

28 October 2014

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 28TH OCTOBER 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

9 **Addendum (Pages 3 - 10)**

Report of the Director Public Protection, Streetscene and Community (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 Public Protection, Streetscene and Community	Development Control Committee	28 October 2014

ADDENDUM

ITEM 3a - 14/00879/FUL – 18A The Farthings, Astley Village, Chorley, PR7 1TP

Members will recall that the application was deferred for a site visit at the previous committee of 30 September 2014. The site visit took place on 15th October 2014.

No changes have been made to the application or report and no further letters of objection or representations have been received since the application was presented the committee previously.

The recommendation remains as per the original report

**ITEM 3b-14/00767/FULMAJ- Land 110M West Of Coppull Enterprise Centre
Mill Lane, Coppull**

The recommendation remains as per the original report

One further letter of objection from Cllr Toon in his capacity as Ward Councillor has been received setting out the following issues:

I share the concern of the Parish Council about the highway issues associated with this development. In particular, the junction between Bentham Street and Spendmore Lane is poor. There is limited sighting in both directions on entry to Spendmore Lane - to the left, there is the right-angled bend in the road under the railway bridge and to the right there is a sharp bend into the centre of the village. In both cases, traffic comes into sight suddenly, giving drivers entering the main road, Spendmore Lane, little reaction time. Frequently there is busy traffic in both directions with only very short breaks to allow motorists to leave Bentham Street quickly. If the development is to go ahead, I would like to see a more detailed study of this junction with proposals for improving safety there. Funding for improvements should be gained from the development.

Officer Response – The highway consideration of this application is detailed at paras 57 -70 within the report and this assessment reaches the conclusion that for an extra 26 dwellings that the access would not be unsafe or the impact of the development considered to be Severe.

The following conditions have been amended:

Condition 18 has been deleted as although its inclusion is a benefit to the scheme it has not been cited as a requirement by either the Environment Agency or United Utilities and its inclusion adds further financial constraints on a scheme which already has financial viability concerns.

Condition 19 has been amended as follows to require the information prior to occupation rather than prior to commencement:

Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Condition 24 has been amended as follows to allow some works to commence on site but to ensure the lighting is considered at an early stage of the development:

Prior to the commencement of the development (excluding site clearance and site preparation) a scheme of external site lighting has been submitted to and approved in writing by the Local Planning Authority, and subsequent implementation in full. The scheme shall demonstrate avoidance of light pollution (increase in artificial illumination) of wildlife habitats including boundary hedgerows, woodlands and woodland edges, trees with bat roost potential and water bodies. The scheme shall be in accordance with guidance issued by the Bat Conservation Trust and Institute of Lighting Engineers.

Reason: to ensure avoidance of impacts on European protected species (bats) and their habitat; compliance with NPPF paragraph 125

Condition 30 has been amended as follows:

Prior to the commencement of the development a supplemental Noise & Vibration Impact Assessment which demonstrates which properties will be subject to higher noise levels in respect of the railway shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the commencement of the construction of dwellinghouses identified within the supplemental report full details of the mechanical ventilation systems, with a boost function, to be installed within the dwellings identified shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall thereafter be installed within the affected properties prior to the occupation of the dwellinghouses and retained in perpetuity.

Reason: In the interests of the amenities of the future residents, to ensure that no undue loss of amenity is created in respect of noise from the railway and to ensure that suitable comfort ventilation is provided for the future residents.

The original report has been amended as follows:

Para 129 of the original Committee report confirms that both parts of Policy 27 of the Core Strategy need to be complied with in respect to this scheme. However, the applicants have requested that the requirement for the second part of the policy (carbon emission reduction over and above the required Code Level) which was to be secured by suggested condition 14 be removed. This is on the grounds that Miller Homes undertook a Feasibility Study to ascertain the costs of achieving Code Level 4 and Code Level 6 on the development. This concluded that to achieve Code Level 4, the scheme would require 5 No. PV panels per dwelling at a total approximate cost of £180,000. To achieve the additional 15% CO₂ requirement this would in practical terms require an additional 2 or 3 PV panels per dwelling. Miller Homes consider that the additional cost would be in the order of £72,000 - £108,000 and this would therefore render the scheme unviable.

Para 131 of the original committee report states that the applicant has submitted a financial viability analysis to demonstrate that the requirement for Code Level 6 would render the scheme unviable.

The submitted viability information and sensitivity analysis has been assessed by the Council's Surveyor who has confirmed that the developer's building costs, revenue from sales of units,

costs for profit, marketing, and land value appear to be satisfactory and within current market range.

Various scenarios have been presented within the viability assessment, concluding that the inclusion of Code Level 6 would be unviable. Scenario 1 shows a full S106 package that makes the viability negative. Scenario 3 shows Code Level 6 but results in a negative residual value and Scenario 4 shows Code Level 6 again, with the other items for public open space and affordable housing but results in a reduced developers profit, which the developer states is unacceptable for funding requirements and this is accepted.

When Code 4 costs are included in the viability (scenario 2), the development has a negative residual value of approximately £20,000. However the applicant has confirmed that this shortfall will be met in order for the development to achieve Code Level 4.

In addition the developer is proposing a contribution of £159,620 towards the provision of public open space. They will also be required to pay a CIL contribution of £132,860.

It is therefore recommended that condition 14 be removed and that condition no. 11 is amended to remove the requirement for the uplift to Code Level 6 after 1st January 2016 as follows:

The dwellings hereby approved will be required to meet Code Level 4 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

ITEM 3e-14/00881/FUL – Brinscall Hall Farm (Barn Conversion), Dick Lane, Brinscall

The recommendation remains as per the original report

An immediate neighbour to the site has expressed concern about the impact that the number of additional wheelie bins will have on the amenity they currently enjoy on the days on bin collections. These will be parked outside the gates at the entrance to the proposed development and will, in their opinion, cause considerable visual blight to the outlook from their living room window on the days when the bins are emptied.

The same neighbour has raised an objection to the development on the grounds that it is inappropriate in the Green Belt.

The proposed bin store is to be located immediately adjacent to the entrance gate to the development, in a position as close as possible to the highway that is currently used by household waste collection vehicles. This arrangement is considered to be the most effective location for this in terms of access for residents and waste collection operatives and the limited material impact on the amenity of the existing nearby residents is considered to be acceptable.

The issue of development in the Green Belt has already been addressed within the report.

Members should note that whilst the applicant has agreed to the principle of paying a commuted sum in lieu of providing affordable housing on site, the value of that commuted sum, as stated in the original report, has not been agreed.

Councillor Margaret France has supplied images of Dick Lane that are included in the presentation this evening. Members are advised that any similar incidence in the future will not affect the dwellings, but would merely slow down vehicles using Dick Lane. It is unlikely to make the public highway unsafe or the impact 'severe' as defined by the Framework. Any such issues can be referred to the Making Space for Water group to investigate and deal with the problem.

ITEM 3f-14/00975/FUL – Brinscall Hall Farm (Agricultural Workers Dwelling), Dick Lane, Brinscall

The recommendation remains as per the original report

An amended plan has been submitted. This shows alterations to the internal layout of the proposed dwelling and a repositioning of the chimney. The overall external dimensions and design are unchanged. A copy of the plan is included in the presentation.

ITEM 3g-14/00626/FUL – Bramblewood Nursery, Wigan Lane, Heath Charnock

The recommendation remains as per the original report

LCC Ecology have made a further comment that the additional Ecology Report recommendations should be made a condition and that if subsequently required, a full survey for Great Crested Newts will be needed. The following condition has been added to secure this.

The following condition (number 15) has been added:

The development hereby permitted shall not commence unless and until the applicant has submitted evidence to and received approval in writing from the local planning authority that the recommendations of the submitted RAMS report by Ecology Services dated 2 October 2014 have been implemented. If as a consequence this determines that a full survey for Great Crested Newts and the implementation of mitigation measures thereto including the granting of a licence from Natural England is then required, the development hereby permitted shall not commence unless and until the applicant has received written approval from the local planning authority for the aforementioned mitigation measures and that it has received evidence from Natural England that a licence has been granted.

Reason: To safeguard Great Crested Newts and other protected amphibians.

ITEM 3h-app 14/00952/FUL – Green Farm, Wood Lane, Heskin

The recommendation remains as per the original report.

One of the neighbouring residents has provided copies of previous correspondence with the Council from 2003 and 2006 regarding drainage problems caused by blocked drains that cross the applicant's land and photographs of their flooded garden. In 2003 Chorley Council carried out works to ensure the drain was operating in a satisfactory manner.

The following consultee responses have been received:

- **Building Control:** The existing public sewer within Wood Lane appears to be combined, however in the first instance we would look at discharging the surface water to land and then where not practicable we would consider, with UU consultation, discharge to the sewer. They have also confirmed that drainage matters are dealt with through building regulations.

- **The Environment Agency** have advised that as the site is below 1 ha in area and in flood zone one they would have no comments to make. They would still recommend that surface water is managed using sustainable drainage principles.

Cllr Whittaker has made the following comments:

- The ditch to the south takes water from several properties on Wood Lane;
- In the past it has been necessary to bring Chorley Council to sort it out;
- If permission is granted a condition should be attached requiring all surface water to go northwards from the properties;
- There will be more runoff from three new houses than two leaky old barns with an earth/soakaway floor.
- Would request, as a local councillor, that he could have sight of the drainage proposals before they are accepted by the Council.

The agent has responded that the existing buildings drain into the existing ditch and that as the built area and impermeable areas will reduce, they will use the same outfall. A drainage assessment will be carried out before the final drainage plan is submitted to the Council to discharge the condition. It will produce accurate figures to show where the existing surface water goes and the quantity of it. This will dictate the details for the future drainage of the site. It is not appropriate to pre-empt the results of the assessment.

The following is attached to the original report:

It is proposed to attach a condition requiring drainage details to be provided and agree. It would not be appropriate to specify particular details and would be considered to be unreasonable to attach a more onerous condition. Once those details are then received the Council can consult with United Utilities, Building Control, Environment Agency etc. as appropriate. As stated in the main report matters of drainage are addressed through the building control process and the planning system must be careful not to duplicate other controls. The Council no longer has a drainage function.

It is also proposed to add a condition requiring all ground surfacing to be constructed of permeable materials. As the land around the existing buildings is largely hard surfaced at present, the proposals would result in a greater area of the ground surface being built from permeable materials, as grassed gardens will also be provided.

The following conditions and informatives are proposed:

1. 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

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

Title	Drawing Reference	Received date
Site location plan		1 September 2014
Topographical survey	14D016/001 A	1 September 2014
Site block plan		1 September 2014
Proposed and existing site layouts	1407 01 A	1 September 2014
Proposed elevations and and layouts	1407 02	1 September 2014

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

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) 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.

4. The ground surfacing 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.

5. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing shall be constructed using permeable materials on a permeable base, or 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), unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent flooding

6. A scheme for the landscaping of the development and its surroundings shall be submitted [as part of the reserved matters application/ prior to the commencement of the development]. 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; 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.

7. 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 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 and to provide reasonable standards of privacy to residents.

8. Prior to the commencement of any development, plans and particulars showing a scheme of foul sewers and surface water drains, 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 in any event shall be finished before the building is occupied.

Reason: To ensure a satisfactory means of drainage.

9. 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

10. 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 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

11. 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 submitted to the Local Planning Authority.

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

Please Note: The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during pre-application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraphs 186-187 of the NPPF.

Please Note: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at www.coal.decc.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Please Note: Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the use or development of the land to which this permission relates.

ITEM 3i-14/00315/FUL – 127A Station Road, Croston

The recommendation remains as per the original report

Croston Parish Council has commented that they object to the loss of the 'garden' area at the entrance to the site for car parking. They also object to the loss of the work pods, previously approved, and have concerns for highway safety in relation to the parking spaces located close to Station Road.

Members are reminded that the garden area referred to above is in the ownership of the applicant (and has been since 2013) and that the Parish Council has no control over the use of this piece of land. It is a gravelled area with some perennial shrubs located within it rather than a garden in the traditional sense.

Whilst the work pods have been removed from the design, discrete office areas have been included within each house that are of comparable size to the pods.

LCC Highways have stated that they have no objections to the parking layout, subject to a condition being imposed to protect pedestrians at the aforementioned spaces. Suggested Condition 4 includes this provision.