

29 October 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 29TH OCTOBER 2013

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was printed.

Agenda No Item

8. **Addendum - 29 October 2013 (Pages 3 - 14)**

Tabled at the meeting.

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	29 th October 2013

ADDENDUM

IMPORTANT NOTE**CHORLEY LOCAL PLAN – INSPECTOR’S PARTIAL REPORT**

On 25 October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan 2012 – 2026, and this now available on the Council’s website. The Inspector’s Partial Report is a material consideration in the consideration of any planning application.

In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

Members of the committee are therefore advised that the significant weight should be given to her report, and to the policies and proposals of the submitted local plan, as amended by the main modifications.

ITEM 4a-13/00785/S106A – Royal Ordnance Site Including Land Between Dawson Lne And Euxton Lne Euxton Lane Euxton**The recommendation remains as per the original report**

To provide some context from the original report Redrow Homes have confirmed that the overall infrastructure cost for the Village currently stands at over £58m. Costs have risen significantly over the 13 years since Redrow purchased the land and therefore the impact is greater on the later phases. The remaining Redrow parcels have an infrastructure allowance of £2.3m set against them, hence why the large figure of over £600,000 is apportioned to this site.

ITEM 4b-13/00800/FUL – Building Adjacent 1 Bluestone Barn Blue Stone Lane Mawdesley

The recommendation remains as per the original report.

There is a typographical error in paragraph 10 of the report. It refers to the Rural Development Supplementary Planning Document, adopted October 2013. This should read October 2012.

Cllr Edgerley has requested that proposed condition 12 be strengthened so that the bulk of the occupiers work is to take place in the work floorspace or to be generated by it, to prevent it becoming ancillary work accommodation to employment elsewhere. They presume the intention of NPPF and their own policies is to generate employment not to augment accommodation for some that already exists.

To respond to this it is not considered that such a condition would meet the tests of Circular 11/95. It should be noted that the condition 12 does require the residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the work floorspace of that unit, a widow or widower of such a person, or any resident dependants.

Cllr Edgerley also asks if a condition could be imposed requiring the conversions to be marketed as live/work units as the adjacent live/work units in Bluestone Barn were not. It is considered that a condition requiring details of marketing to be approved would meet the tests of Circular 11/95 and the following additional condition is therefore proposed:

Prior to the marketing of either of the live/work units hereby permitted details of the marketing documentation/ publications as far as it relates to the status of the buildings as live/work units shall be submitted to and approved in writing by the Local Planning Authority. The marketing information shall include full details of the approved status of the buildings as live/work units and shall include shall include details of conditions 9, 10, 11 and 12 of this permission.

Reason: To ensure prospective purchasers are aware of the live/work restriction on the buildings.

Mr Peter Green states that paragraph 29 of the report is incorrect as two accidents have taken place close to the junction of Dark Lane and Bluestone Lane which were reported to the police, one in 2007 and one in 2010. This junction is approximately 65 metres from the proposed access to the current application site.

These don't appear in the accident statistics. Lancashire County Council have clarified that the accident statistics they use go back to January 2008 which explains the 2007 accident.

ITEM 4c-13/00870/OUT – Land East Of 34 Thirlmere Drive Withnell

The recommendation remains as per the original report

5 further letters of objection have been received setting out the following issues:

- Impact on the residential amenity of local residents, overlooking and loss of privacy;

- Noise and disturbance as a result of the development, i.e. construction vehicles and machines in and out of the cul-de-sac;
- The visual impact on the area, a modern one bed bungalow not in keeping with the 40+ year old properties, namely all semi-detached houses. Bungalows have been constructed at the other end of the cul-de-sac.
- Effect on highway safety.
- Parking is already an issue in the cul-de-sac causing excessive noise and disturbance
- Planning permission has already been refused in 1979.
- Subsequent applications have been refused including an appeal. As nothing has changed from that time, this development is contrary to the Private Residential Garden Development Policy.
- The site is a good conservation area for birds, wildlife, trees, mammals and amphibious life.
- The trees and bushes to the perimeter of the site, hosting an abundance of wildlife. This foliage would need to be removed should permission be granted.
- The architect could not have purposely planned around the two protected TPO trees
- The existing footpath surrounding the development site will be extended, taking a large chunk of land, making the road much narrower.
- Access to the site would be opposite Nos. 25 and 27 Thirlmere Drive causing a dangerous situation for both parking vehicles and access to these houses.
- The addition of more vehicles at this point in the cul-de-sac could cause problems refuse collection and emergency service vehicles.
- There is no need for any further development in this cul-de-sac especially one which would further erode the openness of this space in the Green Belt.
- The agent's letter states that there will be harm to the openness of the Green Belt. Any harm, however small is unacceptable.
- For this proposal to fit into policy DC1 it needs to comply with all elements of policy DC4. The proposal would not compliment the setting and character of the existing buildings.
- The proposal would take light from No.25 Thirlmere Drive, opposite the application site.
- An open aspect is currently enjoyed by No. 25, however should permission be granted this would be lost and an invasion of privacy would occur.
- The development is not in keeping with the infill policy, it is contrary to policies DC4 and DC5.
- The proposal indicates that this bungalow is aimed at the affordable housing market in line with Policy DC5 of the local plan. However, (A) there are other sites in Withnell where empty units could be brought back into use, (B) there is not local housing problem and properties tend to sell slowly; (C) the applicant is proposing to sell the bungalow and move to another part of the country, (D) there are limited local services in Thirlmere Drive.
- Policy HS1 of the emerging Local Plan states that development on private residential gardens is not required as a matter of principle.
- Policy HS7 of the emerging Local Plan states that limited infilling in scattered clusters of rural dwellings in the Green Belt is regarded as inappropriate development.

Officer response

It is considered the above bullet points 1-18 have been addressed within the officer's committee report.

The following officer response is in relation to bullet points 19-22 (outlined above).

The Policy situation concerning Policy DC4 of the Adopted Chorley Borough Local Plan Review has been outlined in the officer's committee report. Policy DC5 of the Adopted Chorley Borough Local Plan Review relates to affordable housing within the Green Belt. The development would not be for affordable housing and so Policy DC5 does not apply.

Policy HS1 of the emerging Local Plan relates to housing site allocations and states "*Over the plan period it is not necessary to release private garden land for housing as a matter of principle in order to meet requirements*". The issue of housing land supply has been covered at paragraph 43 of the officer's committee report and it is not considered a refusal of the application could be sustained on these grounds.

The requirements and compliance with Policy HS7 of the emerging Local Plan have been covered at paragraphs 30-41 of the officer's committee report. It is not considered a refusal of the application could be sustained on these grounds.

Emerging Local Plan (2012-2026)

The note at the top of this addendum refers to the receipt of the Inspector's Partial Report on the Chorley Local Plan (2012-2026), and the fact that as a material consideration it can be afforded significant weight.

Reference has been made in the officer's committee report to a number of policies within the Local Plan (2012-2026) where a number of modifications have been made. These can be summarised as follows:

Policy HS7 (rural infilling) and the associated explanatory text have been amended for clarity and effectiveness. The policy now clarifies that the typical scale of rural infilling is for 1 or possibly 2 dwellings, which this proposal would accord with.

Policy BNE1 (design criteria) has been amended for accuracy and effectiveness. The first criterion of the policy has been amended to promote good design in all types of development. It is not considered the amendments to Policy BNE1 would materially affect the recommendation of the application.

Policy BNE10 (species protection) has been amended for accuracy and effectiveness and to ensure consistency with The Framework. It is not considered the amendments to Policy BNE10 would materially affect the recommendation of the application.

ITEM 4d-13/00882/FUL – Chorley Business and Technology Centre, East Terrace, Euxton

The recommendation remains as per the original report

6 further letters of objection have been received setting out the following issues:

- The original application has been amended to reduce the planned additional parking spaces from 48 to 14 - the proposed siting of them is unacceptable on the grassed area.
- The 'greenness' has been slowly re-established, especially since Runshaw College has undertaken the landscaping improvements, and if this application is improved, it would be a detrimental backward step.

- There would appear to be several areas within the development's curtilage, which, if redesigned, could accept the required additional parking spaces behind the building line, without encroachment on the frontage, and out of view of the nearby Residential properties.
 - If this application is approved it would 'pave the way' for additional spaces to be added at some stage in the future, and also set a precedent for the other units.
 - Whilst there is a formed vehicular access onto the grassed area, it will be open to abuse of parking limitations in an ad hoc manner.
 - Concerns about lack of neighbour notification
 - The impact of such an application - not only would this be unsightly, bearing in mind the trees that currently soften the site are not evergreen, only the conifers, allowing one unit to expand would set a precedent for the remaining units.
 - If a company has expanded beyond its existing limit it should rent larger premises with adequate parking facilities.
 - Concerned about the time of Committee as the majority of full time employees have not yet arrived home from work
 - Sufficient parking should have been included for the business units during the planning stage prior to building the units.
 - Had the business park been completely separate with a separate entry from Euxton Lane, as was pointed out by local residents before the units were built, this situation would never have arisen.
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ITEM 4f-13/00804/OUTMAJ – Land Bounded By Town Lane (To The North) And Lucas Lane (To The East), Town Lane, Whittle-Le-Woods

The recommendation remains as per the original report

Redrow Homes have requested that a decision on this application is deferred to next Committee pending the submission of further viability information to demonstrate the economic impact of compliance with Code Level 6 (> £38,000 per dwelling).

Paragraph 8 should read *Condition 11 was attached to the planning approval to ensure that the proposals accord with Policy 27 of the Adopted Core Strategy. Policy 27 states*

The incorrect reason for refusal was attached to the agenda. The reason for refusal should read:

This variation, submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to vary the Code for Sustainable Homes condition which was applied to ensure the approved scheme accords with Policy 27 of the Adopted Core Strategy. No sufficient material considerations have been submitted which demonstrate why, on balance, the required Code for Sustainable Home uplift contained with Policy 27 should be disregarded. As such the proposed variation would be contrary to Policy 27 of the Adopted Central Lancashire Core Strategy and the Government's ambitions of a low carbon future contained within the National Planning Policy Framework.

ITEM 4g-13/00803/OUTMAJ – Land North Of Lancaster Lane And Bounded By Wigan Road And Shady Lane, Lancaster Lane, Clayton-Le-Woods

The recommendation remains as per the original report

Redrow Homes have requested that a decision on this application is deferred to next Committee pending the submission of further viability information to demonstrate the economic impact of compliance with Code Level 6 (> £38,000 per dwelling).

The incorrect reason for refusal was attached to the agenda. The reason for refusal should read:

This variation, submitted under Section 73 of the Town and Country Planning Act 1990 (as amended), seeks to vary the Code for Sustainable Homes condition which was applied to ensure the approved scheme accords with Policy 27 of the Adopted Core Strategy. No sufficient material considerations have been submitted which demonstrate why, on balance, the required Code for Sustainable Home uplift contained with Policy 27 should be disregarded. As such the proposed variation would be contrary to Policy 27 of the Adopted Central Lancashire Core Strategy and the Government's ambitions of a low carbon future contained within the National Planning Policy Framework.

ITEM 4h-13/00849/FUL – Rodger Bank Gough Lane Clayton Brook Bamber Bridge Preston

The recommendation remains as per the original report.

The applicant's agent has confirmed the following in writing:

The applicant is agreeable to increase the proposed access width from 4.5m to 4.8m and extend the footway around the radius of the proposed access. This will be secured through the imposition of a condition (no. 21 below)

The applicant is aware that Gough Lane is unadopted.

The applicant is aware that they will need to seek authorisation from owners of the road and obtain 3rd party approval to carry out works to the hedge to provide sightlines.

1 further letter of objection (signed by 10 local residents living on Long Acre) has been received although no specific grounds have been cited.

Council Clayton-le-Woods Parish Council have raised objections to the proposal because of transport problems; over supply of garden development and, additionally, the proposed development is not in character with the rest of Gough Lane.

The following conditions are recommended

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

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

2. 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

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

Title	Drawing Reference	Received date
Site location plan	PR-17	10 September 2013
Proposed side elevation Units 8 & 9	PR-16	10 September 2013
Proposed rear elevation Units 8 & 9	PR-15	10 September 2013
Proposed side elevation Units 8 & 9	PR-14	10 September 2013
Proposed front elevation Units 8 & 9	PR-13	10 September 2013
Proposed roof plan Units 8 & 9	PR-12	10 September 2013
Proposed first floor plan Units 8 & 9	PR-11	10 September 2013
Proposed ground floor plan Units 8 & 9	PR-10	10 September 2013
Proposed side elevation - terraced	PR-09	10 September 2013
Proposed rear elevation - Units 1 - 7	PR-08	10 September 2013
Proposed side elevation - terraced	PR-07	10 September 2013
Proposed front elevation - Units 1 - 7	PR-06	10 September 2013
Proposed roof plan - Units 1 - 7	PR-05	10 September 2013
Proposed second floor plan - Units 1 - 7	PR-04	10 September 2013
Proposed typical first floor plan - Units 1 - 7	PR-03	10 September 2013
Proposed typical ground floor plan - Units 1 - 7	PR-02	10 September 2013
Proposed site plan	PR-01	10 September 2013

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

4. Prior to the commencement of development 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.

5. Prior to the commencement of development 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.

6. Before the development hereby permitted 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. 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 residents.

7. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the buildings hereby approved have been submitted to and approved in writing by the local planning authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out as approved.

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

8. Prior to the commencement of development, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate adequate replacement tree planting and hedgerow creation to offset the losses of trees and hedgerows. The scheme shall comprise a high proportion of locally appropriate native species of known value to wildlife (specifically bats and nesting birds). The scheme shall demonstrate that the native species hedgerow to be created along the eastern boundary will be of a width, height and density to adequately replace the nesting bird habitat that will be lost to facilitate development. If the hedgerow is to form garden boundaries, then the scheme shall demonstrate how the hedgerow will be adequately protected (e.g. by post and rail fence) and secured/ maintained for the duration of development (for example through restrictive covenant which secures retention and appropriate maintenance of a native species hedgerow).

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.

9. Notwithstanding the details of the submitted plans, the proposed driveways shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off.

10. 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 dwelling(s), porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.

Reason: In the interests of neighbour amenity.

11. 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. 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.

12. Prior to the commencement of the development 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.

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

13. No dwelling shall be occupied until a letter of assurance; detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority.

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

14. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by an appropriately experienced and qualified individual and submitted to and approved in writing by the Local Planning Authority. If nesting birds are present, works that would disturb nesting shall be delayed until such time as nesting is complete (i.e. The young have fledged and left the nest, the nest has been abandoned, and dependent young are absent).

Reason: To ensure the continued protection of nesting birds.

15. Nest boxes for House Sparrow shall be installed within the re-developed site as recommended in Para 5.3.5 & 5.3.6 of the Ecological Survey and Assessment report (ERAP Ltd, September 2013, ref: 2013_199).

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

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

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

17. In order to avoid impacts on Species of Principal Importance, such as hedgehogs, during site clearance and to maintain habitat connectivity post development:

- Works affecting any features likely to provide shelter for hedgehogs (for example, garden debris, log piles, piles of leaf litter, dense vegetation) will be avoided when hedgehogs are likely to be hibernating.
- All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched immediately prior to removal by hand. Any hedgehogs found and thought to be hibernating/breeding should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any hedgehogs (or other Species of Principal Importance such as amphibians) encountered shall be moved to a safe area of suitable habitat, which will then remain undisturbed.
- Boundary treatments shall be raised from ground level by 0.15 or suitably sized gaps should be left at strategic points.

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

18. No site clearance, site preparation or development work shall take place until a detailed habitat creation/landscaping plan has been submitted and approved in writing by Chorley Borough Council in consultation with specialist advisors. The plan shall demonstrate adequate planting of native species to compensate for losses and the approved plan shall be implemented in full.

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

19. During the construction period, all trees and hedgerows to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2012 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained.

20. Prior to the commencement of the development a scheme for external lighting shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting scheme shall comply with paragraph 125 of the NPPF by demonstrating the avoidance of light pollution/ light spill into areas of wildlife habitat, including mature trees, hedgerows, bat roost and bird box entrances. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers. The scheme thereafter shall be completed in accordance with the approved details.

Reason: To ensure the continued protection of nesting birds and bats.

21. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway 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.

22. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 16 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

23. Due to the proposed sensitive end-use (residential housing & gardens), 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. 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 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: To ensure the site is suitable for the proposed end-use, in accordance with Paragraph 121 of the National Planning Policy Framework (DCLG, 2012).

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