

14 October 2010

Dear Councillor

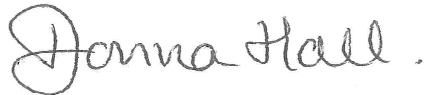
DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 12TH OCTOBER 2010

The following report was tabled at the above meeting of the Development Control Committee.

Addendum (Pages 1 - 6)

Addendum circulated at the meeting (enclosed).

Yours sincerely



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Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

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C O M M I T T E E R E P O R T			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	12 October 2010	

ADDENDUM

Application 10/00659/FULMAJ, Land Adjacent 32 Moor Road, Croston. Erection of 24 two-storey affordable houses (including new access from Moor Road).

A reptile survey has been completed by the applicant as requested by the County Ecologist. This has been sent to the County Ecologist and they confirm that it did not find any evidence of reptiles, but has recommended a precautionary approach to site clearance for the protection of amphibians, the measures at paragraphs 7.1-7.3 for the report shall therefore be the subject of a planning condition. This addresses the issues of protected/priority species.

In relation to compensation for loss of habitat, the County Ecologist states that no priority habitats would be lost and considers compensation could be dealt with by conditioning the submission of a landscaping scheme for the site. The applicant is proposing retention of the existing hedgerow along the eastern boundary (in addition to the planting strategy already submitted with the application). This, together with the maintenance of connectivity provided by garden boundary fences, does go some way towards maintaining biodiversity value at this site. The County Ecologist advises that they do not think that the proposals will result in significant adverse impacts on biodiversity, and are acceptable in policy terms.

Circular 11/95: The Use of Conditions in Planning Permissions, stress that conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. Attention is particularly drawn to paragraphs 15-17 which advise that in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. It is therefore considered that the imposition of conditions in relation to securing the measures at 7.1-7.3 of the reptile survey and a more detailed landscape condition including habitat creation details, would meet the tests in the circular.

The application is therefore recommended for approval (subject to a s106 Agreement) with the following additional/amended conditions:

‘All vegetation on the site shall be strimmed down to approximately 150mm prior to the commencement of works on site. A basic destructive search of any significant refugia (mainly piles of bark chippings) within the development footprint shall then be undertaken in order to identify an amphibians still remaining within the development area. If amphibians are found during these searches, they should be translocated to suitable (ideally similar) habitats within safeguarded areas.

Reason: To discourage any common frogs out of the site and to safeguard any other amphibians and in accordance with PPS9.’

‘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. It shall specifically include details of hedgerow boundaries to be retained on the eastern boundary.

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 and PPS9.'

'Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. This shall specifically include details of how the garden boundaries will maintain connectivity in terms of maintaining biodiversity. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review and PPS9.'

An amended condition is proposed in relation to the specified plans. This details and updated site plan. There are no revisions to the proposed scheme, this plan more accurately reflects the layout of the surrounding properties.

'The approved plans are:

Plan Ref.	Received On:	Title:
P1126 05 Rev J	28 th September 2010 (plan dated)	Proposed Site Plan
P1126 06 Rev A	23 rd July 2010	Site Elevations/Sections
P1126 SK06 Rev B	23 rd July 2010	Unit A1 Floor Plans & Elevations
P1126 SK07 Rev B	23 rd July 2010	Unit A2 Floor Plans & Elevations
P1126 SK08 Rev B	23 rd July 2010	Unit A3 Floor Plans & Elevations
P1126 SK09 Rev B	23 rd July 2010	Unit A4 Floor Plans & Elevations
P1126 SK10 Rev B	23 rd July 2010	Unit A5 Floor Plans & Elevations
P1126 SK11 Rev B	23 rd July 2010	Unit B1 Floor Plans & Elevations
P1126 SK12 Rev B	23 rd July 2010	Unit B2 Floor Plans & Elevations
P1126 SK13 Rev B	23 rd July 2010	Unit B3 Floor Plans & Elevations
P1126 SK14 Rev B	23 rd July 2010	Unit B4 Floor Plans & Elevations
P1126 SK15 Rev B	23 rd July 2010	Unit B5 Floor Plans & Elevations
P1126 SK16 Rev B	23 rd July 2010	Unit C1 Floor Plans & Elevations
P1126 SK17 Rev B	23 rd July 2010	Unit C2 Floor Plans & Elevations

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

An informative note is proposed in relation to breeding birds (as they are protected by other legislation:

Please Note: Breeding birds are protected by Section 1 of the Wildlife and Countryside Act (1981, as amended). Birds may nest in the trees, scrub, hedgerows and shrubs on and adjacent to the site. Where possible works to remove suitable nesting habitat should be undertaken outside of the nesting season (the nesting season runs from March to August inclusive). If site clearance is to be undertaken during the nesting season the site should be surveyed for the presence of nesting birds by a suitably experienced person immediately prior to the start on site. If breeding birds are found during the survey the nest should not be disturbed and works in the area of the nest should be delayed until nesting is complete and young birds have fledged.

Due to an administrative error, the owners/occupiers of four properties were not informed of the details of tonight's meeting nor were they given the opportunity to speak. Their comments have been included in the officer's report, however, to ensure that Members are clear of the objections, the letters are attached to this addendum.

In terms of assessing the application a balance must be sought between any prejudice caused to the objectors due to the administrative error, against, any prejudice to the applicant of not making a decision on the application this evening. The applicant states that initial work

would need to start on site in January. There would also need to be time before this to allow for the discharge of pre-commencement conditions of 8 weeks. It is considered that the issues raised by the objectors are covered in the report and the recommendation is still to approve the application subject to conditions and a s106 legal agreement.

Application 10/00278/FULMAJ Revisions to approved site layout involving 26 dwellings. Quarry Road Industrial Estate, Quarry Road, Chorley

A supplemental to the existing Section 106 agreement (ref 09/00745/FULMAJ) is being progressed in relation to the provision of affordable housing and open space. Therefore the recommendation should read; it is **recommended that the application is granted conditional planning approval subject to the associated supplemental to the Section 106 agreement.**

Application 10/00439/OUTMAJ Application for outline planning permission (access only) for the erection of up to 75 dwellings and a park and ride area for Adlington Railway Station at Grove Farm, Railway Road, Adlington.

The applicant has submitted a statement which they would like the committee members to see prior to determining the application. This will be made available at the committee as there are photographs which are included in the statement, as well as what Policy EM9 says. The commentary provided reads as follows:

‘Commentary: Policy EM9 requires existing employment sites to be assessed on factors including whether they are a locally important source of employment and have adequate access in order that, where justified, they can be protected. Grove Farm does not meet either test and therefore there is no requirement to advertise the site to show no real prospect of employment use, show that its use would not be viable, or show that it is no longer appropriate for planning or environmental reasons.

The photos show that the buildings are wholly inadequate for modern employment use, being block and asbestos sheet construction which fall far short of modern requirements (and Council policy) to reduce energy needs for all buildings. Where planning permission is needed for construction or extension of the buildings, hard standing etc. it would have to be refused because of atrocious access. The footway here is so narrow that pedestrians including parents with children have to walk on the road. Cars need to emerge about 2m into the carriageway to gain a view of oncoming traffic, a very dangerous manoeuvre.

If the buildings are to be reserved for local employment and the application is refused many local jobs in construction will not arise. Other local jobs would be safeguarded or increase through additional trade in Adlington town centre, and many other businesses (furniture shops, white goods suppliers, garden suppliers, decorators etc.) would benefit from the trade that arises from new housing development. Overall it can be expected that far more local jobs will be created as a result of housing development than would ever arise from the occupation of the existing employment buildings.

And of course there will be no affordable housing from the site, and no park-and-ride to support sustainable transport.’

Application 10/00518/OUT Outline application for residential development with all matters reserved, except for access at Back Lane Reservoir, Back Lane, Clayton-Le-woods.

The subterranean reservoir structure at Back Lane, Clayton-le-Woods is currently the subject of an application for ‘spot listing’ to English Heritage. The application was received by English Heritage on 21 September and whilst it has been given priority status it is thought unlikely to be determined within less than two months from this date, i.e. before 21 November 2010.

Planning Policy Statement 5 (PPS5) recognises the importance of heritage assets with local significance within the sphere of Development Management. It also states that the particular significance of these assets must be judged and weighed against the wider benefits of development proposals and, under policy HE9.2:

'Where the application will lead to substantial harm or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that:

(ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation.'

The site has been unused for approximately twenty years, which could be reasonably argued to be the 'medium' term. Whilst an inventive architect may be able to create something here, in truth all buildings have to be able to earn their keep. The costs of saving the structure may in this case outweigh the benefits. Indeed any potential developer may think twice about trying to develop the site as the costs involved could be quite prohibitive and may threaten the viability of any redevelopment scheme.

It is officers considered opinion, in line with policy HE12 of PPS5, that a full archaeological record is made of the structure as a pre-commencement condition to any permission that may be granted. The following condition is recommended;

No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is situated in an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy No.s HT11 and HT12 of the Adopted Chorley Borough Local Plan Review and HE12 of PPS5.

Application 10/00594/COU Change of use from office (B1) to NHS Centre (D1) covering the following services: Community Drug & Alcohol Services, Needle Exchange & Harm Reduction, Psychological Interventions, Community Detoxification, Drug Liaison, Midwife Services and advice to GPs. Opening times 10am to 6pm Monday to Friday, 10am till 4pm Saturday and at no time Sunday's and Bank Holidays at Matrix House, Friday Street, Chorley.

Condition 3 should read:

The premises shall be used for a NHS Centre (including community & alcohol services, needle exchange & harm reduction, psychological interventions, community detoxification, drug liaison, midwife services and advice to public GPs) Use Class D1 and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To protect the amenities of local residents and in accordance with Policy No.s EP7 and EM2 of the Adopted Chorley Borough Local Plan Review.

Application 10/00647/FUL Relocation of plant to treat waste water from dry pet food production process at Golden Acres Ltd, Liverpool Road, Bretherton.

The Environment Agency have provided comments. They have no objection in principle to the proposed development but wish to make the following comments:-

The expansion and relocation of the effluent treatment plant has been included in the latest permit variation, reference EA/APR/SP3937PB/VOO5. An application is currently being determined that will update the existing installation and activities that include effluent treatment and emissions to the River Douglas.

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for

- i) any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Douglas, which is designated as a Main River watercourse; and/or
- ii) any proposed works or structures either affecting or within 8 metres of a tidal or fluvial flood defence.

No works may take place within 8 metres from the bank top of the watercourse or the landward toe of the flood defence structure without prior written consent. Consent is also required under the Water Resources Act 1991 for any works on, over or within the channel of the watercourse, including construction of surface water outfalls.

The site is located within a Flood Zone, defined by PPS25 as having a medium probability of flooding. We recommend that in areas at risk of flooding, consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include removable barriers on building apertures such as doors and air bricks and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

The first part of the comments relate to the Water Resources Act and is controlled under the permit required from the Environment Agency, therefore there is no requirement to condition these works. However, the second comment in relation to the incorporation of flood proofing measures in relation to the design can be conditioned. The following condition is recommended:

Prior to the commencement of development full details of waterproof membranes and removable barriers to be used to make the plant resistant to ground water and tidal flood waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with those approved details and they shall be maintained permanently.

Reason: To protect the development against the risk of flooding in accordance with PPS25.

Application 10/00740/FUL Application for 4 No. dwellings amendment to previously approved layout (10/00418/FULMAJ) at 605 Preston Road, Clayton-le-Woods, Chorley

Amended plans have been received on 11 October 2010 to address the issues raised in the officer report and reasons for refusal. Following consultation with the Legal Section it is considered that they are a material consideration, even though they have been submitted a day prior to the item being presented to Committee.

Due to the changes in the layout and design as well as the streetscene it is considered that further neighbour consultation would be required as well as further assessment by officers. It is therefore recommended that this application is deferred for consideration and brought back to the next available Committee.

Application 10/00159/OUT Outline application for 6 No. houses and associated works at Land 35m West Of 19, Bannister Lane, Ecclestone, Lancashire

The following additional condition and informative are recommended: -

The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The

development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.

Please note: Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the use or development of the land to which this permission relates.