

6 August 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 6TH AUGUST 2013

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that provides an update of events that have taken place since the agenda was printed

Addendum (Pages 3 - 10)

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

Yours sincerely



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C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Partnerships, Planning and Policy	Development Control Committee	6 August 2013

ADDENDUM

ITEM 4b-13/00453/REMAJ – 47 Clancutt Lane Coppull Chorley

The recommendation remains as per the original report

The following consultee responses have been received:

Lancashire County Council Ecology have made the following comments following the receipt of the additional information:

- The applicant has now submitted a Landscape Structure Plan. This lists a great many species for planting, predominantly non-native and ornamental, and as such appears contrary to the Design and Access statement. Planting beds appear small and isolated.
- My concern regarding the treatment of the existing hedgerows (Habitat of Principal Importance in England), as outlined in my earlier response, does not appear to have been addressed. The proposals would thus appear to result in the loss/ deterioration of a priority habitat.
- The submitted details do appear to now be sufficient to enable discharge of this condition, but it does appear from the submitted information that biodiversity value would be greatly reduced.
- It is also not clear that the applicant has addressed the issue of habitat connectivity, i.e. means of enclosure must be permeable to the passage of wildlife such as amphibians, and small mammals including hedgehogs (Species of Principal Importance in England).
- It is similarly not clear that external lighting would not result in light pollution of wildlife habitat (i.e. see NPPF paragraph 125).
- The Bat Scoping Survey Report had recommended the following:
 - 15 x Schwegler bat tube 1 FR built into south-west/ south-east facing walls of buildings;
 - 15 x Schwegler sparrow terraces 1SP;
 - 2 x Schwegler nest box 1B.
 - On mature ash trees along Clancutt Lane: Swift and house martin boxes: 2 x Schwegler swift box 17a and 3 x Schwegler house martin box no 11.
- The planning layout indicates three bat boxes (no detail of type or placement) and numerous 'potential bat tube locations'. It is not clear why these are only 'potential' locations, but this appears to raise the possibility that the necessary bat provision might not be provided?
- The drawing does not appear to include any details of bird nesting opportunities.

The following conditions have been deleted:

3, 4, 5, 9, 10, 11, 12, 13 as these are addressed on the outline approval and as such are still applicable.

The following conditions have been amended:

To address the Ecologists comments above conditions 2 and 7 have been amended as follows:

2) Prior to the commencement of the development, notwithstanding the submitted details, details for the provision of bat roosts and bird nesting provisions (in accordance with the Bat Scoping Survey (by UES dated 1 November 2011) submitted with the outline planning application) shall be submitted to and approved in writing by the local planning authority. The Bat Scoping Survey Report recommends the following:

- 15 x Schwegler bat tube 1 FR built into south-west/ south-east facing walls of buildings;
- 15 x Schwegler sparrow terraces 1SP;
- 2 x Schwegler nest box 1B.
- On mature ash trees along Clancutt Lane: Swift and house martin boxes: 2 x Schwegler swift box 17a and 3 x Schwegler house martin box no 11.

The mitigation measures approved shall be carried out in full accordance with the approved details.

Reason: In the interests of the continued protection of protected species in accordance with Government advice contained with the National Planning Policy Framework.

7) Notwithstanding the submitted information a scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include 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 and those areas to be seeded, paved or hard landscaped. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The details shall include details of habitat connectivity (i.e. means of enclosure must be permeable to the passage of wildlife such as amphibians, and small mammals) and any external lighting proposed.

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

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

ITEM 4c-13/00452/FULMAJ – Back Lane Reservoir Back Lane, Clayton-Le-Woods

The recommendation remains as per the original report

County Councillor Mark Perks objects to the proposals for the following reasons:

- I disagree with the comments submitted by officers of the County Council in relation to impact on highway matters.

- It is my view the increase in traffic would need some form of traffic calming measures to be brought in on this particular highway as it is well used by parents dropping off and collecting children from the Manor Road Primary School.
- The number of parking spaces/garage spaces is nowhere near adequate for the likely occupancy levels for the housing development proposed.
- Without adequate conditions or measures submitted for improved pedestrian footways there will be the increased risk to cyclists, pedestrians and children in this area. Due to the fact Fiddlers Lane only has a footpath on a single side opposite to the existing properties.
- I have concerns over the egress of the proposed new development in this area which should have a condition placed requiring a speed limit during school times and, traffic calming measures in order to reduce the risk to the young people travelling to and from the school.
- The character of the area will be impacted upon due to the buildings and the removal of a truly wild area, which supports mature trees, wildlife, flowers and fauna. Has any assessment been undertaken regarding any Bats roosting on the land?
- Building on the land will lead to the necessity for drainage which may well impact on neighbouring streets such as the drains in Carlton Avenue which are in private ownership.
- I do not agree with the removal of S106 agreement needed relating to Education places and would suggest the planning officers calculations need investigating further in light of plans for a further school in Clayton, the extension at Buckshaw Village, the lack of any financial contribution towards a 2nd school on land allocated at Group 1 Buckshaw Village and the lack of primary places throughout Chorley North.

A number of Cllr Perks concerns are addressed in the committee report along with the requirements of the County Council as the Highways Authority. The bat concern is addressed below along with the revised comments from the Education Authority.

1 further letter of objection has been received setting out the following issues:

- Many of the residents are concerned about the bat activity at Back Lane Reservoir.
- The bat survey was carried out some time ago when the reservoir was full of water since the reservoir was emptied last December there is chance that bats could be in there now.

In response to these concerns the applicant has confirmed that the reservoir was drained in mid-December 2012. United Utilities have confirmed to the applicant that the site was pumped out from the site of the new reservoir across the road from the old reservoir and the pipe was then permanently capped on 26th April 2013. There would have been no requirement to open any of the access hatches.

The applicants have padlocked and tack welded the access hatches shut and have not done (and cannot see) any works to the structure to make any holes in it which bats could get into the structure.

Following receipt of the above information the applicant's Ecologist has confirmed that *as the covered reservoir has remained well sealed no access for bats exists in line with our previous Phase 1 Survey undertaken at the site. Therefore no further survey/ mitigation is considered to be required with respect to bats and the covered reservoir.*

The following consultee responses have been received:

Lancashire County Council (Education) have made the following comments:

As set out within the Committee report the calculation in respect of education contribution was queried with the education authority. The County Council have confirmed:

The latest information available at this time was based upon the 2013 annual pupil census and resulting projections.

Based upon the latest assessment, LCC would not be seeking a contribution for primary school places or secondary school places.

ITEM 4e-13/00564/FUL – Land 35 Metres South Of 25 Ryefield Heapey

The recommendation remains as per the original report

Lindsey Hoyle MP has written on behalf of the residents of Ryecroft and Ryefield setting out the following concerns:

- The types of properties proposed which will have a big impact on the area
- The increase in vehicle movements and the impact on the community

Members should be aware that the Executive Member for Economic Development & Governance has given approval for this piece of council owned land to be used for the construction and letting of rural affordable rented housing.

Although this is not material to the consideration of this planning application if Members are minded to approve the application before them then the council would enter into a “Building Licence” with the developer. The Licence does not transfer any land ownership to the developer but merely authorises the developer to enter onto the council’s land to construct the affordable units as specified within the full planning consent. On completion of the development, the houses become the ownership of the council and the council can transfer the entire developed site to a Registered Provider.

ITEM 4g-13/00179/FUL – Middle Derbyshire Farm Rivington Lane Rivington

The recommendation remains as per the original report

Officers are advised by the applicant that a letter has been sent to all Councillors setting out a number of points which they would like to bring to the attention of the Councillors. As it is understood that Members have seen this letter the points included are not duplicated, but in response to some of the points raised:

- Officers have not indicated at any stage that a favourable recommendation would be presented to Members.
- The merits of the case have been carefully considered and it was intimated that the report could be forwarded to the Development Control Committee with a neutral recommendation. However, upon further investigation of the planning merits, the application has been recommended for refusal.
- Officers have been responsive to meetings with the applicant regarding the proposed development and have offered advice in terms of progressing the scheme. However, particularly during early discussions (following demolition of the farmhouse and barn), advice was very general outlining a number of options moving forward. No indication was given as to the acceptability of a prospective application in line with the requisite planning policies.
- Amended plans have been received during the course of this application, however,

these have resulted in the reduction in the size of the proposed basement in response to on-going planning discussions. There have been no significant alterations received in respect of the external appearance of the property which would be visible above ground.

- Officers have acknowledged receipt of amended plans showing how some of the basement would be used to house equipment associated with renewable sources of energy and this is addressed at paragraph 46 of the committee report. However, when considered in light of the harm to the Green Belt by reason of inappropriateness, the use of renewables in this case is not considered to amount to a case of very special circumstances
- The factors presented in support of the application have been considered within the committee report and are not individually or cumulatively considered to amount to a case of very special circumstances in this case, nor are they considered sufficient to outweigh the harm to the Green Belt or any other harm.
- The application 12/00834/FUL for is still under consideration by the Council and cannot be determined favourably because the farmhouse and adjoining barn were demolished. This scheme would have resulted in a larger development above ground. However this scheme was assessed under bullet 3 (the extension or alteration of a building) of paragraph 89 of The Framework in which a distinctly different set of criteria apply.
- Officers have carefully considered the content of the representations made in respect of this application and are interpreting the 'neutral response' as an objection because of the nature of the comments received as set out within the original report
- The information provided in respect of ecology sets out an account of the issues to date and the rationale for the mitigation measures presented by the applicant. Paragraph 97 of the committee report makes it clear that the proposed mitigation measures are acceptable in respect of bats.
- The application 08/00553/FUL for "Proposed high wire adventure course with associated equipment, cabin and shelter, and extension to existing carpark" is within the vicinity of the application site. However, this application is distinctly different to that currently proposed and was assessed and determined under different planning policies. Furthermore, each application must be assessed on its own merits and officers do not consider this application to have any relevance to the current application.

Amended plans

Members should be aware that amended plans were received in respect of this application on the 31 July 2013 to reduce the size of the proposed basement (The agent for the application was first advised on 25th March 2013 that the volume of the proposed dwelling including the basement would be in significant excess of what could be permissible). However assessment of these amendments is not before Members tonight for the following reasons:

- The proposed changes are significant and would result in the description of development changing
- There was insufficient time to enable a re-consultation with interested parties and receive their comments
- There was insufficient time to enable a full assessment of the scheme to be made in light of the proposed changes, whilst allowing adequate time to update Members of the alterations and the implications this could have on the recommendation.

Officers advised the agent of this and offered to inform Members of the issues with a recommendation that Members may wish to defer the application for the next Committee to enable the above bullet points to be addressed; however the applicant has requested that

Members consider the scheme in respect of the plans received on 20th June 2013 which is the basis of the report before Members.

Additional informative

An informative is proposed with this application to clarify which plans the application has been determined in line with. The informative is proposed as follows:

Please note: This application has been determined in line with the following plans:

Indexed:	Drawing reference:	Revision:
26/02/2013	SSL:15048:200:1:1	-
26/02/2013	DALL001	-
26/02/2013	DALTON/01	-
26/02/2013	DALTON/02	-
26/02/2013	DALTON/03	-
26/02/2013	DALTON/04	-
26/02/2013	DALTON/05	-
26/02/2013	103	-
27/02/2013	Indicative photographs (front and rear)	-
09/04/2013	102	C
20/06/2013	101	G

ITEM 4i-13/00218/FUL – Rectory Farm Town Road Croston

The recommendation remains as per the original report.

As stated in the report on the agenda, a report detailing the preliminary findings of the three activities surveys was submitted, but a final report has now been submitted.

This concludes that following the completion of three activity surveys, undertaken within an optimal time of year, no evidence of bat emergence or re-entry was observed. Therefore there are no apparent implications with regards to roosting bats and the buildings on site at the time of the survey.

It is recommended that areas of bat roost potential identified during the initial inspection and assessment shall be subject to soft demolition. If at any time a bat/s or roost/s is/are suspected then all works shall cease immediately and advice sought from either Natural England or the acting consultant.

It is however considered that there is a Common pipistrelle roost site in close proximity to the site. The surveys found five bat species to be present in the locality of the site, Common Pipistrelle, Myotis species (probably Brandt's bat), Brown Long Eared, Soprano Pipistrelle and Noctule bats.

Relative high levels of bats were recorded foraging and feeding over the site and a sensitive lighting scheme will need to be adopted. In addition to this landscaping areas should be incorporated into the site to ensure that there is no net loss of foraging habitat. Landscaping should use native species of local provenance. Ideally landscaping should aim to maintain and hopefully enhance the commuting routes around the site.

The buildings on site contain potential to support roosting bats, to ensure that this potential is not lost to development a minimum of 5 bat boxes shall be incorporated into the buildings, to be located, by an experienced licensed bat Ecologist.

It is therefore considered that the final report demonstrates that the proposal is acceptable in relation to ecology subject to conditions.

The following conditions have been added:

The above recommendations have been incorporated into the following additional conditions which are proposed:

Details of any external lighting to be installed on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: Relative high levels of bats were recorded foraging and feeding over the site and a sensitive lighting is therefore required to avoid disturbance to protected species.

Any demolition within areas of bat roost potential identified during the initial inspection and assessment and as detailed in report by Living Ecosystems submitted to the Council on 22nd Jul 3013 shall be undertaken by hand. If at any time a bat(s) or roost(s) is suspected then all works shall cease immediately and advice sought from either Natural England or an authorised bat worker.

Reason: To avoid killing or harming a protected species.

Prior to the commencement of the development details of a minimum of five bat boxes to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority, the information shall include the timing of the erection of the boxes. The bat boxes shall then be installed only in accordance with the approved details and retained at all times thereafter.

Reason: The buildings on site contain potential to support roosting bat and so to ensure that this potential is not lost to development.

A landscaping scheme condition is already proposed on the agenda but the reason for this condition has been amended to include reference to bats:

The development hereby permitted shall not 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 to ensure that there is no net loss of bat foraging habitat.

ITEM 4j-13/00401/REMMAJ – Grove Farm, Railway Road, Adlington

The recommendation remains as per the original report

Adlington Town Council has raised the following objections:

- The Town Council objects to a 0.7m retaining wall with 2.1m high close boarded fence at the boundary of the Grove Farm development and the car park of the Community Centre.
- The Council considers that this height of fence is excessive and will lead to a loss of light for sections of the Community Centre building, which also includes a nursery facility.
- The Council expressed concern on 21.5.13 that this fencing was already being erected and was higher than the specification shown in the original plans.

ITEM 4m-13/00649/FUL – Group 1, Euxton Lane, Euxton**The recommendation remains as per the original report**

Members are advised, for the purposes of clarification, that the viability appraisal is based on 15% affordable housing in a mix of 80% two bed units and 20% one bed units.

The following consultee responses have been received:

Euxton Parish Council will not have met before Committee to formally consider this application. However Parish Councillor Mervyn Thornhill has expressed concern that the application seeks to reduce the proportion of affordable housing in Group 1 to 15% from some previously agreed figure on the basis that the developer appears to be suggesting that the site would not be viable unless the proportion of affordable housing is reduced to 15%.

He notes that the Local Plan identifies an "estimated **annual** shortfall across the Borough of affordable housing of 723 dwellings" (para 5.2) and sets a target figure of 30% for the "urban" parts of Chorley which it defines as including Euxton, Clayton, Whittle etc (and one would assume also Buckshaw- which is generally regarded in the CLP as separate from Euxton).

He also comments that the Parish Council would recognise the need for affordable housing and made no comment on this particular part of the CLP. However, the Parish Council are concerned that if Buckshaw, which is obviously a major housing provider across a full range of housing types throughout the plan period, does not provide the required level of affordable housing then additional pressure will fall on other areas to make up the shortfall. It would be expected that a carefully planned and new community, like Buckshaw, would be in a much better position to provide for necessary housing of all types than would other communities which have evolved in a more erratic manner.

BAE have already developed large parts of the Group One site and he has queried whether they made these developments without being required to provide the affordable housing, leaving all the affordable housing to be provided in a later phase which requires major infrastructure works.

Since the Parish Council will not meet in time to submit formal comment concerning this application he has asked that their concerns to be registered in any event when the application is discussed.
