

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	12/01/10	

ADDENDUM

ITEM 1: Orcheton House Farm, Wood Lane, Heskin. Replacement agricultural workers dwelling, re-use and relocation of former dwelling as fishing training centre (re-submission of planning application 09/00678/FUL).

Heskin Parish Council object the application on the following grounds:

- There is no justification for a new dwelling. The business has continued to run with the existing building, what justifies a change. The appeal Inspector granted the appeal but only for a temporary building. A temporary building is crucial to the Green Belt as it could be removed if the business ceased trading;
- The proposed replacement dwelling is 120 sq metres. The existing one is 66 sq m, an increase of 82%. There used to be a rule of between 30 and 70% which was rigorously enforced. When was this changed, there is no justification for any increase;
- The applicant is Generator Power Supplies (GPS) not a fish farm and that is the main business here. A change in the height of a barn was approved as essential to the business within the last two years. Now this barn is being altered to accommodate the fish training school;
- There is no evidence of a business test being submitted. In the latest report there are two of three reports from local groups. This is presumably a commercial venture. Who is going to pay for the training? The report suggests groups of 10, ages 8, Key Stage 2. The Parish Council believe the school will inevitably fail and the building will be added to the clutter in this Green Belt area and will not be used for the purpose claimed;
- Illegal operation of the existing dwelling. The original application was won on appeal. The Inspector at the time referred to between 50,000 and 80,000 fish being raised in tanks. We believe he was duped but nevertheless approved the application on the basis that supervision was necessary 24 hours per day. Is this breeding taking place now and is the 24 hour presence necessary? If no, should the Council be taking action to remove the building? The site was never registered as a fish farm even then and still isn't. The report rather disingenuously suggests that it is registered but does not make clear whether it is as a fishery or a fish farm. I suspect the former. The report also makes reference to fish movements recorded by the Environment Agency. What are they and when did they take place? I believe the original report by the County Land Agent, on which the case officer largely relies, has been subsequently qualified in an e-mail to Jane Meek and Mr Whittingham and suggests that you may wish to consider if the current use is in compliance with the original based decision.

A planning consultant has written on behalf of adjacent residents to the site (which they state has also been circulated to Councillors). Their objection can be summarised as:

- The application being schedule for the December 2009 Committee;
- The access is a private road belonging to the adjacent landowners, the access is not indicated on the plans and the Council seem to accept the applicant has a right of way over it;
- The location plan includes that which purports to be in the ownership of the applicant;

the no objection from the County [Highways] Engineer may be based on the misconception that the applicant has control of the access;

- The existing dwelling was allowed on appeal at the site for the occupation by someone who was managing a fish farm/fishery on the site. The fish farm element would be the only aspect of the overall development which would have warranted a dwelling in the Green Belt;
- The current application is to replace the existing single storey with a two-storey dwelling. Green Belt policy states that replacement dwellings should be restricted by the requirement they should not be materially larger than the dwellings they replace. The proposed dwelling will be essentially twice as big as the current building. Whilst it is accepted that the Council does not have a specific percentage enlargement figure, in its policies, a 100% increase must be materially larger by anyone's reckoning and thus contrary to both national guidance and Local Plan policies, the committee report merely focuses on the fact that it is a replacement dwelling;
- The Council has been guided by the County Land Agent as to the proposed dwelling being appropriate. It is the Planning Committee or its officers under delegation to decide what is appropriate development in the Green Belt and just because buildings of a not dissimilar size have been approved elsewhere in the Borough is not justifiable reason to allow a replacement dwelling twice the size of the one allowed on appeal. The existing dwelling which was not of permanent materials was considered suitable in terms of its size to accommodate a person managing a fish farm/fishery. PPS7 deals with the size of agricultural workers dwellings and they should be commensurate with the established functional requirement. It is the requirements of the enterprise rather than those of the owner or occupier, that are relevant in determining the size of dwelling that is appropriate to a particular holding. There is nothing in the committee report to explain why a dwelling twice the size is required operationally;
- There has been no consideration of the legitimacy of the fish farming enterprise under previous or current legislation;
- The site has never been registered or authorised by the Centre for Environment, Fisheries and Aquaculture (CEFAS) for the activity of fish farming, the one registration which would warrant a dwelling. Given the condition applied at appeal, it is reasonable to question whether they are engaged in a legitimate agricultural enterprise, warranting a dwelling. It should be considered if the condition on the existing dwelling is being breached, and whether consent should be granted for a significantly larger and more permanent dwelling, on somewhat dubious grounds;
- They ask for the application to be deferred to allow the above matters to be resolved.

The objector themselves has written in stating the applicant has not shown any access arrangements to the application site and questions whether their driveway form any part of the land to which this application relates.

The agent for the application in response states;

- The application was quite properly deferred at the December Committee;
- The access to the site is by a legally established right of way which is outside both the blue and red boundaries. Any issues relating to the legality of this access are not part of the planning application;
- The location plan submitted with the application did not indicate ownership of the access. The error, which has subsequently been corrected, concerned 'Kennel House';
- The size of the dwelling has been reduced to meet the requirements of the County Land Agent guided by the advice in PPS7;
- The claim that a fish farming operation does not exist at Orcheton House Farm has been tried and rejected on a number of occasions over the years, most notably when approval was given for a permanent dwelling on appeal by an independent Government Inspector in 2003;
- The information from the objector in relation to CEFAS is incomplete and therefore misleading. A fuller investigation would have revealed that the fishery and stock pools (fish rearing) operation at Orcheton House Farm has been registered from August 2009 as required by the new EU regulations but due to an administrative oversight by

the Fish Health Inspectorate they state their client was not advised that a separate registration was required for fish breeding. This has now been rectified and the appropriate application submitted. Neither CEFAS nor the Environment Agency have any problem with the fish farm and fish movements continue to be approved;

The appeal inspector granted a permanent permission for the dwelling in 2003. It was not allowed on a temporary basis. The principle of a permanent dwelling on the site has therefore been established by the appeal decision. Any subsequent application must be assessed on this basis of this permanent permission. The barn that is to have two bays removed to allow the existing dwelling to be placed there to be used as a fish training school, it is not the same barn that has received planning permission in the last two years.

The application does not need to assess the business case for the principle of a dwelling on the site due to the granting of the permanent permission at appeal. This would only be assessed if the inspector had granted a temporary permission. Unlike applications for the replacement of normal dwellings in the Green Belt, the application is assessed against the needs of site in line with PPS7, rather than the volume percentage increase.

The condition placed on the permanent permission states: 'the occupation of the dwelling shall be limited to a person solely or mainly working or last working, at Orcheton House Farm and engaged in the fish rearing enterprise, or a widow or widower of such a person, and to any resident dependants'. The question of the registration of the business does not automatically mean that the condition is being breached as registration is a consent regime separate from the planning system.

CEFAS state Orcheton House Farm Fishery was registered as a still water fishery in May 2009 ready for the 1st August 2009 implementation of the legislation. An application for authorisation as a fish farm was received for Orcheton House Farm Fishery on 5th January 2010 which will be assessed shortly against current criteria/legislation.

The applicant's accountant has given the case officer the fish farm income for the year ended 31st March 2009 and he specifically states that the fishery is not included in the figures. He has also provided the company number. The case officer has checked this with Companies House, which has GPS (North West) Limited, Orcheton House Farm registered with Companies House which states the nature of the business as the operation of fish hatcheries and farms.

It is considered the replacement dwelling is considered acceptable in terms of impact on the Green Belt and the requirements of the site. The use of the existing dwelling as a fishing training centre/classroom is considered appropriate development in the Green Belt and its proposed position is well related to the existing complex of buildings. A condition is proposed in relation to the use of the building and its removal required if it is not used for the permitted purpose.

The access to the site will remain the same as at present. It is not within the red or blue edges of the application. The issue of whether the applicant has a right of access across the land to serve the development is not a matter for the planning system but is a civil matter between individuals. Planning authorities have a duty to consider the suitability of a proposed development in land-use terms only, regardless of whether legal constraints would prevent implementation of a permission. An authority should be concerned only to ensure that a proposed access would facilitate a suitable development in physical terms.

The recommendation therefore remains as per the agenda report.

A revised condition is proposed:

'The occupation of the dwelling hereby approved shall be limited to a person solely or mainly working, or last working, at Orcheton House Farm and previously engaged in the fish rearing enterprise, or a widow or widower of such a person, and to any resident dependants.

Reason: To ensure that the dwelling is kept available to meet the needs of Orcheton House Farm, as the site is within an area where residential development are not normally permitted and in accordance with PPS7 and PPG2'.

ITEM 2: 09/00714/FULMAJ- Land Adj Fairview Farm (incl Land Bounded By Chorley Rd Eller Brook And Railway) Chorley Road Adlington. Erection of 37 affordable dwellings with external amenity space and off street parking at Fairview Farm, Adlington

Places for People, the applicants, have provided the following background information in respect of the progression of this site:

Places for People have been attempting with the Local authority to secure funding and develop design proposals for this site for well over seven years. During that time PfP have had to address numerous issues around the physical and regulatory side of the sites development. Further considerations have been also been taken into account relating to the site ecology / drainage / TPO's / ownership etc. Due to these issues, funding has previously been surrendered on the site for which both officers and PfP worked hard to resecure from the HCA. That resecured funding itself is under review due to further amendments in the design and mix. However it is our view that should the scheme fail to meet the revised delivery targets, then this current funding would be lost. It is our opinion that it would be very difficult to attract further funding due to the current economic climate and anticipated funding constraints

The Head of Housing has confirmed that if the scheme is granted permission it will assist the Council to deliver much needed affordable housing units within the borough and also assist in delivering our affordable housing targets (NI155). The current scheme proposals by Places for People are to deliver a total of 37 units of affordable housing (30 social rented and 7 intermediate). This breakdown has been agreed with Strategic Housing and is based on a housing need identified within the Interim Housing Needs Survey which was carried out in 2008. Chorley Council has been working with officers from Places for People Housing Association, around the development of the land for affordable housing purposes for a number of years. It was included in the Council's 2005-08 Housing Strategy as a site of particular strategic importance.

United Utilities have provided the additional points:

- The proposed dwellings shall be drained on a separate system.
- Surface water drainage should be designed to a maximum discharge rate of 5lts/sec per hectare.
- Any attenuation for surface water shall be designed to the requirements of Sewers For Adoption (SFA) 6th edition.
- Due consideration should be given to 'Planning Policy Statement 25' if any addition flooding is predicted over and above the requirements of SFA v.6.
- Building over existing public sewers will not be allowed.
- Full details should be submitted to United Utilities under S.185 if there are any proposals to divert any public sewers to accommodate the site layout

The agents for the application have provided correspondence between United Utilities and the Engineers appointed by the applicants, Cooper Beal and Ross, in respect of the proposed drainage arrangements. This correspondence states that the developers can have unrestricted flow into the foul drainage and that the surface water from the site can be drained into either of 2 manholes in the vicinity of the site at a discharge rate of 15litres/second. As manhole 0707 is too high to drain the site and its use would result in raising levels further on the site the developers have chosen to discharge into manhole 9815.

The agents for the application have confirmed that United Utilities have permitted us to discharge surface water at the rate of 15 litres per second into the drain at manhole 9815. The designed discharge rate is only 8 litres per second. Additionally the agent has confirmed that land drainage is being designed at the site perimeter to protect adjacent gardens from any run off from the proposed development site.

Following receipt of these comments **United Utilities** have confirmed that the agents statements are correct and a discharge rate of 8 litres per second is acceptable. As such condition 21 has been amended as follows:

No development approved by this permission shall be commenced until a surface water drainage strategy (including attenuation of surface discharges from the development to maximum discharge rate of 8 litres per second) has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and in accordance with Government advice contained in PPS25 Development and Flood Risk

A number of concerns have been raised in respect of the proposals from neighbouring residents which are set out within the main Committee report and further comments below. Following receipt of these comments amendments to the scheme have been discussed with the applicants and amended plans have been received.

The amendments include:

- Extending the highway which serves plots 2-12 and relocating the turning head closer to the boundary with the properties on Fairview Drive (to the north of the application site).
- Relocating plots 6 and 7 further away from the boundary with 6 Meadow View
- Amendments to the proposed landscaping including:
 - replacing the proposed pond in the western corner of the site and the proposed ditch which served this pond with an ecological improvement area, incorporating a mix of dry and wetland planting and a land drain which will intercept surface water from the site discharges feeding it via a silt trap into the main surface water drainage system
 - culverting more of the drainage ditch/ stream than previously proposed
 - re routing the drainage ditch around Environmental Area 2. Overflow from this area will be directed via a silt pit then into the main surface water drainage system.

The amendments to the landscaping originally proposed, which raised concerns from the neighbours, were proposed to address concerns raised by the Ecologist and Environment Agency. The originally scheme addressed the Ecologists concerns by retaining open water features, including the pond, and only culverting part of the stream/ drainage ditch:



The inclusion of a pond and drainage ditch along the boundary of the properties raised concerns from neighbours and the following amendments have been proposed:



These amendments remove the pond and the drainage ditch will be replaced with a land drain. It is considered that these amendments go some way towards addressing the neighbours concerns however removes some features suggested by the Ecologists. On balance this scheme retains drainage ditches which could be used from foraging habitat along with new planting to retain the Ecological value of the site whilst addressing concerns raised by neighbours.

Additionally the amendments include extending the highway and relocating the turning head as set out above. This amendment enables the properties on plots 6 and 7 to be relocated further away from 6 Meadow View, approximately 17 metres is retained between the side elevation of 6 Meadow View and the rear of the proposed properties (the original scheme retained 14 metres). This amendment moves the turning head closer to the properties on Fairview Drive. The level of the road however will be approximately 1 metre lower than the finished floor level of the properties on Fairview Drive and with appropriate boundary treatment and landscaping will not lead to loss of privacy. This amendment also involves extending the highway into the tree root protection zone of the protected Sycamore Tree in this location. The proposals include incorporating a gabion wall structure with knee rail as part of the road construction to take into account the level difference, approximately 1 metre, between the highway and the adjacent landscape area and to protect the roots of the tree. The Council's Arboricultural Officer has confirmed that *a root Protection Zone of 8.5 metres on the development side would be acceptable. The reduced area is only a section for the road hammerhead rather than the whole Root Protection Area so there should be no undue ill effects. Also, given that the area will be built up by gabions rather than graded in a slope over the root zone, the tree should be ok at that distance.*

To take into account the amendments the following conditions have been attached to the recommendation:

No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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. Specifically the scheme shall include details of proposed planting/ landscaping to be incorporated along the rear/ side boundaries of plots 1-6 which will act as a visual screen.

Reason: In the interests of the amenity of the area, to provide screening between the proposed and existing properties and in accordance with Policy Nos.GN5 and HS9 of the Adopted Chorley Borough Local Plan Review

The approved plans are:

Plan Ref.	Received On:	Title:
2640 02 08	10th September 2009	Location Plan
2640GM02/001 Rev D	8th January 2010	Proposed Site Layout
SSL:13037:100:1:1:LEV	2nd October 2009	Threshold Level Survey
2640GM02/005 Rev A	7th October 2009	House Types B
2640GM02/006 Rev A	7th October 2009	House Types D
2640GM02/002 Rev A	7th October 2009	Proposed Street Elevations 1
2640GM02/003 Rev A	7th October 2009	Proposed Street Elevations 2
2640GM02/007 Rev A	7th October 2009	House Types G & H
2640GM02/008	7th October 2009	House Types B5, B6, G2 & G3
2640GM02/004	10th September 2009	Proposed Cross Sections
2640 02 07	18th November 2009	Existing Landscape
2640 02 09	18th November 2009	Landscape Drawing Key
2640 02 08 Rev B	8th January 2010	Proposed Landscape

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

Prior to the commencement of the development full details of the proposed construction of the highway and turning head, serving plots 2-12, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the proposed gabion retaining wall, including levels and sections through the highway, along with proposed protection measures for the adjacent Sycamore Tree. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to ensure the continued protection of the adjacent tree. In accordance with Policies GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.

Conditions 19 and 20 have been replaced with:

Prior to the commencement of the development full details of Environmental Area One shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the proposed land drain located to the rear/ side of plots 1-7 (including cross sections), the proposed mix of dry and wetland planting and full details of the proposed surface water attenuation at this part of the site. The development thereafter shall be carried out in accordance with the approved plans.

Reason: To enhance the conservation and biodiversity value of the site, to provide wildlife habitats to compensate for the loss of biodiversity as a result of the development and to secure proper drainage and to prevent flooding. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and in accordance with Government advice contained in PPS25 Development and Flood Risk and Planning Policy Statement 9: Biodiversity and Geological Conservation

Prior to the commencement of the development full details of Environmental Area Two shall be submitted to and approved in writing by the Local Planning Authority. The details shall include full details of the proposed land drain located to the side of plot 25 (including cross sections), the proposed mix of planting and full details of the proposed re-routed ditch. The development thereafter shall be carried out in accordance with the approved plans.

Reason: To enhance the conservation and biodiversity value of the site, to provide wildlife habitats to compensate for the loss of biodiversity as a result of the development and to secure proper drainage and to prevent flooding. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and in accordance with Government advice contained in PPS25 Development and Flood Risk and Planning Policy Statement 9: Biodiversity and Geological Conservation

Condition 25 has been deleted as the open water feature no longer crosses the accessway serving plots 27 and 28

4 further letters of objection have been received raising the following points:

- Lack of consultation
- Inaccurate plans
- Drainage concerns
- Safety in respect of the pond
- Slab levels- impact on privacy
- Impacts of affordable housing
- Stream located behind houses
- Impact on traffic and parking
- Property values
- Impact on crime

Concerns have been raised about the proximity of the proposed dwellings to the existing dwellings. Various options have been considered including deleting some units which are closest to existing properties. Places for People have confirmed that from a viability perspective any reduction in the number of units would have the effect of increasing the unit cost and therefore making the option of 35 units unviable based on the current level of grant subsidy being sought from the HCA. Costs would also have to rise due to the subsequent outlay in amending the proposals / designs. Additionally this would have implications in respect of the timescales for delivery and would result in the loss of much needed affordable rented housing in the Borough.

The following concerns have been raised from a resident in respect of the Committee report (concern in bold- response follows):

- 1) ***Moving the houses on Plots 1 to 7 further away from existing properties would create large gardens is seen as something of a problem-*** this comment related to the fact that by moving the proposed properties 22 metres away from the existing dwellings would impact on the number of dwellings achievable on this site. A low density development would be created which would not necessarily be the most appropriate use of the land and therefore may not accord with Government guidance contained in PPS3. Alternative options for relocating the properties closest to the existing dwellings have been discussed with the applicants and resulted in amendments to the scheme which are set out above
- 2) ***On 1st December the Site Elevations and Building Plans for 6 Meadow View were entered into Anite as Associated Documents however these plans do not directly reflect the as-built position-*** These plans were sourced from the original planning file by the Planning Officer for information purposes. It is appreciated that the property is handed, ie built the opposite way around to what the plan indicates, however this property was also viewed on site so that the as built situation is what is actually assessed.
- 3) ***The argument that "6 Meadow View presents a blank gable/secondary windows towards the rear windows of plots 6 and 7 so overlooking windows are not an issue" is flawed-*** This comment relates to interface issues and demonstrates that there are no first floor windows on the side elevation of number 6 Meadow View which directly face the rear windows of the proposed dwellinghouses. Other considerations are still considered hence why resiting these properties has been discussed with the applicants.
- 4) ***The elevations/building plans of no other property have been included as Associated Documents-*** All of the properties which surround the site were considered on site so that the assessment was a true representation of the actual situation at site and as such it was not considered necessary to source the plans for all of the house types surrounding the site.
- 5) ***"Due to the level differences greater spacing would usually be required however as this difference is internally within the site future occupiers will be aware of the difference and the impact on the residents will be minimal-*** The Council's spacing guidelines are only guidelines and where these guidelines are not met internally within new housing development sometimes they are relaxed where this creates an appropriate use of land and where it is not considered that the distances will adversely impact on the future residents. In this situation this spacing distance relates to a rear elevation facing a side gable wall of two new properties. The proposed scheme is considered to be the most appropriate use of land and will not adversely impact on the future occupants to a degree which warrants refusal.
- 6) ***The second major area of concern relates to the proposal to divert the watercourse and create a pond.-*** Concerns have been raised about the safety issues of this pond and watercourse and the potential for these features to create flooding issues to existing properties. The residents have stated that the diversion of the watercourse and the creation of a pond would give rise to insurance problems which was not addressed within the original report. Options have been discussed with the applicants in this regard as set out above with particular reference to surface water flooding however issues in respect of insurance for neighbouring dwellings is not a material planning consideration.

The following queries have been received in respect of the amended plans from a neighbouring residents (query in bold):

- 1) ***The land drain shown running along the boundary - is this an open ditch or the perforated pipe/laid in stone type?-*** Full details of the proposed land drain are

required via the suggested conditions and will be designed to deal with surface water. The position of the land drain and the planting can be co-ordinated to ensure the land drain can operate and the planting can be put in as well. The conditions that are being recommended (please see above) provide for a scheme for landscaping and the land drain before development commences and this arrangement can be confirmed with the tree officer to ensure the trees are acceptable and the drainage can operate.

- 2) **There does not appear to have been any change in the distance between Plots 2-5 and the existing properties in Field Rose Court. The possibility of screen planting has previously been mentioned (which will not now be possible with the introduction of a land drain) to alleviate the loss of privacy. The height/distance ratio does not accord with the guidelines. This therefore remains a matter of concern.-** Planting along this boundary will be required via the suggested conditions as set out above and it is considered that both the land drain position and planting can be co-ordinated. It is not possible to relocate the properties on plots 2-5 any further forward due to the required access road however the proposed planting will act as a screen.
- 3) **The plans continue to show the legends "bats enter site from North West". This is inaccurate-** Bats utilise the site for foraging hence the legend on the plan. There is a 'bat-run' identified through the site which enters the site in a similar location to the legend included on the plan.

ITEM 3: 09/00802/OUTMAJ- Sagar House, Langton Brow, Ecclestone. Outline application for the erection of 70 dwelling houses with associated roads and open spaces

Central Lancashire Primary Care Trust have made the following comments. There is one GP practice in Ecclestone and space within the practice is severely limited. The building itself is land locked and there is no available land for further development at the existing practice. Whilst the practice is prepared to consider accepting an additional 300 new patients it must be stressed that this increase of numbers could seriously compromise the medical care given to the practice population in view of the limited space available.

On solution put forward by the PCT in respect of lack of space would be for the practice to relocate to Ecclestone clinic which is adjacent to the existing surgery on Doctors Lane. The PCT have requested a financial contribution from the developers, under a Section 106 Agreement, to redevelop and refurbish Ecclestone clinic

Similar to the request made by the Education Authority the tests set out within Circular 05/2005 are relevant to this request. One of the tests 'necessary to make the proposed development acceptable in planning terms' is particularly pertinent to this request.

The PCT have confirmed that the local GP practice is willing to accept 300 additional patients which will be sufficient for a scheme of this size. As such any improvement to health care facilities within the Village are not directly related to this development. As such it is not considered justified to request a contribution in respect of health care facilities.

3 further letters of objection has been received raising the following points:

- Sewer problems
- Flooding
- Impact on infrastructure

- Inadequate parking
- Developing greenfield land

The contribution towards community recreational facilities set out within the report will be utilised for facilities within Ecclestone.

The agent for the application has provided the following comments:

At agenda page 59 the report refers to the density equating to 26 dwellings per hectare. This is correct in as far as the total site area is concerned however if the biodiversity area of 0.27 hectares is discounted this increases the density to 28.5 dwellings per hectare. Furthermore if a small section of the entrance road and adjoining land is discounted which could not be attributable to any of the private dwelling curtilages (i.e. approx 0.06ha) the density would be approximately 29.2 dwellings per hectare.

Lancashire County Council (Planning Contributions) have requested a figure of £471,508 commuted sum towards transport, travel plan, education and waste management. These figures are derived from LCC's Planning Contributions document which the Council have not signed up to. There is no justification for these figures and it is not considered that the request meets the tests of Circular 05/2005 in respect of planning contributions.

Ecclestone Parish Council welcomes the substitution of housing types and a slight reduction in the proposed number of properties however it is of the opinion the reduction is insufficient and objects on the following grounds:

- Impact on existing local services- no evidence to support the existing drainage and sewerage infrastructure is capable of supporting a development of this nature
- 5.3.3 of the Supporting Planning Statement describes Ecclestone as 'acting in effect as a Local Service Centre'. The Parish Council would query the 'acting in effect as' surely the village is either a designated local service centre, or it is not
- The Design and Access Statement ignores the fact that the proposed site has a demonstrable split between employment land and greenfield site. By virtue of this it appears Policy HS8 of the Chorley Local Plan has been circumvented within the application. There are two definitive sites - the Parish Council has no objection to development of the former employment site but would request the Important Hedgerow be reinstated to define the two sites, and the greenfield site be retained
- The Parish Council would also reinforce the views of Chorley Council's own Conservation Officer, and Policy HT10 (d) of the Local Plan, requiring that, as a Locally Important Building, in relation to demolition and/or redevelopment, the building, has been proven to be structurally unsound and incapable of a beneficial reuse. There appears to be no evidence that the building is structurally unsound or to support any investigation of reuse beyond that as the existing function as an office block - ignoring possible conversion to residential use in the form of apartments.

ITEM 4: 09/00825/FULMAJ - Finnington Industrial Estate Finnington Lane Feniscowles Withnell. Demolition of existing buildings, erection of 15 units for mixed use of office and living accommodation, formation of new access to Finnington Lane, landscaping and laying out of new road and parking areas together with provision of washroom/wc building for canal boat users.

Members should be aware that since the previous applications on the site were determined, planning policy has changed. Firstly, the coming into effect in March 2009 of The Town and Country Planning (Consultation) (England) Direction 2009 means that it is no longer necessary to refer the application to GONW as it is not considered that the development will by reason of its scale or nature or location have a significant impact on the openness of the Green Belt.

Secondly, in December 2009 the Government issued PPS4 – Planning for Sustainable Economic Growth which replaces parts of PPS7. The new guidance states that Local Planning Authorities should ensure their policies facilitate new practices such as live/work units. The PPS also contains a policy EC12 – Determining Planning Applications for

Economic Development in Rural Areas, which states that Local Planning Authorities should support small scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

One late letter of support has been received from a local resident stating that the existing access has always been dangerous with very poor site lines and high traffic speeds on the main road. The site attracts vandalism and the fire brigade have been called out on numerous occasions. Any alterations with regards to the use of the site can only be an improvement and bring an end to heavy goods vehicles at present entering and leaving the site.

ITEM 5: NOTE CHANGE OF RECOMMENDATION

Bolton West Services Southbound (09/00836/FULMAJ) and Northbound (09/00837/FULMAJ).

Bolton Council does not raise any objection in respect of either of the proposals at Bolton West Motorway Service Station.

The Highways Agency offers no objection to both applications. They have asked for an informative note to be added to any permissions regarding the facilities being available during the redevelopment of the site.

Both applications were recommended for refusal on the agenda on the grounds that it was not considered that sufficient justification had been given for the increase in size of the proposals which are in the Green Belt, over the existing buildings on the site. It was not considered that there was sufficient justification that would warrant very special circumstances sufficient to outweigh the presumption against the proposal.

Since the report was written amended plans have been received reducing the volume of the proposed Annex Building on the northbound side of the M61 by a further 2,240 cubic metres. The Annex building as submitted originally was 8,800 cubic metres. The amended plans that now form part of the application have reduced the volume of the Annex Building to 5,460 cubic metres, with an overall total of 13,900 cubic metres proposed for the northbound side. The overall volume increase over the northbound and southbound sites together is now 2,075 cubic metres. The total volume of the proposed two sites is 25,365 cubic metres compared to the existing volume of the buildings on the site of 23,290 cubic metres.

Additional information has also been provided for the use of the proposed Annex Building. The applicants state that there will be a training facility for that will be used for staff training in checkout equipment, dedicated training booths for role play, training in back-up computer management, food hygiene, health and safety practices and petroleum regulations and customer services. The restaurant and coffee lounge will provide high quality dining for conference users, on-site staff and an alternative to the fast food outlets provided in the Amenity building. It will also provide a breakout space for conference users.

Following the receipt of the amended plans reducing the size of the building further and information providing a clearer explanation of its use, it is considered that there is sufficient justification to recommend both applications for approval. Although there is still an increase in volume compared to the existing buildings on the two sites, this must be weighed against other improvements that will be made to the site in terms of facilities for motorists and environmental improvements, such as enhanced landscaping and the significant reduction in the height of the existing lighting columns from 30m to 8m. The more isolated existing buildings on the site, such as the former police building will also be demolished. The Government's objective in terms of motorway service areas as set out in the Circular is to encourage greater choice in the provision of service facilities for all road users, thereby encouraging drivers to take breaks more frequently and so reducing the number of fatigue-related accidents. It is accepted that the existing services are out-of-date and in severe need of refurbishment to provide modern facilities to attract motorists. On balance it is therefore considered that sufficient justification has been put forward, along with a reduction in the size

of the buildings to justify the proposal within the Green Belt. The applications are now therefore considered acceptable.

There is an extant planning permission for a new building on the northbound side of the M61 (06/01289/FULMAJ) from 2006, which could still be implemented as it is not in the same position as the buildings now applied for. To build both would be in appropriate development in the Green Belt. For the scheme to be acceptable a legal agreement would prevent the earlier permission being built if the current application on the northbound site is permitted.

As the applications are for over 1000m² in floor area in the Green Belt the Council is required to refer the applications to the Government Office for the North West under The Town and Country Planning (Consultation) (England) Direction 2009.

New Recommendation:

It is therefore recommended that both applications are referred to the Government Office for the North West with the view that the Committee is minded to approve them, subject to a legal agreement being signed preventing implementation of the extant 2006 permission and subject to the following conditions:

Proposed Conditions Bolton West Motorway Service Area **Southbound** (09/00836/FULMAJ) (09/00837/FULMAJ).

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.	Stamp Dated:	Title:
1147 6c	10 th December 2009	Feasibility Plan
1147 4	23 rd October 2009	Amenity Building, Building Plan
1147 5	23 rd October 2009	Amenity Building Elevations
1147 12a	10 th December 2009	Rivington Lodge Redevelopment Elevations

Reason: To define the permission and in the interests of the proper development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

3. Before the development commences a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the storage and disposal facilities for commercial waste on the site, including their position and design. It shall also include full details of recycling and waste facilities to be provided for the public and customers to the site. The development shall only be carried out in conformity with the approved Strategy which shall be implemented before the amenity building hereby permitted is first brought into use.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

4. Before the development commences full details of the design and position of all ventilation and extraction systems, including air-conditioning units shall be submitted to and approved in writing by the Local Planning Authority. The development shall only therefore be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

6. 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. This shall show how the hard ground-surfacing materials will be permeable

materials on a permeable base, or show how provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the of the site (unless otherwise agreed to in writing by the Local Planning Authority). The development shall only be carried out in conformity with the approved details.

Reason: To ensure that the materials used are visually appropriate to the locality and to prevent flooding in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review and PPS25.

7. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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.

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.

8. 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.

9. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

10. No development approved by this planning permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) If potential contamination is identified, a site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site;
- c) The site investigation and association risk assessment have been undertaken in accordance with details approved in writing by the local planning authority;
- d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason:

- a) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors;
- b) To enable:

- A risk assessment to be undertaken:
 - Refinement of the conceptual model, and
 - The development of a Method Statement and Remediation Strategy.
- c) and d) to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on or off site.

11. No development approved by this permission shall be commenced until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

Reason: To reduce the risk of flooding and in accordance with PPS25.

12. No development shall take place until a scheme for a raised parking area sufficient for two police vehicles has 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 before the use of the amenity building hereby permitted is first commenced.

Reason: To help prevent crime and promote community safety and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

13. There shall be no vehicular or pedestrian access of any kind from the site to the M61 other than via the existing sliproads.

Reason: In the interests of highway safety and in accordance with policy no. TR8 of the Adopted Chorley Borough Local Plan Review.

14. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected within the site and to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The amenity building shall not be occupied before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development in accordance with PPG2 and Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.

15. No development shall take place until a scheme for the provision of Closed Circuit Television (CCTV) to the site has been submitted to and approved in writing by the Local Planning Authority. This shall include the position of CCTV cameras, their design and specification their mountings. The development shall only be carried out in conformity with the approved details before the amenity building hereby permitted is first brought into use.

Reason: To help prevent crime and promote community safety and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

16. Surface water must drain separate from the foul and no surface water must 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.

17. No development shall take place until a phasing scheme for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include details and timings of all demolition and construction to take place on the site. The demolition and construction shall only be carried out in conformity with the approved scheme and timings.

Reason: To avoid a proliferation of buildings in the Green Belt for which there is not a continuing need and in accordance with PPG2 and policy DC1 of the Adopted Chorley Borough Local Plan Review.

18. The amenity building shall be laid out as shown on drawing no. 1124 6b (unless otherwise agreed to in writing by the Local Planning Authority) subject to the following restrictions:

- the games area shall not have a floor area greater than 100m²;
- the A1 retail area shall not have a floor area greater than 250m² (although an additional 50m² of retail floorspace on top of this is permissible in an accredited tourist information centre for the sale of products originating from the north west region).

Reason: To prevent the motorway service area becoming a destination in its own right that would generate additional trips on the motorway network and may have an adverse impact on local retail trade and in accordance with Circular 01/2008.

19. Before the development commences, full details of the proposed lighting columns and associated lux levels, shall have been submitted to and been approved in writing by the Local Planning Authority. The development shall only therefore be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policies, DC1 and EP21A of the Adopted Chorley Borough Local Plan Review.

Proposed Conditions Bolton West Motorway Service Area Northbound(09/00837/FULMAJ)

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 amenity building and annex building shall be laid out as shown on drawing no. 1124 6b (unless otherwise agreed to in writing by the Local Planning Authority) subject to the following restrictions:

- the games area shall not have a floor area greater 100m²;
- the conference space shall not have a floor area greater than 200m²;
- the A1 retail area shall not have a floor area greater than 250m² (although an additional 50m² of retail floorspace on top of this is permissible in an accredited tourist information centre for the sale of products originating from the north west region).

Reason: To prevent the motorway service area becoming a destination in its own right that would generate additional trips on the motorway network and may have an adverse impact on local retail trade and in accordance with Circular 01/2008.

3. Before the development commences, full details of the proposed lighting columns and associated lux levels, shall have been submitted to and been approved in writing by the Local Planning Authority. The development shall only therefore be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policies, DC1 and EP21A of the Adopted Chorley Borough Local Plan Review.

4. Before the development commences a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of the storage and disposal facilities for commercial waste on the site, including their position and design. It shall also include full details of recycling and waste facilities to be provided for the public and customers to the site. The development shall only be carried out in conformity with the approved Strategy which shall be implemented before the amenity building hereby permitted is first brought into use.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

5. Before the development commences full details of the design and position of all ventilation and extraction systems, including air-conditioning units shall be submitted to and approved in writing by the Local Planning Authority. The development shall only therefore be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with PPG2 and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

7. 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. This shall show how the hard ground-surfacing materials will be permeable materials on a permeable base, or show how provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the of the site (unless otherwise agreed to in writing by the Local Planning Authority).The development shall only be carried out in conformity with the approved details.

Reason: To ensure that the materials used are visually appropriate to the locality and to prevent flooding in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review and PPS25.

8. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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.

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.

9. 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.

10. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

11. No development approved by this planning permission shall be commenced until:

- e) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- f) If potential contamination is identified, a site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site;
- g) The site investigation and association risk assessment have been undertaken in accordance with details approved in writing by the local planning authority;
- h) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

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 addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason:

c) *To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors;*

d) *To enable:*

- *A risk assessment to be undertaken;*
- *Refinement of the conceptual model, and*
- *The development of a Method Statement and Remediation Strategy.*

c) and d) to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on or off site.

12. No development approved by this permission shall be commenced until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy.

Reason: To reduce the risk of flooding and in accordance with PPS25.

13. No development shall take place until a scheme for a raised parking area sufficient for two police vehicles has 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 before the amenity building hereby permitted is first brought into use.

Reason: To help prevent crime and promote community safety and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

14. There shall be no vehicular or pedestrian access of any kind from the site to the M61 other than via the existing sliproads.

Reason: In the interests of highway safety and in accordance with policy no. TR8 of the Adopted Chorley Borough Local Plan Review.

15. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected within the site and to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The amenity building shall not be occupied before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development in accordance with PPG2 and Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.

16. No development shall take place until a scheme for the provision of Closed Circuit Television (CCTV) to the site has been submitted to and approved in writing by the Local Planning Authority. This shall include the position of CCTV cameras, their design and specification their mountings. The development shall only be carried out in conformity with the approved details before the amenity building hereby permitted is first brought into use.

Reason: To help prevent crime and promote community safety and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

17. Surface water must drain separate from the foul and no surface water must 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.

18. No development shall take place until a phasing scheme for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include details and timings of all demolition and construction to take place on the site. The demolition and construction shall only be carried out in conformity with the approved scheme and timings.

Reason: To avoid a proliferation of buildings in the Green Belt for which there is not a continuing need and in accordance with PPG2 and policy DC1 of the Adopted Chorley Borough Local Plan Review.

19. The approved plans are:

Plan Ref.	Stamp Dated:	Title:
1124 11e	7 th January 2010	Proposed Site Plan
1124 6b	23 rd October 2010	Amenity Building, Building Plan & Elevations
1124 7b	23 rd October 2010	Building Elevations
1124 10f	7 th January 2010	Annex Building Elevation
1124 9e	7 th January 2010	Annex Building Plan & Elevation

Reason: To define the permission and in the interests of the proper development of the site and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan Review.

20. The restaurant and café in the Annex Building shall only be used in connection with the operation of the Annex Building as an office and training facility and conference facility and to provide an alternative range of food and beverages for motorists and staff. The facilities shall not be used for functions or operate independently from the service area.

Reason: To prevent the motorway service area becoming a destination in its own right that would generate additional trips on the motorway network and in accordance with Circular 01/2008.

ITEM 6: 09/00866/OUTMAJ. Outline application (specifying access and layout) for the erection of 12 dwellings and associated infrastructure (resubmission of application 09/00513/OUTMAJ).

There is a typographical error on the top line of page 120 of the agenda. The sentence should read: *'It is therefore not considered that the proposal complies with PPS25: Development and Flood Risk'*.

Two further letters of objection have been received to the application from properties on Grove Crescent to the north of the site, one is an additional information from a neighbour who has previously sent in a letter of objection.

Their reasons for objection can be summarised as:

- The changes made from the originally withdrawn application have further compromised the situation due to the change in design of two double garages adjacent to their boundary walls;
- Changes to the property on plot 8, which now has an extra projection on it, will be more dominant and the change to plot 9 will allow views into no.s 11, 13 and 15 Grove Crescent;
- Request a site visit by the Development Control Committee;
- An increase in over 40 cars along with deliveries and visitors will be a safety hazard and cause further disruption on what is already a constrained road due to parking, narrow lanes and restricted sight to drivers coming over the railway bridge along with bus stops adjacent to the proposed entrance;
- Must be considered together with the proposed development at Grove Farm and the car park adjacent to Adlington Railway Station. It will cause chaos to the area;
- The proposal will change the character of the area from a tranquil environment and wildlife haven to a busy noisy environment;
- It provides no benefits to the residents of Adlington;
- Risk of flooding to surrounding properties;
- Their ground floor rooms will be visible over the intervening wall especially if the levels on the site are raised;
- There will be loss of light, overlooking, loss of privacy, noise and disturbance to local residents;
- There is a 40 year old willow tree in rear garden of no. 13 Grove Crescent close to the proposed plot 8;

The owner of no. 13 Grove Crescent has provided photo montages of the existing views of the site from no.s 13 and 15 Grove Crescent, the proposal as per the previously withdrawn application and the application now for consideration. They state the current proposal will severely degrade the outlook from their house and garden and at no other boundary position are buildings to be constructed so close to existing residents. The position of plots 8 and 9 and their associated garage are more intrusive on the current application than the previously withdrawn application.

The application has proposed changes to plots 8 and 9 from the previously withdrawn application. The garage for plot 8 is now attached to the property and this garage and the one for plot 9 are closer together. The property on plot 9 has also been reorientated so its rear elevation faces towards the properties on Grove Crescent. The relationship of the proposals to these properties is assessed in the main report and considered to comply with the relevant interface distances. Although the garages are closer together that they are single storey is considered an acceptable relationship to the properties to the rear in terms of layout. The application is made in outline and the appearance of the garages and therefore their roof structures will be assessed at reserved matters stage.

In terms of the willow tree using the guidelines BS5837:2005 Tree in Relation to Construction the Arboricultural Officer advises the distance is adequate for a root protection zone.

Since the report was written a Flood Risk Assessment has been submitted for the application. However, the Environment Agency state it does not allow them to withdraw their objection. Although they accept that the culvert running across the site can be diverted to allow the building of the proposed properties, recent site visits show this culvert still carries surface water which will need to be discharged at some point to prevent flooding on-site. The proposals show a diversion with a connection to a culvert underneath Railway Road but as this connection is currently not being utilised, the applicant will need to demonstrate that this excess surface water can be discharged without having an impact on any properties downstream. With regards to the proposed surface water discharge from the new houses, a new connection to the public sewer network is proposed. The applicant needs to show that this is acceptable to United Utilities. As this is a new connection, the surface water discharge rate must be reduced to a Greenfield rate of 6.6 l/s/ha. Inevitably, some form of storage will be required and it needs to be shown where this can be accommodated on site. Calculations of the amount of storage required must be shown clearly within the Flood Risk Assessment and this must take into account a 30% increase in rainfall intensity due to climate change.

The recommendation of refusal is therefore maintained, although modified to take account of the further objection from the Environment Agency.

Modified Reason for Refusal:

The proposal is considered contrary to policy EP18 of the Adopted Chorley Borough Local Plan Review and PPS25. It has been identified that there is a culvert on the site. The Environment Agency object to development over culverts as it will prejudice future replacement restoration and can restrict necessary access to the watercourse. In addition PPS25 (Development and Flood Risk) requires that all forms of flooding should be taken into account when considering an application. Whilst it is accepted that the culvert running across the site can be diverted to allow the building of the proposed properties, recent site visits show this culvert still carries surface water which will need to be discharged at some point to prevent flooding on-site. The proposals show a diversion with a connection to a culvert underneath Railway Road but as this connection is currently not being utilised, the applicant has not demonstrated that this excess surface water can be discharged without having an impact on any properties downstream. With regards to the proposed surface water discharge from the new houses, a new connection to the public sewer network is proposed. The applicant has not demonstrated that this is acceptable to United Utilities. As this is a new connection, the surface water discharge rate must be reduced to a Greenfield rate of 6.6 l/s/ha which requires some form of storage and it has not been shown where this can be accommodated on site.