

13 May 2014

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 13TH MAY 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

8 **Addendum (Pages 3 - 12)**

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	13 TH May 2014

ADDENDUM

ITEM 4a-14/00178/FULMAJ – Latvian Consulate, Pemberton House Farm, Park Hall Road, Charnock Richard

The recommendation remains as per the original report (with an additional reason for refusal regarding ecology – see below).

Ecology is an outstanding matter in the report of the agenda.

The County Ecologist's comments related to matters that would need to be addressed before the application is determined. The first of those is the possibility of bats within the building. The County Ecologist advised that owing to likely impacts on bats the proposed works may result in a breach of The Conservation of Habitats & Species Regulation 2010, unless a Natural England Licence is issued prior to commencement of works. Chorley Council should not approve the application if there is reason to believe that such a licence would not be issued. Chorley Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision (see the three tests discussed below). It is their opinion, that there is insufficient information regarding the use of the building by bats. Further information should be submitted before the application is determined, including amended mitigation proposals, if required, informed by adequate survey data in order to address the third test.

The applicant acknowledges that a further emergence survey would be helpful now that bats are active again as it has only just got to the appropriate time of year to do these).

It is considered that without this information the Council would not be discharging its duties under the Habitats Directive in deciding the application. If the committee is minded to refuse the application in the absence of this information the outstanding ecology issue will need to form an additional reason for refusal.

The following additional reason for refusal is therefore proposed if the application is refused by the Committee:

It is not considered sufficient information accompanies the application in relation to the use of the existing buildings by bats to allow the Council to discharge its duties under the Habitats Directive, as it cannot be satisfied that the proposal will not be detrimental to the maintenance of the bat population at a favourable conservation status and as a result the proposal may result in a breach of The Conservation of Habitats and Species Regulations 2010.

If the Committee were minded to approve the application it would need to be deferred to a later committee to allow the further surveys to be carried and found to be acceptable along with any mitigation measures necessary before a decision to approve it could be made.

The County Ecologist also advised that clarification should be sought to whether any trees are to be removed/affected to facilitate development and their potential to support roosting bats. The applicant advises that no trees that have potential for bats would be felled.

The County Ecologist also advised clarification should be sought on the potential impacts associated with the Biological Heritage Site and that the applicant should be required to demonstrate that impacts on the BHS would be avoided. If impacts are unavoidable, then the applicant should be required to submit measures to demonstrate impacts would be adequately mitigated/compensated for. The applicant has confirmed that no development works are specifically proposed within the BHS, however the submitted ecology report highlighted the opportunity for various enhancement measures to be undertaken to it. It is considered that should the Committee be minded to grant planning permission, that enhancement works could be subject of a condition requiring details to be submitted and agreed.

In relation breeding birds it is considered that existing nesting sites compensation could be covered by a condition if the application is approved.

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

- The facility will not be secure and they would be apprehensive to walk any public rights of way in the village;
- The treatments are already provided for within a short commute;
- They find it hard to understand that the building is not repairable as a house;
- The parking seems deficient for the number of staff and visitors so they may park on Park Hall Road;

One further letter has been received on the following grounds:

- They offer broad support for the development;
- They have been shocked by the prejudiced response of their local community and despite some genuine practical objection - my primary objection would be the access onto Park Hall Road, which would present a danger to traffic on that road - the main objection of other residents seems to be based on fear and prejudice;
- They believe that patients who have sought help should have a place where they can receive it. A quiet rural location with a friendly and engaged community, away from venues and situations which may trigger a relapse, would seem ideal;
- They do not believe that the bogeyman of disturbed or dangerous people wandering close to our homes and schools will become a reality;
- They do not accept that this is 'the same as 42 houses' since the residents will be short term, individuals not families, and laundry, cooking, bathing etc. facilities should be communally managed and more efficient than separate facilities for 42 self-contained homes. There is a concern around waste water drainage but if this can be met then my main issue would be with road access;
- There is an estimate of jobs being created for 50 staff plus many visitors. There has been scaremongering about the impact of these people and their cars - but in their opinion these staff and visitors would seek to buy their lunches/petrol/gifts at our local shops and bring benefit to the community;
- They wish to register their lack of objection to the provision of a facility to treat mental health patients in their village, assuming as they do that they represent no threat to us as individuals or as a community.

They have also submitted a copy of a Statement of Community Involvement which details that information letters were distributed to 1,300 households and businesses in Charnock Richard and Heskin as well as other stakeholders and councillors inviting them to a public exhibition. Posters were displayed to publicise the exhibition, a press release issued and a telephone information line was provided.

The applicant has submitted information on feedback received from the public exhibition they undertook. 47 people attended. They received twelve feedback forms, of which eight were broadly positive, one was negative and three were neither negative nor positive.

Paragraph 17 of the report refers to three highway schemes, one of which Lancashire County Council advise should be carried out. The third bullet point refers to a request for funding of a 30mph speed restriction for Park Hall Road but also that a reduction in the section of Wood Lane that lies between Langton Brow and Park Hall Road may be necessary. This latter section has however already been reduced to 30mph from 40mph. If the application were approved then the exact section of road to be reduced in speed would need to be identified by Lancashire County Council. Such changes would need to be done through a Traffic Regulation Order, which involves a separate statutory process and consultation. It is not therefore something that the Council could ensure happens through the planning process, however if the application is approved, the developer advises they would be willing to fund the speed restriction process. Such funding would need to be secured through a Section 106 legal agreement.

ITEM 4b-14/00336/FUL – 47 Clancutt Lane, Coppull, Chorley

The recommendation remains as per the original report

LCC Highways have made the following comments:

- When the reserved matters application was assessed, it was considered that the width of the access road at the pinch point of the turning head was then just adequate to allow for an extension of the access road to nos. 16-19.
- In the current application, 6no frontage parking spaces are proposed and are shown numbered 29-31 on plan. However, the layout of two of these parking spaces (no. 29) have now resulted in further narrowing of the access road at the turning head to an extent that it is no longer considered safe.
- As a result of this narrowing, it is now highly likely that vehicles would overrun the nearer of parking space no. 29 and the front garden of house no. 22. This is of highway safety concern, especially as no footways are proposed beyond the turning head.

Whilst no highway objections are raised to the current proposal the Highway Engineer has recommended that that this aspect of the layout is improved and the following condition attached:

No development shall commence until details of the vehicle access and parking arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways authority. The development shall then be constructed in accordance with the approved details.

Reason: In the interest of the highway safety.

To address these concerns the layout plan has been amended. The Highway Engineer has reviewed this and confirmed the amended plan is a vast improvement and the proposals are therefore now acceptable. As such the above condition has not been attached to the recommendation.

The following conditions have been amended:

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

Title	Plot	Drawing Reference	Received date
Location Plan		N925/P/LOC 01	26 th March 2014
Planning Layout		N925/P/PL 01 Rev F	7 th May 2014
Material Dispersion Plan		N925/P/MAT 01 Rev E	26 th March 2014
Capesthorpe 2 House Type Floor Plans	31	N925/P/HTCAP/02	26 th March 2014
Budworth House Type Floor Plans	29/ 30	N925/P/HTBUD/02 Rev A	28 th April 2014
Fence details		F1-2	26 th March 2014
Capesthorpe 2 House Type Elevations	31	N925/P/HTCAP/01	26 th March 2014
Budworth House Type Elevations	29/ 30	N925/P/HTBUD/01 Rev B	28 th April 2014
Plot Drainage Design		13060/03/01 Rev C	26 th March 2014
Means of Enclosure		N925/P/FENCE/01	26 th March 2014
Berrington 2 SA House Type Elevations	15	N925/P/HTBER/01	20 th May 2013
Berrington 2 SA House Type Floor Plans	15	N925/P/HTBER/02	20 th May 2013
Tree Protection Plan		5298-A-01	12 th May 2014
Protective Fencing Specifications			12 th May 2014

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

The original report has been amended as follows:

Following concerns raised within the Committee report from the Council's Tree Officer a report has been provided from an Arboriculturalist at FPCR Environment and Design Limited appointed by the applicants. This detail suitable tree protection fencing and concludes that:

In order to facilitate the proposed development ground works will still be required within the root protection area of this tree. The tree should therefore need to be protected throughout the remainder of the construction phase with protective fencing as specified and no further tree surgery work will occur. The root damage that may potentially occur as a result of the proposed ground works is at this stage unclear as

the “actual” as opposed to “illustrative” rooting area tree 02599 would require further ground surveying work to determine. This would only be possible with trial pits and air space technology to establish where any significant rooting material would be present.

Based on the indicative root protection area however, it is anticipated that some root damage will occur. Root damage of a minor nature would however be unavoidable in order to achieve the required level changes but measures can be put in place to limit any damage which may occur. This would include the erection of protective fencing during the grounds work which would ensure the remaining rooting area remains undisturbed. The digging of the foundations for the retaining walls within the RPA should be undertaken using only hand operated tools (not to use mechanical diggers) to limit any root damage and all work within the RPA should be supervised by a suitably qualified arboriculturalist. These protection methods could be detailed within an Arboricultural Method Statement if thought necessary, for site contractors to follow.

The Council’s Tree Officer has reviewed this information and is still concerned about the lack of tree protection fencing, tree pruning works which have occurred, the stripping of top soil within the RPA and increased ground levels within the RPA. This is supported by the report that has been provided by the applicant’s consultants. As more ground works are proposed within close proximity to the tree the following condition is suggested to ensure the continued health and retention of the tree, along with a requirement for tree protection fencing:

The following conditions have been added:

Notwithstanding the submitted information prior to the commencement of the development a Arboricultural Method Statement in respect of the Oak Tree located within the application site (ref: 02599 within the comments made by FPCR Environment and Design Limited dated 8th May 2014) shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall detail all works within the root protection area (RPA) of this tree along with measures to protect both the tree and its roots. In particular the digging of the foundations for the retaining walls located within the RPA shall be undertaken using only hand operated tools (not to use mechanical diggers) to limit any root damage and all work within the RPA should be supervised by a suitably qualified arboriculturalist. All works thereafter shall be undertaken in accordance with the approved Statement.

Reason: To ensure the continued protection of the tree.

ITEM 4c-14/00140/FULMAJ – Royal Scot, Station Road, Coppull

The recommendation remains as per the original report.

There is an error at Paragraph 5 of the report. It should say:
Coppull Parish Council object on the grounds that problems will occur with the increased number of vehicles leaving the estate and exiting from Station Road onto Spendmore Lane, as this is already a tricky junction due to the close proximity of Lancaster Street, and also over intensification of the site.

The report is amended as follows:

Paragraph 67 onwards states that Lancashire County Council Archaeology Service has requested the implementation of a programme of archaeological work, however

the site already benefits from an extant permission and this condition was not requested by LCC Archaeology at the time of the previous application...and it is not therefore considered reasonable to require the requested condition.

This is not correct and is amended to say:

Lancashire County Council Archaeology Service has requested the implementation of a programme of archaeological work. The site already benefits from an extant permission and this condition was imposed on this application and discharged, so the programme requested has already been undertaken. It is not therefore considered reasonable to require the requested condition.

The following conditions have been added as they were not included with the agenda report:

1. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

2. The development hereby permitted shall only be carried out in accordance with the glazing and ventilation requirements recommendations detailed in the submitted and approved Environmental Assessment report carried out by AB Acoustics, dated 15 November 2010 as updated 14 February 2014.

Reason: To protect the amenity of the relevant house types in relation to noise and disturbance from the nearby train line.

3. The proposed vehicle parking spaces as shown on the approved shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking and to ensure a high quality visual environment is maintained.

4. The approved plans are:

Drawing Ref:	Drawing Title:	Date Received:
13/107/P01 Rev B	Proposed Site Layout	23 rd April 2014
13/107/P02	Proposed Plans & Elevations House Type SI-2H740 Plots 1 & 2	7 th February 2014 7 th February 2014
13/107/03	Proposed Plans & Elevations House Type SI-2H740 Plots 3, 4 & 5	
13/107/04	Proposed Plans & Elevations House Type A1-A1549	7 th February 2014
13/107/P05	Proposed Street Scenes	7 th February 2014

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

5. 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.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted on plot 1 or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: Due to the proximity of the railway line.

7. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s). Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out within 2m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority.

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

8. No development shall take place until a comprehensive 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. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of five 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 other of similar size and species.

Reason: In the interests of the amenity of the area.

9. Before the dwellings hereby permitted are first occupied, the driveways, cycle store and bin store as shown on the approved plans shall be provided for the use of the properties.

Reason: To ensure adequate on site provision of vehicle and cycle parking and bin storage.

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

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents.

11. No development shall take place until the recommendations set out at paragraph 5.4 of the Phase 1 Desk Study Report (ref: 11028) carried out by REFA Consulting Engineers dated April 2011 have been undertaken.

The results of the investigations together with any necessary remediation proposals to render the site capable of development shall be submitted to the Local Planning Authority and approved in writing. Any remediation measures shall include an implementation timetable and monitoring proposals. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Upon completion of any necessary remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Upon completion of any necessary remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use given the sensitive

end-use of the proposed development, and the potential for ground contamination to exist as a result of past processes.

12. Prior to the commencement of any development, details of the foul drainage for the scheme shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and shall be finished before any of the dwellings are occupied.

Reason: To ensure a satisfactory means of drainage.

13. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority, including details of any proposed driveway/hardsurfacing associated with each property using permeable materials on a permeable base, or how provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway). The development shall only be carried out in conformity with the approved details.

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

14. No dwelling shall be occupied until a Code for Sustainable Final Code Certificate has been issued certifying that Code Level 3 has been achieved and the Certificate has been submitted to the Local Planning Authority.

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

15. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

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

16. Each dwelling hereby permitted shall be constructed to achieve the relevant Level 3 of the Code for Sustainable Homes.

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

17. A method statement and risk assessment for the works must be submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details.

Reason: The development is within 10m of the operational railway line, so to ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

18. All the dwellings hereby permitted shall be provided affordable dwellings (as defined in the Central Lancashire Affordable Housing Supplementary Planning Document) to be managed by a Registered Provider.

Reason: Weight has been given to the viability of the site due to the fact that the dwellings are affordable units in terms of relaxing the normally required public open space contribution and Code for Sustainable Homes requirements.

19. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall restrict existing runoff rates. None of the dwellings shall be occupied until the scheme has been implemented in accordance with the approved plans.

Reason: To secure proper drainage and to prevent flooding.

ITEM 4e-14/00177/FULMAJ – Parcel H3 Group 1 West Of Central Avenue And South Of Worden Brook, Euxton Lane

The application has been withdrawn.

ITEM 4f-14/00215/CB3 – Rangletts Play Area, Brindle Street, Chorley

The recommendation remains as per the original report

The following consultee responses have been received:

LCC Highways have made the following comments:

Following the receipt of the amended plans the Highway Engineer has made the following additional comments:

- The Pilling Lane aspect of the proposal is now considered acceptable.
- An improvement on the proposed layout of the vehicle access to the allotments to allow for safer access and egress is suggested.
- Given that the proposed access is in close proximity to the junction of Duke Street and Brindle Street there would be ramifications of traffic queuing back to the junction. This is of highway safety concern and Highways would seek an objection to the proposal if this issue cannot be addressed.
- A 5m offset at the allotment entrance is required to allow cars to wait off the highway while the gate is opened.

The plans have been amended in accordance with these comments including the inclusion of a passing point along the access road which serves the allotments. This addresses the concern raised in point 3 above.

The following conditions have been amended following the receipt of amended plans:

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

Title	Drawing Reference	Received date
Location Plan		28 th February 2014
Exterior Lighting Plan	7160CP	28 th February 2014
Parking Layout	E0352 D01 Rev C	2 nd May 2014
Park Railing Details	RR_009	28 th February 2014
Extra Heavy Standard Tree Planting	RR_011	28 th February 2014
Topographical Survey	P2293/01 Rev A	28 th February 2014
Proposed Drainage Layout	P2293/02 Rev A	28 th February 2014
Proposed Site Layout	RR_002 Rev A	2 nd May 2014
Hardworks	RR_003 Rev B	2 nd May 2014
Planting Plan	RR_004	28 th February 2014
Proposed Allotment Layout	RR_005 Rev A	2 nd May 2014
Footpath and Access Track Details	RR_007	28 th February 2014
Paladin Fence Details	RR_008	28 th February 2014
Proposed Extended Play Area	RR_015	9 th April 2014

Proposed Skate Park Area	RR_016	11 TH April 2014
Proposed Ball Court Area	RR_017	11 TH April 2014

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