

31 March 2015

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 31ST MARCH 2015**

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 (Pages 97 - 100)**

Report of the Director of 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,<br>Streetscene & Community | Development Control Committee | 31 March 2015 |

| ADDENDUM |
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### ITEM 3a-14/01297/OUT – St Peters Vicarage, Harpers Lane, Chorley

#### The recommendation remains as per the original report

The agent has provided a plan of the potential site entrance- this is included on the PowerPoint presentation. The plan includes amendments to the public highway to create four parking spaces. This has been submitted to address some of the concerns of local residents. The base of the plan shows the current footpath arrangement, but the intention would be to amend these to create the spaces.

This plan has been forwarded to the **Highway Engineer at LCC** who has confirmed that from a highways point of view, there is no need for the spaces as even without dedicated spaces cars can still be partially parked on the footway and the carriageway. The Engineer has raised concerns that creating parking spaces here would raise the question as to who has the right to their use since without a Traffic Regulation Order reserving them as resident's only parking spaces for no. 1-7 Vicarage Street, other residents and indeed any member of the public have right to park in the bays as they are part of the public highway.

The Engineer has also raised concerns that providing the parking spaces may give misleading impression to no's 1-7 that only they are entitled to their use and may cause confusion with other neighbours and the general public who are also equally entitled to use the spaces.

In respect of narrowing the footway in front of no 5-7 the Engineer has concerns that this poses safety risks for children and other vulnerable people. On the opposite side, there is a footpath that goes through the Vicarage to Harpers Lane. It is not a public footpath, but it appears to have been used over the years and seems to have become a path widely used by residents of the area as a short cut between Vicarage Street and Harpers Lane. Creating the parking spaces will reduce the amount of space for pedestrians accessing this footpath.

### ITEM 3b-14/01316/FUL Winter View Farm, Parr Lane, Eccleston

#### The recommendation remains as per the original report.

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                  |
|---|-------------------|--------------------------------|
| Location Plan                                 |                   | 18 <sup>th</sup> December 2014 |
| Proposed Elevations                           | ML/GA/4919        | 23 <sup>rd</sup> December 2014 |
| Site Plan                                     |                   | 18 <sup>th</sup> December 2014 |
| Car parking, turning area and visibility plan |                   | 2 <sup>nd</sup> March 2015     |

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

3. Deliveries to the site shall not take place between the hours of 6.00pm and 8.00am Monday to Saturday inclusive and no deliveries shall take place on Sundays or Public Holidays.

*Reason: To protect the adjacent neighbouring properties from noise and disturbance at unsocial hours of the day.*

4. The development hereby permitted shall not commence until the access point has been implemented as per the approved Car parking, turning areas and visibility plan received on 2<sup>nd</sup> March 2014.

*Reason: To ensure the visibility at the site access is acceptable.*

5. Prior to the commencement of development details/samples of the external profile sheets and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification), including their specific colour 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.*

6. No goods, plant or materials shall be deposited or stored outside the building.

*Reason: In order to protect the visual amenity of the Green Belt.*

7. Fork lift trucks shall not be used outside the building between the hours of 6.00pm and 8.00am Monday to Saturday inclusive or on Sundays or Public Holidays.

*Reason: To protect the adjacent neighbouring properties from noise and disturbance at unsocial hours of the day.*

### **ITEM 3c - 15/00100/FUL – 2 Thirlmere Road, Chorley**

#### **The recommendation remains as per the original report**

The submitted Viability Appraisal has been reviewed by the Council's Property Services section and the submitted appraisal figures have been verified. As the scheme typically shows that the RP will not 'break even' until year 29 at which point the performance target is 104%, on the baseline costs version only therefore the RP's arguments are therefore justified.

#### **The following condition has been amended to include a revised plan:**

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

| Plan Ref.    | Received On:     | Title:                            |
|--------------|------------------|-----------------------------------|
| P100         | 12 February 2015 | Location Plan                     |
| P101         | 02 February 2015 | Existing Topographical Site Plan  |
| P105 (Rev J) | 25 March 2015    | Proposed Site Layout              |
| P115 (Rev B) | 02 February 2015 | Street Elevations                 |
| P107         | 02 February 2015 | Plot 3 Plans and Elevations       |
| P106 (Rev C) | 02 February 2015 | Plot 1 and 2 Plans and Elevations |
| P116         | 02 February 2015 | Boundary Details                  |

15.B10421/20 02 February 2015 Drainage Layout

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

**The following condition has been added:**

The external facing materials, detailed on the approved plans, shall be used and no others substituted. Specifically this shall include Roughdales Red Multi Rustic brick as the main facing brick, Polar White render, Marley Cedral Weatherboard cladding and Marley Edgemere roof tiles.

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

**ITEM 3d- 14/00791/FUL – Land 60M West Of No. 3 Castle Walks, Croston**

**The recommendation remains as per the original report.**

The applicant's agent has made comments on the report which are as follows: -

- The site contains a flood protection embankment and there are no objections from the EA.
- How can the proposed plot be regarded as 'Open Space' and it be implied that the public can enjoy it?
- The conservation officer has raised no objections and in terms of the archaeological importance of the site, there have been 2 significant digs of the site that have found no evidence as part of the consultees responses, Doug Moir, the Planning Officer (Archaeology) at LCC stated that...." I have checked the records and there are no significant archaeological implications"
- The Council's Strategic Housing Policy recognises the need for bungalows in the rural communities, Consultees comment page 46.
- The council's new emerging plan states that "there is a presumption in favour of appropriate sustainable development" and the plot is being built to code 4.
- In terms of local need, the applicants agent asserts that Croston Parish Council have been writing to the Council for years complaining that all of the bungalows have been converted into large family housing or replaced with detached houses.
- As a direct result of the above the applicant's agent held meetings with the Parish Council on the 13th March 2013 and the 11th December 2013, before any application was made and it is asserted that there was a need for bungalows via an email dated 28<sup>th</sup> January 2014 which was submitted with the application. The applicant also discussed how the method of construction was going to prevent them ever being extended.
- The applicant has offered to the Council a restrictive development covenant on the land that will be registered with the land registry that restricts the owners of the land and their successors in title that they can only ever develop what is proposed now and that they cannot be extended or modified .
- Whilst the bungalows are for open market sale they can only ever be Bungalows and this has been confirmed by the applicants solicitor in a letter dated 13th March 2015 from Messrs Lee Rigby Solicitors LLP.
- In terms of Open Space, the applicants agent asserts that the site is rough unkempt ground separated from Yarrow Close by a 3 meter high hawthorn hedge and as the report states in section 17c) there is no public access to it.
- The committee report makes the suggestion that the loss of open space would have to be replaced elsewhere and this could be by way of a financial

contribution. If permission were granted there is an agreed contribution of £43,360 and the applicants have agreed to fund the provision and maintenance of a public space within the site, where there has never been any previously.

- The current space makes no significant contribution to the character of the area as confirmed by the fact that the Conservation Officer has raised no objections.

The applicant's agent has also submitted a letter from Lee Rigby Solicitors which advises that upon gaining planning permission, a covenant would be placed on the land so as it can only be used for the erection of single storey dwellings and such a covenant will bind successive owners to the same.

The applicant's agent has also provided copies of correspondence with Croston Parish Council which makes reference to the dwellings being constructed from SIPS (Structurally Insulated Panels) meaning that a further storey could not be added. Further correspondence from Croston Parish Council to the agent makes reference to some members of Croston Parish Council identifying a need for bungalows in Croston when the agent met with the Parish Council. A copy of Croston Parish Council's meeting minutes have also been submitted which show that information on the development was provided by the agent/applicant to Croston Parish Council in November 2013.

The comments and information submitted by the applicant's agent are noted. However, the information submitted does not overcome the inherent objections to the scheme set out in the agenda report hence the recommendation remains that the development should be refused for the stated reasons.

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