden and sheds situated in a residential area with young children living close by. The application is inappropriate for such an area;
- Concern regarding the size of the business for the site and expansion of the site in the future;
- Vehicles will impact on surrounding properties when they enter and leave the small driveway.

ITEM B3 – 07/00203/fu1 – MILLENIUM GREEN HURST GREEN MAWDESLEY

The Parish Council have no objections to the development.

Comments have been received from Environmental Services and the Council's Greenspace Co-ordinator. Additional comments from members of the public have Environmental Services have commented that there is a potential for noise disturbance to local residents. The proposed bund is likely to provide little noise protection to properties to the south-west (on Smithy Lane) and virtually no noise protection to properties to the south-east (on Hurst Green). Consideration should be given to the provision of a continuous physical barrier to screen residential properties, which should ideally be high enough to remove line of site of the proposal. Should a decision be made not to provide a barrier it would be possible for the Council to investigate complaints of excessive noise from the proposed facility at any point in the future, where the erection of a physical barrier (e.g. a close boarded fence) can then be considered.

In response to these comments, it is not considered that a physical barrier, which would have to be a close boarded fence, would be aesthetically pleasing in an area which has an open and rural character. Furthermore, such fencing (by reason of the required height and location) would prevent any natural surveillance to the proposed facility, which was one of the main reasons for selecting this location. Given that the area is currently a recreational facility, the structures do not exceed 2-3m in height and the closest property to the proposed facility is approximately 100m away, it is considered that by not providing a physical barrier as suggested, this would not generate an unacceptable level of noise and disturbance affecting residential properties. Should any problems arise in the future then appropriate measures could be taken to reduce noise levels.

The Council's Greenspace Co-ordinator has been involved in discussions regarding the siting of this facility, and has commented that to locate the facility in the far corner of the site, adjacent to existing teen provision would be wrongly positioned. This is supported by a lack of usage of the existing facilities in this location. Young people should be able to play in a position that is visible, accessible and within site of property. Natural surveillance is priceless to children who want to feel supervised and safe. By having the proposed facility alongside the existing toddlers and junior provision it allows various ages to play together' otherwise a parent or guardian is forced to allow one child to "vanish" out of site. This proposed skate park is smaller in comparison to others in the borough, and has been sensitively designed, so it will not offer enough attraction to bring youngsters in from other areas.

Two letters of support have been received from members of the public, which raise issues already highlighted in the main report. Two letters of objection have also been received which reiterate the issues highlighted in the main report, as well as making reference to a lack of management of the proposed facility, a lack of toilet facilities and parking area, and destroying further areas of greenery by widening the footpath.

ITEM B4 - 07/00247/FUL - LAND NORTH OF 26 CHORLEY LANE CHARNOCK RICHARD

The conclusion on Page 59 of the agenda should read as follows:

It is considered that the proposed development complies with the relevant policies of the Adopted Chorley Borough Local Plan Review. It is therefore recommended that permission be granted subject to a Section 106 Agreement.

The Council's Arboricultural Officer has commented that the application should have a negligible impact on the trees in the area. There are only two trees along the

railway embankment (Sycamore and Oak), which would require pruning of overhanging branches, and there is no objection from an arboricultural standpoint.

Charnock Richard Parish Council has commented that the Councils objections remain unchanged. The development would constitute an over intensification of the site resulting in a severe loss of amenity to all the neighbours. The proposed dwellings are too close to existing dwellings in Church Fold. This constitutes back garden development, none of which exists in Charnock Richard and would therefore not be in keeping with the existing streetscene. The proposed access would compromise highway safety, as this is a single width access road serving two properties, with no passing places. On exiting the proposed access sightlines could be obscured by the narrowness of the splay and the addition of parked cars from dwellings on Chorley Lane. The residents of Church Fold would also have a loss of visual amenity by the erection of the 1.8 metre high fence around the gardens of the proposed houses.

Comments have now been received from Network Rail. Network Rail has no objection in principle to the development but set out a number of requirements, which should be met:

- The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising from train movements and associated operations. It is normal for an application in this proximity to a railway to be accompanied by an acoustic assessment. It does not appear that such an assessment has been prepared. Advice should be obtained from the Councils Environmental Health Officers in order to ascertain the appropriateness of the development in this respect;
- Because of the nature of the proposed developments, and the increase in activity that is likely to arise, particularly with bin stores and rear access paths, it is considered that there will be an increased risk of trespass onto the railway. The developer should therefore provide a suitable trespass proof fence at the rear of the site adjacent to Network Rails boundary (approx 1.8m high) and make provision for its future maintenance and renewal. This should be subject of a condition on any permission;
- All surface water and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

Taking the above comments into account the following informatives are recommended:

Please Note: The proposed 1.8 metre high fence located on the western facing boundary of the site adjacent to Network Rails boundary shall be trespass proof and the developer should make suitable provisions for its future maintenance and renewal.

Please Note: All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. Soakaways must be located so as to discharge away from the railway infrastructure.

The Director of Streetscene, Neighbourhoods and Environment has made the following comments in relation to noise:

The site is suitable for residential development subject to the implementation of the following noise control measures:

1. No dwelling shall be built within 16 metres of the railway
2. Acoustic double-glazed windows to be provided in all habitable room windows with an unobstructed view towards the railway. Specifications of the windows are to be approved by the Local Planning Authority.

Acoustically treated ventilation units (e.g. Silavent acoustic air bricks) to be provided for all habitable rooms, with windows, that have an unobstructed view of the railway. Specifications of the units are to be approved by the Local Planning Authority.

Taking the comments of The Director of Streetscene, neighbourhoods and Environment into account there is a distance of 20 metres between the railway line and the western facing boundary of the proposed development site. It is therefore considered that an acoustic assessment would not be required in this case.

Suggested Condition No. 17 states the following:

Acoustic double glazed windows shall be provided in all habitable rooms with an unobstructed view towards the railway. Acoustically treated ventilation units (e.g. Silavent acoustic air bricks) shall be provided for all habitable rooms, with windows, which have an unobstructed view of the railway. Full details of the windows and ventilation units shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the occupiers of the proposed dwellings and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

The recommendation in the Committee report remains unchanged.