

3 September 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 3RD SEPTEMBER 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 published.

Addendum (Pages 3 - 16)

Report of Director of Partnerships, Planning and Policy.

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	3 September 2013

ADDENDUM

COMMUNITY INFRASTRUCTURE LEVY

PLEASE NOTE: *The decision by Chorley Council to adopt a CIL charging scheme has been challenged by way of a Judicial Review application. The Council will be vigorously defending this application and this challenge does not serve to prevent the implementation of the CIL Scheme from 1 September 2013. Agents/ applicants have been advised of this for the sake of transparency.*

ITEM 4a-13/00600/FUL – Land 60M North to the Rear Of 34-42 And Including 42 Chorley Lane Charnock Richard

The recommendation remains as per the original report.

A further letter has been received in response to the published agenda report making the following comments (response in italics):

In response to the comments of LCC Highways, the line of site cannot be sustained, the line X is as Page 92 of the Manual for Streets item 7.7.6. (an X distance of 2.4m should normally be used in most built-up situations etc.) This is taken from the give way line or an imaginary give way line, which is its self 300mm to 400mm in from the road edge which increases line X to 2.7m or 2.8m making the line of site even worse. An X distance of 2.0m in can only be used in some slow speed, lightly trafficked situations as 7.7.7 which this situation is not.

“To respond to this Chorley must consider the advice of the Highway Engineers at Lancashire County Council who are the Highways Authority for the Borough. They have not objected to the application and find the sightlines to be acceptable. It is not therefore considered a reason for refusal could be sustained on highway grounds.”

In paragraph 58 the report states the proposed garage on plot 1 will be situated close to the boundary. However, on the proposed site layout shows the garage between plots 1 and 2 not against the boundary. The gable of plot 1 is against the boundary of my land a mere 1.5m away and they will be overlooked by a side 1st floor bedroom window and a ground level side lounge window.

“There is a typographical error in the agenda report. Paragraph 58 and Paragraph 69 of the agenda report should refer to Plot 5 rather than Plot 1. To be clear, paragraph 58 of the addenda is considering the relationship between number 4 Nursery Close and the proposed property on Plot 5. The relationship of Plot 1 and the land to the west is assessed at paragraph 61 and found to be acceptable subject to a condition requiring the first floor side window to be obscure glazed (which is proposed). It is considered any overlooking from the side ground floor window can be overcome through an appropriate boundary treatment, details of which are also required by a proposed condition.”

The drawing no 13/040/P03 for house type D is a different hand to the one shown on the site plan. This would affect the site layout.

“To respond to this the site layout is annotated ‘opp’ for this house type which shows it is a mirrored version of the house type. This is a common way of indicated ‘handed’ (mirror image properties) on plans.”

United Utilities state at paragraph 34 that there are facilities to prevent flooding on the site but no mention of displaced rainwater on to adjacent properties and land. It has already been previously stated that the site is higher than adjacent land.

“United Utilities do not state there are facilities to prevent flooding on the site but do ask for a condition to secure a foul and surface water drainage scheme for the site, which is proposed at condition 7. They also require surface water draining to the public sewer to be restricted to a maximum pass forward flow of 5 l/s.”

Ecology Update

Additional ecology information has been submitted by the applicant following the initial comments of Lancashire County Council Ecology. The County Ecologist has reviewed this information and in light of it states that it seems reasonably unlikely that the proposed development would have any significant ecological impacts subject to planning conditions. Subject to these conditions the proposal is considered acceptable in terms of its impact on protected species and species of principal importance.

The following additional conditions are therefore proposed:

1) In order to avoid impacts on bats:

- A further pre-cautionary bat survey of 42 Chorley Lane shall be carried out immediately prior to commencement of any works that will affect the building;
- The roofing tiles of 42 Chorley Lane shall be removed carefully and by hand;
- Replacement bat roosting opportunities shall be installed within the developed site as recommended in paragraphs 5.4.8 & 5.4.9 of the Ecological Survey and Assessment (ERAP Ltd, August 2013, ref 2013_084);
- If bats are detected or suspected to be using the buildings to be affected for roosting at any stage before or during development works, then works must not proceed until advice has been sought regarding the need for Natural England a licence.

Reason: In order to avoid impacts on bats (European Protected Species).

2) Plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, including Montbretia and Variegated Yellow Archangel, shall be eradicated from the site and working methods shall be adopted to prevent their spread.

Reason: To prevent the spread of invasive plant species.

3) Prior to occupation of the development, nesting opportunities for birds (House Sparrow, Startling and House Martin) shall be installed into the site as detailed in 5.4.5, 5.4.6 and 5.4.8 of the Ecological Survey and Assessment (ERAP Ltd, July 2013, ref: 2013_084) and paragraph 1.4 & figure 1 of the Annex Report to Ecological Survey and Assessment (ERAP Ltd, August 2013, ref: 2013_084b). In addition, bird boxes for other Species of Principal Importance including Song Thrush (open fronted bird boxes) shall be installed in suitable locations within the developed site.

Reason: To secure bird nesting opportunities.

4) No site clearance, site preparation or development work shall take place until a detailed habitat creation/landscaping and management plan has been submitted to and approved in writing by the Local Planning Authority. The planting shall be as per the submitted revised Soft Landscaping Proposals (Drawing no. 644.200A) with the exclusion of Elder (*Sambucus nigra*) from the

hedgerow planting mix and the replacement of *Carpinus betulus* "Frans Fontaine" and "Landscape Bloom" *Prunus avium* from the tree planting mix with appropriate native species. The plan should include species mixes, ground preparation and habitat establishment methods, aftercare and long term management for biodiversity. The approved plan shall be implemented in full.

Reason: To ensure a satisfactory landscaping scheme is carried out which encourages habitat creation.

5) In order to avoid impacts hedgehogs, amphibians and reptiles (protected species and Species of Principal Importance):

- 2 hedgehogs house shall be installed within the developed site as recommended/ illustrated in figure 1 of the Annex Report to Ecological Survey and Assessment (ERAP Ltd, August 2013, ref: 2013_084b);

- Works affecting any features likely to provide shelter for amphibians, reptiles and/or hedgehogs (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) will be avoided when these species are likely to be hibernating;

- All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched immediately prior to removal / development works. If clearance works are unavoidably carried out at the time of year when amphibians may be hibernating and hedgehogs and reptiles may be hibernating or breeding, any amphibians, reptiles and/or hedgehogs found should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any amphibians, reptiles and/or hedgehogs encountered shall be carefully moved to a safe area of suitable habitat, which will then remain undisturbed;

- If the presence of Great Crested Newt is detected or suspected at any stage before or during development works, then works must not proceed until advice has been sought regarding the need for Natural England a licence.

Reason: To safeguard protected species and Species of Principal Importance.

6) Details of any lighting to be installed 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: To avoid excessive light spill and to avoid illuminating bat roosting opportunities within the site, the roof or eaves of the nearby buildings or trees and hedgerows in the area.

A condition relating to finished floor levels has also been added:

The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

A Condition to supplement the Surface Water condition is proposed as follows:

Prior to the construction of the houses on plots 1 to 4 a scheme for the management of land drainage to prevent discharge of surface water from these plots onto adjoining gardens or land to the West and North of the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter the approved details shall be implemented and maintained thereafter.

Reason: In order to prevent run off from this site onto adjoining gardens or land having regard to the proposed raising of land levels within the development.

ITEM 4b-13/00560/FULMAJ – Former Discover Leisure Site (Dave Barron Caravans) Chapel Lane Coppull Chorley

The recommendation remains as per the original report

The following consultee responses have been received:

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

Proposed site access

- Chapel Way will be used to access the proposed development with the southerly access permanently closed. A new minor access will be formed near Chapel Way to serve development units 1-4.
- A Traffic Regulation Order (TRO) may be required to revoke or restrict the speed limit to 20mph in line with the rest of the site's proposed internal roads.
- Chapel Lane has 30mph speed limit, but, a speed survey conducted by the applicant over a 7 day period shows speeds well over the legal limit. The 85th percentile speed recorded over the period was 36mph and in fact, according to the data provided, average speeds are also in excess of 30mph.
- The proposed visibility splay of 2.4m x 57m for the main vehicle access is acceptable. However, due to speeding traffic, a suitable financial contribution should be agreed with the applicant towards appropriate speed reduction measures on Chapel Lane.
- As planting is intended on the junction radii, the applicant should ensure that the trees do not disrupt the 2.0m x 2.0m visibility splay required by pedestrian at the access.

Accident record

- The proposed development would not have a detrimental impact on the accident situation.

Transport assessment (TA)

- The junction of Chapel Lane and the site access would perform well within capacity.

Footpath 30 (FP30)

- The above footpath is a Public Right of Way (PROW) and runs along the southern end of the site from Chapel Lane to the railway foot bridge. It is currently in a poor condition. The tarmac surface of the footpath is uneven with several cracks and potholes which often results in surface flooding and often becomes muddy.
- To ensure sustainability of the site and for convenience and ease of accessibility for residents of the proposed development and the public, a suitable financial contribution should be agreed with the developer to reinstate the 400m long PROW to 2m width, with tarmac surfacing including drainage.

Pedestrians and cyclists

- To prevent the proposed development becoming a car dependent community and in the interest of sustainability, appropriate and quality provision should be made for pedestrians and cyclists.
- Consideration should be given to extending the existing PROW (FP30) through the site via either Poplar Drive or Station Road or both to connect PROW (FP28). This would ensure that the development is well integrated with existing facilities and places.

Public Transport

- There are two bus stops within close proximity of the site access, one in each direction (outside nos. 179 and opposite 261 Chapel Lane). One of these stops has a shelter, but are both non-DDA compliant. Financial contribution should be agreed with the developer towards upgrade of the stops to Quality Bus standards with shelters, raised kerbs and clearway Orders and markings.

- There are also bus stops at Spendmore Lane/Station Road within short distance from the site, but can only be accessed by residents if there is a through pedestrian access to either Station Road or Poplar Drive.

Internal Layout

- As pointed out above, there seems to be an infringement upon the adopted highway by the applicant in Chapel Way, from plans submitted. This must be resolved prior to any decision being taken on the application.
- The internal layout shown on the proposed plan appears in line with the principles of the Manual for Streets.
- The proposed footpaths to the north and south ends of the public open space are noted. These should be provided to maximum widths of 3 metres to ensure shared use by pedestrians and cyclists.

Travel Plan

- The Framework Travel Plan submitted with this application meets the County Council's submission criteria for an acceptable Framework Travel Plan, therefore I would request that a Full Travel Plan should be developed along the timescales outlined within the document.

Off-site traffic impact

- The site access junction is unlikely to have any capacity issues in its current layout.

Developer contribution

- It is considered that the proposed development would to a considerable extent, be reliant on the private car and as with other residential developments, the County Council's approach is to seek transport contributions to both sustainable transport and highway improvement measures.
- It is considered that the appropriate contribution to be requested from the developer towards these measures is £197,760.

Conclusion

- The County Council is not opposed to the proposed development in principle, however, as the adoption status of the main access (Chapel Way) is critical to the approval of the application, the County Council has no alternative, but to object to the application being approved until the adoption issue is resolved.

Agent's response to Highway Engineers comments

LCC acknowledge the contribution the proposed development will make to reducing traffic speeds on Chapel Lane by incorporating a relatively narrow visibility splay at the Chapel Way access point.

'Transport' is included as an infrastructure item in Central Lancashire's Regulation 123 List and in accordance with the Future Working Arrangements guidance (January 2013); *'CIL payment and S106 obligation will cover different things, and development will not be charged for the same items of infrastructure through both obligation and levy'*.

A contribution toward speed reduction measures on Chapel Lane would not meet the R122(2) tests of the CIL Regulations 2010, namely, because it is not necessary to make the development acceptable in planning terms and is not directly related to the development. Traffic speed is an existing issue on Chapel Lane unrelated to the proposed development. In fact, LCC has acknowledged that the development will have a positive impact on traffic speed by causing cars to slow down on approach to the Chapel Way access.

Upgrades to the stops would not meet the R122(2) tests of the CIL Regulations 2010. They already provide a satisfactory function so are not necessary to make the development acceptable in planning terms.

S106 Request

Members should note that requests for Section 106 contributions should be restricted to the regulation of development and site specific mitigation. To avoid any double charging, planning authorities cannot seek the provision of a contribution towards items included in the Regulation 123 List through S106 obligations, even where they would be justified as site specific remediation.

It is considered that the CIL levy secured from the additional housing proposed on this site (over and above that originally envisaged for this site as set out within the emerging Local Plan) can be utilised to fund the infrastructure requirements directly resulting from the proposed development.

Whilst it is noted that the 123 list only includes strategic infrastructure requirements it is considered that the following requested by the highway engineer should be dealt with separately as part of the S278 Agreement with the Highway Authority:

- Extending the existing PROW (FP30) through the site via either Poplar Drive or Station Road or both to connect PROW (FP28).
- Upgrade of the stops to Quality Bus standards with shelters, raised kerbs and clearway Orders and markings.
- Speed management/ local safety improvements on Chapel Lane

In respect of improvements to the footpath adjacent to the site Seddon Homes have confirmed that they are happy to explore the possibility of funding upgrades to the footpath once the full costs of the works are realised.

The Highway Authority have been advised that their requested S106 contribution will not be included within the S106 Agreement for this site.

Adoption Issue

As set out above the County Council have objected to the proposals on the grounds that Chapel Way is adopted in its entirety and is 132metres from the centre line of Chapel Lane. The Highway Engineer considers that the limit of the applicant's boundary, shown of Chapel Way on the submitted plans, may have been exaggerated.

In this regard the agent for the application has provided title documentation for the site which indicates that Seddons' fully own the site so there was no need to serve notice on LCC. In response to this LCC Highways have provided a plan of the adopted highway which details Chapel Way is an adopted public highway maintainable by Lancashire County Council at public expense. The Highway Engineer considers that by enclosing Chapel Way within their boundary, the applicants are assuming control over a public highway when in fact there hasn't been any such legal procedure to have the highway rights removed. This is why the Highway Engineer has recommended not approving the proposed development until this issue is resolved.

From a planning perspective the ownership of Chapel Way does not need to delay the consideration of this application as the applicants will need to enter into a legal agreement with the Highway Authority to undertake any works to the adopted highway and as such this issue can be addressed at that stage. It is understood that when a highway is adopted the Highway Authority own the road and the previous land owners own the sub-soil beneath, as such notice should have been served on Lancashire County Council when the application was submitted. This notice has now been served as a precaution before the land ownership issue is resolved however it is noted that the County Council are fully aware of the proposed development.

Lancashire County Council (Adoptions Engineer) has considered the proposals from a future adoption perspective. He initially raised a number of queries which the agents to the application have responded to and amended the plans accordingly. This should ensure that securing adoption of the internal road layouts is smoother.

Network Rail raised concern about all surface water to be directed away from the railway. Whilst the agents for the application confirmed that the drainage strategy will not impact on Network Rail's land, structures or drainage the proposed earth bund along the railway boundary would enable surface water to drain onto the railway land. To address this issue a swale (ditch) will be introduced between the boundary and bund, this will be secured by condition.

The following conditions have been added following receipt of the additional comments:

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. hours of operation (including deliveries) during construction
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from construction works
- viii. vehicle routing to the site
- i. the proposed temporary closing of any roads or streets.

Reason: in the interests of highway safety and to protect the amenities of the nearby residents.

Within 6 months of the occupation of the first dwellinghouse hereby permitted, a Residential Travel Plan, in accordance with the submitted Framework Travel Plan, shall be submitted to and approved in writing by, the local planning authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is carried out.

Reason: To reduce the number of car borne trips and to encourage the use of sustainable transport/multi-modal options.

Prior to the commencement of the development (excluding site preparation works) a scheme for the construction of the site access and the off-site works of highway improvements have been submitted to and approved in writing by the Local Planning Authority. The scheme thereafter shall be constructed and completed in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

No dwellinghouses hereby approved shall be occupied until all highway works have been constructed in accordance with a scheme which has been submitted to and approved by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to

remain, upon the land hereinafter defined, any hedge, tree or shrub which will disrupt the 2.0m x 2.0m visibility splay required by pedestrians at the access with Chapel Lane.

Reason: To ensure adequate visibility for pedestrians and in the interests of highway safety

Prior to the construction of the landscaped earth bund along the railway boundary full details of the swale (ditch) between the site boundary and the bund shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the swale dimensions, full details of where the surface water will be drained to and confirmation that the bund is sufficient to accommodate the surface water produced on the bund. The bund thereafter shall be constructed in accordance with the approved details.

Reason: To ensure the continued stability of Network Rail's property

The following conditions have been amended following further consideration of the wording:

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

Title	Plot(s)	Drawing Reference	Received date
Site Layout		1248SHW/CLC-SL01 Rev L	30 th August 2013
Existing and Proposed Finished Floor Levels		C16573/200 Rev A	16 th August 2013
Brierfield House Type	15/ 16/ 17/ 18/ 19/ 36/ 37/ 38/ 39/ 40/ 41/ 44/ 45/ 46/ 47/ 52/ 53/ 54/ 75/ 76/ 81/ 82	1777-BRI-01	20 th June 2013
Brierfield 1 House Type	14/ 35/ 55/	1777-BRI1-01	20 th June 2013
Shelley House Type	42/ 49/ 50/ 51/ 77/ 80	1777-SHE-01	20 th June 2013
Shelley 1 House Type	43/ 48/ 78/ 79	1777-SHE1-01	20 th June 2013
Adel House Type	58/ 59/ 60/ 61/ 62/ 63/ 65/ 66/ 67/ 68/ 69/	1777-ADE-01	20 th June 2013
Bowland House Type	1/ 2/ 10/ 12/ 13/ 21/ 27/ 28/ 57/ 70/ 71/ 84/ 85/ 86/ 92/	1777-BOW-01	20 th June 2013
Bowland 1 House Type	11/ 20/ 29/ 56/ 83/ 93/	1777-BOW1-01	20 th June 2013
Bowland 2 House Type	26	1777-BOW2-01	20 th June 2013
Lawton House Type	3/ 6/ 7/ 22/ 25/ 64/ 74/ 88/ 89/ 96/ 104/ 107/ 110/ 113/ 115	1777-LAW-01	20 th June 2013
Mearley House Type	30/ 91/ 117	1777-MEA-01	20 th June 2013
Mearley 1 House Type	9/ 23/ 24/ 34/ 72/ 98/ 112/ 116	1777-MEA1-01	20 th June 2013
Reedley House Type	4/ 5/ 31/ 33/ 90/ 94/ 101/ 103/ 105/ 108/ 111	1777-REE-01	20 th June 2013
Kerridge House Type	8/ 32/ 73/ 87/ 95/ 106/ 109/ 114/ 99/ 100/ 102	1777-KER-01	20 th June 2013
Access Layout		J252/Access/Fig 1	20 th June 2013

Tree Survey		4409.01	20 th June 2013
Topographical Survey		S12-033-1	20 th June 2013
Single Garage	9/ 23/ 24/ 30/ 34/ 72/ 91/ 98/ 112/ 117/ 118	GAR-1.13	20 th June 2013
Location Plan		1248SHW/CLC-LP01 Rev A	18 th June 2013
Pumping Station Grounds/ Kiosk		1248SHW/CLC-PS01	28 th June 2013

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof no extension to the dwellings on plots 3, 5-9 (inclusive), 12, 13, 16-22 (inclusive), 26-28 (inclusive), 31-47 (inclusive), 66, 67, 71-74 (inclusive), 85-90 (inclusive), 92-109 (inclusive), 110, 111 and 113-117 (inclusive) other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity and to ensure the amenities of the existing and future residents are protected in the future.

5) No dwelling on plots 3, 4, 5, 6, 7, 8, 22, 25, 31, 32, 33, 64, 73, 74, 87, 88, 89, 90, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, and 115 hereby permitted shall be occupied until garden sheds have been provided in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority. The garden sheds shall be retained in perpetuity thereafter.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets

10) Prior to the construction of the dwellinghouses hereby approved samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

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

12) Prior to the construction of the dwellinghouses hereby approved full details of the colour, form and texture of all hard landscaping (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the final completion of the development and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

13) Notwithstanding the submitted details a scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development (excluding site preparation works). These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels and means of enclosure. The scheme should include a landscaping/habitat creation and management plan which should demonstrate enhancement of biodiversity and shall demonstrate that the planting adjacent to the operational railway will not interfere with Network Rails land at planting stage and when the landscaping has had the

opportunity to mature. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

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

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development, to secure a high quality design and to ensure the continued protection of the adjacent operational railway land.

14) Prior to the construction of the dwellinghouses hereby approved is first commenced, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall also include low level railings to be erected along Chapel Lane adjacent to the area of amenity open space. 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 and to provide reasonable standards of privacy to the future and existing residents.

15) All dwellings commenced after 1st January 2013 will be required to meet Code Level 4 of the Code for Sustainable Homes and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Code for Sustainable Homes or in accordance with the national standard in place at the time of construction which has first been agreed in writing by the Local Planning Authority. Within 6 months of occupation of each dwelling a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development

16) Prior to the commencement of the development (excluding site preparation works), a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of minimising the environmental impact of the development

18) Prior to the commencement of the development (excluding site preparation works) a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The approved measures shall be implemented in accordance with the approved details and retained in situ thereafter.

Reason: In the interests of minimising the environmental impact of the development

19) The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Atkinson Peck dated 14 June 2013 and subject to the following requirements:

- surface water run-off from the site shall be attenuated up to a 1 in 100 year critical storm event (plus an allowance for climate change).

For the avoidance of doubt:

- surface water draining from parcel A which has an impermeable area of 0.63 Ha must be restricted to a maximum pass forward flow of 10.3 l/s,
- surface water draining from parcel B which has an impermeable area of 0.11 Ha must be restricted to a maximum pass forward flow of 53 l/s and
- surface water draining from parcel C which has an impermeable area of 1.01 Ha must be restricted to a maximum pass forward flow of 24.2 l/s.
- (The location and size of parcels A, B & C are clearly defined on drawing C16573/201/Rev - dated April 2013 which is included in the FRA).

The development shall be completed, maintained and managed in accordance with the approved details.

REASON: To ensure the development is not at an unacceptable risk of flooding or exacerbate flood risk elsewhere

Requested Conditions

The highway engineer has also requested conditions in respect of improvements to the footpath and speed management improvements on Chapel Lane however these will either be addressed by the associated S106 Agreement, S278 Agreement or CIL and as such do not need to be addressed by condition.

The original report highlighted at Para 70 that the Environment Agency comments would be included within the addendum however these comments have not to date been received:-

Seek delegated authority in conjunction with the Chair and Vice Chair to consider the need for the imposition of additional conditions that arise from the consultation response.

Paragraph 79 the Highway Engineer comments are included above. As set out no concerns are raised, which cannot be addressed by condition or by highway improvements, in respect of the safety of road users or the need for double yellow lines which would need to be secured via a traffic regulation order with the highway authority.

Paragraph 81 no further confirmation of the costs to improve the adjacent footpath have been received from LCCs Rights of Way Officer.

Paragraph 90 the development chargeable floorspace of 8,169 sqm or £530,985 however it appears that this figure discounts the internal and detached garages which are included within the gross internal floorspace calculations. As such the correct chargeable floorspace is 8,930 sqm or approximately £580,450.

Following the receipt of further advice it is considered that the CIL levy secured from the additional housing proposed on this site (over and above that originally envisaged for this site as set out within the emerging Local Plan) can be utilised to fund the infrastructure requirements directly resulting from the proposed development. The 123 list for Chorley does not include educational improvements within Coppull however the correct route for the Education Authority to take in respect of the education pressures created from this development is to request an amendment to the 123 list. The Education Authority have been advised that their requested S106 contribution will not be included within the S106 Agreement for this site.

ITEM 4c-13/00146/OUT – Land 20M North Of 2 Clover Road Jackson Road Chorley

The recommendation remains as per the original report.

No further letters of objection have been received and no letters of support have been received.

Two of the following conditions had originally been proposed hence one of the two copies of this condition has now been deleted.

The dwelling hereby permitted shall be constructed to meet Code Level 4 of the Code for Sustainable Homes and if commenced after 1st January 2016, it shall be constructed to meet Code Level 6 of the Code for Sustainable Homes. Within 6 months of occupation of the dwelling, a Final Certificate, certifying that the relevant Code for Sustainable Homes Level for the dwelling has been achieved, shall be submitted to the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development

ITEM 4d-13/00631/FUL – 26 Long Lane Heath Charnock Chorley**The recommendation remains as per the original report**

The applicant's agent has responded to the objections made by local residents and has made the following comments:

- How much development has been permitted in the area in the past 50 years- not a material planning consideration.
- The land has NOT been used for sheep grazing – it's a domestic garden not an agricultural field.
- There are no trees to be felled
- People have no right to a long distance view in planning law. They have a right not to be overlooked or not to have buildings located so close that it adversely affects their immediate outlook, but neither applies in this instance.
- There are no access problems as a result of the new structure as the existing access will be used as now.
- The applicant's supporting statement acknowledges that its size makes the development inappropriate development, but, very special circumstances do exist and they are outlined in the officers report.
- The future use of the building is to be controlled by condition any deviation from that if the circumstances of the occupant were to change would require a variation of condition application to the LPA.
- The height of the building and the difference in ground levels between the application site and the objector's properties on Bent Lane is as follows. Application site is 1.892 below road level Bent Row. Add 150mm for floor level of Bent Row the approximate difference is that the application site is some 2.042m lower than the objector's property. This makes the argument that it will be too high somewhat disingenuous.
- In conclusion there is nothing in the objections that would override the officer's conclusions.

The following condition are recommended:

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.

The hereby permitted shall be carried out in accordance with the following approved plans:

Title	Received date
Site plan	14 August 2013
Planning drawing	8 July 2013
Site plan	8 July 2013

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

The external facing materials, detailed on the approved plans, shall be used and no others substituted.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Class E) or any subsequent re-enactment thereof no outbuilding shall be erected within the curtilage of the application site other than the building expressly authorised by this permission.

Reason: In the interests of neighbour amenity .

The accommodation hereby permitted shall be used solely for residential purposes ancillary to the main property and shall not be used at any time as a separate unit of living accommodation.

Reason: In order to satisfy the need for this type of accommodation and to ensure that the whole building remains as one dwelling

The original report has been amended as follows:

Community Infrastructure Levy.

It is stated in the report that there is a requirement for a contribution of some £10,000 if this development is to go ahead. The figure is based on the calculation that the `gross floorspace` is above the 100sq metre threshold. However, after reviewing the CIL charging strategy for Chorley, it is clear that the figure to be calculated is as follows: "CIL will be charged on the total net additional floorspace created (measured as a gross internal area)."

Whilst the gross external floorspace exceeds 100 sq metres the net additional internal floorspace does not:

The ground floor = 60 square metres with first floor area = 37.74 square metres giving a total floorspace of 97.74 square metres.

This is below the 100 square metres threshold and as such the development will not require a CIL payment.

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