

4 February 2014

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 4TH FEBRUARY 2014

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.

Agenda No Item

7. **Addendum 4 February 2014 (Pages 3 - 8)**

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	4 th February 2014

ADDENDUM

ITEM 4a-13/00890/FUL- 78 Doctors Lane Ecclestone Chorley

The recommendation remains as per the original report

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

- Paragraph 61 of the Committee report states that a 1.8 metre fence has been offered and declined by us; this is not true. The offer of a raised fence has definitely not been made to us.
- Paragraph 61 is that the two windows in my property adjacent to number 78 are obscurely glazed. One of the windows, which is a bathroom is obscurely glazed, however the window next to this and closest to their site of business is clear.
- Paragraph 67 states that the section of road serving the property is in a 20mph zone. The section of road is actually in a 30mph zone.

In response to these comments the boundary treatment information was based upon information provided by the applicant however this can be rectified by the following additional condition:

Additional Condition:

Within 3 months of this permission, full details of the alignment, height and appearance of a fence or wall to be erected along the boundary of the application property and number 76 Doctors Lane shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved boundary treatment shall erected in accordance with the approved details and retained in accordance with the approved details at all times while the building hereby permitted is in use for dog grooming.

Reason: To protect the amenities of occupiers of number 76 Doctors Lane.

Only one of the windows are obscurely glazed however as also noted these are not the main windows to this room. Paragraph 67 is incorrect in that the road speed is 30mph however the unrestricted off-road parking will assist in reducing speeds.

Condition 3 has been amended to specifically limit the number of dogs groomed at one time as follows:

There shall be no more than one dog groomed at the property (defined as per the red edge of the location plan), hereby permitted, at any one time.

Reason: To reduce the impact of the development on the neighbouring properties.

At the site visit and within correspondence received from the applicant, officers are aware that the named employee who was to work three days a week will no longer be working for the applicant; and to address concerns about the number of days

worked and impact associated with the frequency of use, the business could be limited to the occupiers of the application site and it is proposed that **the following condition could be imposed:**

The use hereby permitted shall be carried on only by a person living a 78 Doctors Lane and no staff or trainees shall be employed.

Reason: Based upon the information forwarded in respect of the proposals and to reduce the impact of the proposal.

It was also established at the site visit that the noise associated with the dryer when on full power could be reduced further by positioning the dryer further away from the boundary with Number 2 and it has been agreed with the applicant that **a condition could be imposed** to restrict the use of the dryer to a certain location:

The dryer shall utilise the electrical supply sited away from the walls which border 2 Banner Close (north elevation) and 80 Doctors Lane (west elevation) at all times and shall be sited away from these walls when in use.

Reason: in the interests of the neighbours' amenities and to reduce the potential for noise disturbance.

ITEM 4b-13/00985/OUT – Balshaw Villa, Balshaw Lane, Euxton

The recommendation remains as per the original report

The applicant has advised that they wish to enter into a private management agreement in order to maintain the public open space and into a legal agreement to secure the financial contributions towards the provision/improvement of other typologies of open space in the area. Both matters can be secured through a Section 106 agreement and therefore the recommendation remains as per the original report.

The following consultee responses have been received:

Euxton Parish Council have made the following additional comments:

- In your report, one of the comments made is that there should be no benches in order to reduce the risk of anti-social behaviour, comment made from “8.The Architectural Design and Crime Reduction Advisor”. Euxton has very little recorded ASB and would dispute the need for such drastic assumptions which are not based on actual recorded problems in Euxton.
- The Parish Council considers that this land is being offered as amenity space which is to be useful and without seats it would just be a cut through corner. This could be a site where parishioners would very much enjoy sitting and watching the world go by and that it would be a bit of a lost opportunity if there was no provision. There are not many public benches in Euxton.
- The seat could be in clear view of the roads surrounding the sight and at would be at least partially lit by existing streetlights at night as suggested by the “8. The Architectural Design and Crime Reduction Advisor”. The PC can see no reason why this site should be more susceptible to anti-social behaviour than any other pleasant piece of public open space in the parish. Euxton does not suffer from ASB very much.
- This site has long been hidden, even though it is designated as open amenity space, and this is a chance to use and enjoy the land and without seating it would be a missed opportunity to maximise the land.
- Also, within the application submission report from the applicant at 6.22 it suggests seating as part of the application, and this point is what the Parish Council has had in mind when it considered the application as a whole. Also,

it is understood that they are looking for 'the Council' to adopt the open space after construction (point 2.12) but the reference is unclear to which Council i.e., Borough or Parish – but the Parish Council wishes the land to have maximum use and amenity for residents and requests that seats are part of this plan.

- Euxton Parish Council requests the provision of seating remains in the application and approval.

Response:

In terms of seating, it is proposed that **condition 3 be modified** by including seating, such that the amended condition reads as follows (underlined and bold text shows the insertion):

3. A scheme for the landscaping of the development and its surroundings shall be submitted as part of the reserved matters application. 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, means of enclosure, minor artefacts, **seating** and structures. 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.

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.

The adoption will be dealt with as part of the legal agreement.

ITEM 4c-13/01055/OUTMAJ – Land Bounded By Town Lane (To The North) And Lucas Lane (To The West), Town Lane, Whittle-Le-Woods

The recommendation remains as per the original report.

The comments made by the applicant in the committee report in relation to the Code for the Sustainable Homes are noted. However it is not considered that the normal condition requiring properties to be built to Level 4 of the Code for Sustainable Homes for properties completed now, or Level 6 for properties completed after 1st January 2016 should not be applied to this permission. The policy forms part of the adopted Development Plan.

The Inspector who determined the planning appeal on the adjacent site (by the same applicant) discussed the issue at that time and stated:

'...conditions would be required to secure the compliance of all dwellings on the site to the relevant level of the Code for Sustainable Homes. Whilst the Appellants argued that the relevant Code Level should be Level 4 for all the dwellings permitted now on this development, Policy SR1 (which is part of the Development Plan) simply says that 'All new homes will be required to meet...' the stated levels by certain dates. The whole purpose of the Policy and the Code is to drive dwellings towards the higher levels and the fact that those dwelling started later would be to a higher standard would be a planning benefit which the developer should be perfectly able to accommodate.'

Although this appeal decision referred to Policy SR1 that was in force at the time of the appeal and this has now been superseded by Policy 27 of the Adopted Core Strategy the policy requires the same Code Level and also states *'All new dwellings will be required to meet'*.

The Council do have to consider viability as part of the planning process, however no viability information has been submitted with this application. If viability was an issue in terms of the Code Level, the applicant could seek to vary the condition and submit supporting information. Any such application would be determined on its merits at that time.

The following additional condition is therefore proposed:

All dwellings commenced after 1 January 2013 shall achieve Level 4 and all dwellings commenced after 1 January 2016 shall achieve Level 6 of the Code. No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that the relevant Code Level has been achieved.

Reason: To ensure the development is in accordance with Policy 27 of the adopted Central Lancashire Core Strategy.

Proposed condition 8 has been amended, as it refers to the wrong policy (as policy SR1 has now been replaced with Policy 27 of the Core Strategy). The condition is amended as follows:

Either, before the development hereby permitted is first commenced, or with any reserved matters application, full details of the onsite measures to be installed and implemented for that property to reduce carbon emissions by the figure set out in Policy 27 of the adopted Core Strategy shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of the predicted energy use of the development expressed in terms of carbon emissions and how energy efficiency is addressed. The approved details shall be implemented in full and retained thereafter.

Reason: To ensure the development is in accordance with Policy 27 of the adopted Central Lancashire Core Strategy.

ITEM 4d-13/01144/REMAJ- Parcel H3 Group 1 West Of Central Avenue And South Of Worden Brook, Euxton Lane, Euxton

The recommendation remains as per the original report.

The following consultee response has been received:

LCC Highways state they have no objections to the proposed replan, but draw attention to the sizes of the proposed garages which are less than the recommended standards.

To respond to this, the case officer has received amended plans widening the width of the driveways of the proposed properties, so that previous single driveways are now double driveways, allowing sufficient vehicles to be parked on driveways.

Condition 5 has been amended:

The applicant has now provided details of the proposed materials. Condition 5 has therefore been amended to require the scheme to be built in accordance with the approved materials details provided. The condition therefore now reads:

The external facing materials, as submitted with the application, shall be used and no others substituted.

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

The applicant has provided more information on why they have applied for a re-plan of part of the site. They state:

'We have been approached by members of the public that have seen the development with queries as to why the site does not have 3-bed properties. This re-plan is meant to rectify that and provide this option in the area. Further, the properties are still a Charles Church product, and so conform to a higher standard and design that matches the slightly larger properties on the site.

The units are designed to fit within the entire scheme and accord with the design code laid out for the Group 1 site. And although four or five bed properties are mentioned for the character area H3 is in, it is not prescriptive and the framework is open to interpretation. The garden sizes are also of a similar size to the larger units, of which the design will be of a similar style'.

An additional objection has been received on the following grounds:

The changes to the plans deeply affect the integrity of the area. The houses now become more densely crammed in. Builder profit has taken priority over creating the correct development for the woodland area, one that works in harmony with the environmental surroundings and enhances the area. Builders have not provided any disclosure of information that would give all affected people time to raise objection.

Councillor Perks has objected to the application as both ward and County Cllr to the application.

- The original permission outlined a series of 4/5 bed residential properties with adequate garden space set within the protected woodland and characterised by their surroundings with house frontages towards the Fire Pond at the South aspect of the development.
- The proposed changes to the plan will introduce series of 3 bed properties, will increase density of population and with vastly limit garden space and none of the properties in this amendment will face the Fire Pond as specified as a requirement on page 111 of the Design Code.

- The Design Code states that the proposed density of properties for parcel H3 should be limited to 20-30, yet this plan would increase the density to 39, which is far above the spirit of the intended density and would destroy the amenity provided to the protected species within the woodland due to the increased population.
- My objection to the amending planning application is based on the following:
 1. It breaches the Design Code laid down for parcel H3 due to the lack of "generous garden space;
 2. It breach of the proposed density (20 - 30), and that the code specifically states that parcel H3 is for four or five bed properties;
 3. That H3 will have house frontages towards the fire pond and this application makes no such provision;
 4. The new application will have an impact on the woodland area and not be in keeping with the design code for the Group 1 parcel of land.

Response:

It is considered that most of the above points are covered in the committee report, however to respond to the point on density, the part of the site being re-planned previously had a density equivalent to 21 dwellings per hectare, whereas the new layout results in it having a density of 28 dwellings per hectare. Looking at Parcel H3 as a whole, the previous approval was equivalent to 21 dwelling per hectare and the layout now proposed results in a density equivalent to 25 dwellings per hectare. The changes are therefore still in line with the density for the site envisaged in the Design Code.
