

16 June 2015

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 16TH JUNE 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 3 - 8)**

Report of the Director of Public Protection, Streetscene and Community enclosed.

Yours sincerely



Gary Hall
Chief Executive

Cathryn Filbin
Democratic and Member Services Officer
E-mail: cathryn.filbin@chorley.gov.uk
Tel: (01257) 515123
Fax: (01257) 515150

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

This page is intentionally left blank

COMMITTEE REPORT		
REPORT OF	MEETING	DATE
Director Public Protection, Streetscene & Community	Development Control Committee	16 June 2015

ADDENDUM

ITEM 3c-14/01272/OUT – Land between 71 and 81 Station Road, Croston

The recommendation remains as per the original report

The applicant has provided a flood risk assessment, which makes the following conclusions:

- Proposed on-site and disposal drainage will be designed and constructed in accordance with The Building Regulations as appropriate.
- All on-site roofs and pavings are to drain into the designed surface water system or to ground, thereby ensuring there will be no increase in off-site flood flows generated by the development.
- There will be no significant off-site impacts as a result of this development and therefore the proposal satisfies paragraph 103 of the Framework as it will not increase flood risk elsewhere.
- This Flood Risk Assessment has demonstrated that either by assessment or by design as part of the development, all residual flood risks on site will be low.

As only a very small part of the site (which is likely to be used as a car parking area) to the front is within Flood zone 2 and the Flood Risk assessment has not raised any concerns it is considered that the proposed development would not give rise to any undue increase in flood risk or be at any unacceptable risk from flooding.

The following consultee responses have been received:

The Environment Agency have made the following comments:

- the standing advice for vulnerable developments applies regarding surface water management, access and evacuation, and floor levels.

The standing advice requires that details of both the average ground level of the building and finished floor level of the lowest habitable room in the building are provided. Ground floor levels should be a minimum of whichever is higher of : 300mm above general ground level or 600mm above estimated river or seas flood level. As the application is in outline only it is considered appropriate to attach a condition requiring floor level details to be provided.

The following conditions are suggested:

1. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

2. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

3. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.

4. 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.

5. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

6. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

7. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

8. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

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

ITEM 3d-15/00359/FUL – Rambler Cottage, 86 Preston Road, Whittle le Woods

The recommendation remains as per the original report

One *No.* further letters of objection have been received from one of the previous objectors setting out the following issues:

- Object to part of the access road being blocked off;
- Without this part of the access road, vehicles will not have the space to turn around , therefore being forced to reverse down a narrow winding single access track to return onto Royton Drive;
- This will endanger pedestrians and other vehicles;
- This is contrary to our deeds;
- A parking area for six cars so close to our fence could cause a problem with noise and fumes.

An objector has also asked for the following to be put forward for consideration:

Further comments to committee in relation to planning application 15/00389/FUL

If you are reading this it is because I have not been able to get to the meeting in time. As I hope was explained, I was in York today in a workshop part of a programme that I could not re-arrange.

I wish to speak in respect of part of this application only. As set out in my written comments, we have no objection concerning the new build; or the vehicle access; or the double storey extension within the existing footprint of 86 Preston Road.

The comments we have to make are solely in relation to the proposed single-storey extension, the purpose of which is said to be to accommodate a utility room.

We hope the committee will take account of our written comments. The only thing I would add to our written comments is that the case officer has not visited our property and our concerns are obviously based on 'the view from our property'. There's also reference in the report to the formula used in the Householder Design Guidance. The report talks about distance from a window and angles.

What would be the cavity wall to the proposed extension, will be built within 1 metre of our back door – our back door has glass in the top part so acts as a window into our property. It's not clear in the report whether the measurements are from the nearest window – some distance away – or from the closest effective window which would be our door.

I live at 88 with my partner and two children. We've lived there for about 11 years. Probably not relevant to the committee's deliberations but the point I make is that this is our home.

We understand that with any development there is likely to be some impact on neighbouring properties and that in the planning decision - the decision you have to take today - there is a

balance to be struck between competing interests. We don't think the report, with respect, struck the right balance between those interests. We're hoping that you can redress that.

The report states that there is presumption in favour of appropriate, sustainable development.

We don't think that amounts to a right and we hope that the committee has some discretion: just because there could be development doesn't mean that there should be development, at least to the full extent of any application.

The interests of the developer seem well explained in the report. The report talks about the rules in relation to development: you will all be familiar with the Chorley Local Plan 2012-2026; Policy HS 3; Central Lancashire Core Strategy.

Nowhere does the report acknowledge that the aims and objectives of these policies would be achieved even without the single-storey extension.

Even without the single-storey extension, it is possible for the report to have concluded in exactly the same way. It would have said the same things about the "promotion of sustainable credentials" and the encouragement of "growth in Whittle-le-Woods" (see paragraph 45). The public good would still be achieved: the construction of this extension doesn't make the achievement of that goal any greater.

But its construction does have a negative impact on our home.

There's a balance, as I've acknowledged. The conflict is between, what we say is, unnecessary development, as against the impact on our home; an impact that will continue long after the developer has moved on.

Thank you.

ITEM 3e - 15/00282/FUL – H W Moon Ltd, 56 Wood Lane, Heskin, Chorley, PR7 5NU

The recommendation remains as per the original report

It is recommended that condition no.14 be revised as follows:

14.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 (*footway and kerb reinstatement*) 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.

The following additional condition is recommended:

21. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 14 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.

ITEM 3f-12/00270/FUL – 1 Darlington Street, Coppull

The recommendation remains as per the original report

One No. further letters of objection have been received setting out the following issues:

- Firstly I run a building firm from the yard at the rear of 1A Darlington Street and our main concern is access to and from Darlington Street. Originally the proposed site was open and visibility was good. Then the owner fit a fence to 5' high up to the footpath. This gave everyone in a car a problem that they would have to edge out into Darlington Street to see if it wis clear. A huge problem for anyone coming up Darlington Street as the traffic has to go on the wrong side of the road because of the cars parked in the road opposite our office. This gives you the effect of two sets of coming traffic. I have witnessed several near misses since the fence was erected.
- I have seven vans which aren't at the moment effected by the fence but put a house there and there would be no visibility. We have waggon deliveries to site and they would cause even more trouble if they have to edge out. It could get that we have to deliver from Darlington Street as the waggons can't or will not access our yard. This would cause even more problems.
- There are in excess of twenty vehicles that use this entrance daily. Before you start with deliveries. It could be in excess of fifty times a day back and forward.
- I am worried about access to our yard and the need to keep it open at all times for nineteen employees that we have.
- Maybe a compromise would be parking restrictions on the opposite side of the road so nobody parked there when we were at work or signs warning of a concealed junction, convex mirror opposite so we could see what was coming.
- But whatever happens, if the flats are passed without some traffic measures then there will be an accident in the near future.

The following consultee responses have been received:

Lancashire County Council have made the following additional comments in response to the above concerns:

The proposal is acceptable from highways perspective.

Darlington Street is not a through road. It has low vehicle speeds as it is within a 20mph zone and has traffic calming features. The objector, Mr Stringfellow's builders yard is large and vehicles are able to turn within the yard and exit travelling forward. There are not many accesses within close proximity of Mr Stringfellow's access besides John Street which is opposite. The existing footway frontage to the access provides some distance between the property boundary and the carriageway to provide visibility for the emerging driver.

Drivers exiting the builders yard currently have the benefit of better visibility only because there is no physical structure on the adjacent land, but since the applicant has right to put up the structure, provided highway safety is not compromised, as it is in this instance, then the Highway Authority cannot justify an objection to the proposed development.

As regards the waiting restriction suggested by Mr Stringfellow on the opposite side of the Darlington Street, I am unable to justify requesting the applicant to fund the provision of any such restrictions as the proposed development will not make the access to the builders yard any worse in highways terms. The Highway Authority also currently has no specific budget towards provision of the restrictions at this location as it is not considered a priority.

The applicant's 2no. car parking provision located to the rear of 3 Darlington Street is noted, and as stated in the previous highways response to the proposal, provided the Local Planning Authority is satisfied with the applicant's legal acquisition of the this area for parking, then Highways will

have no objection to the location of the parking spaces although, it is remote from the development site. The parking provision is one space less than required by the standard, however, I have considered that the 2no. spaces was not objected to in the previous submission.