

8 September 2015

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 8TH SEPTEMBER 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

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

Report from 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 & Community	Development Control Committee	8 September 2015

ADDENDUM

ITEM 3a-15/00482/FULMAJ – Duxbury Park Phase 2 Between Myles Standish Way And Duxbury Gardens, Myles Standish Way

The applicant has requested that this application be withdrawn from the agenda to enable further discussions in respect of the layout of the development. Officers are recommending that Members defer determining this application to enable these discussions to occur.

The layout of the proposed development has been amended to increase the height of the fences to 2m high close board fencing with 0.4m trellis on top from the rear corner of Plot 42 to the rear corner of Plot 47 and moving plots 43 to 45 moved forwards 1.0m to increase the interface distances from plots 43 to 45 to numbers 29 to 32 Duxbury Gardens.

The following conditions have been amended to correct the proposed building materials and to address the above changes:

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

Title	Plot	Drawing Reference	Received date
Location Plan		R074/1000 Rev B	11 th August 2015
A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18 th May 2015
A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19 th May 2015
A3-3 Block Plans	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19 th May 2015
A3-3 Block Elevations	40, 41, 42, 43, 44, 45	HT165/P/3/V2-1	19 th May 2015
Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18 th May 2015
Reynold Elevations	1, 10	HT130/P/111 Rev A	18 th May 2015
Hatton House Type	6, 58, 62	HT139/P/111 Rev C	18 th May 2015
Belgrave House Type	13, 36, 37, 38	HT146/P/115	18 th May 2015
Bonington Floor Plans (with bay)	11, 35, 54, 55	HT147/P/110-11 Rev I	18 th May 2015
Bonington Elevations (with bay)	11, 35, 54, 55	HT147/P/112-11 Rev A	18 th May 2015
Bonington Floor Plans (without bay)	17	HT147/P/113	18 th May 2015
Bonington Elevations (without bay)	17	HT147/P/202-38	18 th May 2015
Charleston House Type	7, 12, 33, 34, 35, 60, 63	HT166/P/111 Rev A	18 th May 2015
Brantwood House Type	4, 14, 68	HT167/P/100	18 th May 2015
Materials Schedule Plan		R074/3 Rev C	4 th September 2015
Detached Double Garage	1, 10, 36, 70,	P/DG/1	18 th May 2015
Single Detached Garage	4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 54, 55, 60, 67, 68	P/SG/1	18 th May 2015
Tree Protection drawing		P.532.15.02 Rev A	7 th August 2015
Proposed Site Levels		J3432.EX02 Rev B	18 th May 2015

(western)			
Proposed Site Levels (eastern)		J3432.EX03 Rev A	18 th May 2015
1.8M High close board timber fence		SD.1 Rev A	18 th May 2015
1.8m high screen wall		S.O.46	18 th May 2015
Planning layout		R074/1 Rev C	4 th September 2015
Bowes House Type	2, 5, 9, 49, 50, 56, 57, 61,	HT104/P/111 Rev B	18 th May 2015
Burlington House Type	46, 47, 64, 65	HT105/P/111 Rev C	18 th May 2015
Marlborough floor plans	51, 59, 70	HT107/P/110	18 th May 2015
Marlborough Elevations	51, 59, 70	HT107/P/112 Rev A	18 th May 2015
Marlborough floor plans	70	HT107/P/210	18 th May 2015
Marlborough Elevations	70	HT107/P/212 Rev A	18 th May 2015
Bonington Elevations (without bay)			18 th May 2015
Elmbridge House Type	8, 16, 66, 67	HT148/P/111	18 th May 2015
Renishaw house type	3, 15, 39, 48, 52, 53, 69,	HT149/P/202 Rev A	18 th May 2015
A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18 th May 2015
A2- 3 Elevations	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-2	18 th May 2015
A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18 th May 2015
Planting Plan		P.532.15.01 Rev E	8 th September 2015
Planting Schedules		P.532.15.01 Rev E	8 th September 2015
Proposed Site Sections		J3432 EX13	21 st July 2015
Fencing Layout		RO74/2 Rev B	4 th September 2015
900 high post & rail fence detail		SD.21	18 th May 2015

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

ITEM 3c-15/00562/FUL 2 Heath Paddock ,Hut Lane, Heath Charnock

The recommendation remains as per the original report.

Cllr Kim Snape has submitted the following comment, she intends to attend and speak at Committee however in the event that she is delayed the following comment is requested to be taken into consideration by members:-

My name is Kim Snape and I am the ward Councillor for Heath Charnock. I am speaking on behalf of a large number of residents that live in the immediate vicinity of the Hut Lane site who have contacted me over their serious concerns over this application and would like to see this resolved as soon as possible.

Each of those families have submitted their individual objections to the temporary planning proposal, in addition to those presented collectively on their behalf to the Council by their planning consultation Paul Sedgwick in his letter of the 6th July and 7th September.

Following considerable delays in the site allocation process the committee is now aware a permanent site has now been allocated but is not yet available for occupation.

After 6 years of occupation, 4 of which were unlawful my constituents believe the request for a further 4 years temporary resident to be unacceptable and would like to see an end to this as soon as possible.

In considering the length of the temporary extension, I would also ask you to be sensitive to the strained relations between the applicant and the majority of the immediate community. To extend the temporary permission longer than necessary would be unnecessarily put further strain on local community relations for the applicant and immediate residents.

They are of the firm view that this is within the gift of the council to expedite the provision of the Cowling Site within a maximum period of 18 months along with a strict proviso that the occupiers of Hut Lane should be compelled to move to the Cowling Site as soon as possible should it be delivered in that time frame.

In the unlikely event that the site is now fully delivered by the end of the 18 month period then the applicant would then need to apply for a short extension. This shouldn't be seen as a reason to extend the temporary permission longer than is needed.

To provide an unjustified extended period would mean that this inappropriate development in greenbelt continues much longer than necessary sending entirely the wrong message to other potential developers considering similar occupations of greenbelt land in the Borough.

Furthermore, in regard to the proposed increase in numbers of cars/caravans and people on the site, the residents I speak on behalf of are totally opposed to any additional intensification of use on this Green belt site.

Whilst I completely personally appreciate your report advises the Linfoot family having pressing family needs and that this is the special circumstance for which you would allow additional people on site I understand that the recent PPTS states that this would not outweigh harm to the Green belt. Please can clarification be sought on this as conflicting information seems to be circulating?

Furthermore, I am a bit confused as I understand those additional people are accounted for in your recent GTAA as having to be accommodated but in paragraph 75 of your report it states "members have challenged the GTAA findings and wish to further scrutinise the methodology figures." Where does that leave the results of the GTAA'

In regard to commercial activity the residents are again opposed to any increase in commercial activity given they themselves would also be restricted by planning constraints for similar activity. I would agree with your recommendation for no commercial activity to take place on the site.

To conclude for over 6 years this has carried on for, I would ask that a maximum of 18 months granted from date of expiry of the current permission therefore until 18/1/17. With a condition that should the Cowling site be available within the said timeframe, the occupiers of the Hut Lane site should have to relocate within a specific timescale.

As previously mentioned I would appreciate further clarification or work to be undertaken in regard to paragraph 75 of your report in relation to members challenging the findings of the GTAA and the recent PPTS policy .

Thank you.

The planning consultant acting for the Stoneheath Court residents has submitted the additional comment:-

In your report, the only place where consideration is given to this weighty matter is in your conclusions, where you state:

'This application seeks to increase the scale of development by increasing the number of caravans on the site by two to accommodate other family members who have been identified as part of the assessment of need in the GTAA carried out earlier this year. That need could be met for a temporary period on the site which would be a very special circumstance as an exception to inappropriate development in the Green Belt'.

As the proposal is for a proportionately significant intensification of the use as a traveller site in the Green Belt, it can only be justified if there are very special circumstances that clearly outweigh the harm to the green belt and any other harm. The newly published revised PPTS makes it clear that:

'Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

But this is not new policy, as the ministerial statement of 2 July 2013 restates earlier ministerial advice that:

‘The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt.’

Despite this very clear and established policy, in your report you rely solely on an assertion of ‘need’ as the very special circumstances that underpin your recommendation to allow the existing use to be intensified. This is a freestanding and potent criticism of your report to the planning committee.

The consequences of this, if applied to the settled community, would be significant, especially where extended accommodation in the green belt is required to for family members who may have special needs. It is important of course that travellers and the settled community are treated comparably by the planning system.

In the necessary review of the recommendation, you will need to take into account that the revised PPTS imposes more strict requirements to be met if people are to benefit from the planning policies for travellers. This is a matter that is recognised by the council as impacting on the Central Lancashire GTAA’s assessment of need. Clearly you would need to review the need referred to in your report in the light of current policy.

In conclusion, it has not been shown (and on the existing evidence cannot be shown) that very special circumstances exist that clearly outweigh the harm to the green belt and any other harm. It is therefore necessary to recommend either that the application is refused as not having shown that the necessary very special circumstances exist, or if you consider the elements of the application to be separable, recommend that only the existing consent is renewed for an 18 month limited period and that the elements that intensify the use is refused.

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

- 2.5 years being 2.8 years given temp expired July. Given the 6+ history by which the occupiers have remained on site and the continued strained relations, we would have expected the permanent site at Cowling to have been given priority, even given that the whole site is being 'master planned'. This length of extension sends entirely the wrong message to the settled community who have supported the council through this unhappy situation for 6+ years. In recommending effectively 2.8 years since existing temp lapsed, you are leaving Hut lane in residential occupation for c9 years....that's how the residents see it.
- We see no reason why a reduced period say 20 months/2 years couldn't have been recommended if, as you maintain, the site should be delivered within 2.8 years. In the unlikely event that the site wasn't quite complete, then the site owner could, as with everyone else in a similar position, simply re-apply for a further short extensionas we all know the cost of the exercise to be nominal and who would object?
- You mention all conditions remaining....but the recommendation appears to include allowing further caravans and people on the site? This surely can't be justified as the use is inappropriate development in the Greenbelt and more people/vehicles will increase the harm to the green belt....there are no very special circumstances to outweigh this so why has the case officer come to this conclusion? Given the already fraught relations with the site owners I see more people only exacerbating local tensions with obvious outcomes. I would strongly recommend your case officer rethinks this

The applicants agent has submitted the following additional information following the release of the document Planning Policy for Traveller Sites:-

In your recent email you ask me which of the people seeking to live on the site are Gypsies and Travellers under the revised definition at Annex 1 to the August 2015 version of Planning policy for traveller sites.

The answer is all of them. In this case the change in definition doesn't make a difference. All of the people seeking to live on the site have a nomadic habit of life and none of them have permanently ceased travelling for an economic purpose.

As to implications of the revised policy, it continues to recognise that taken together unmet need, a lack of alternatives and personal circumstances can represent the very special circumstances to justify development in the Green Belt, and specifically recognises the weight to be put on the interests of the children.

In terms of personal circumstances we would emphasise the interests of the Linfoots' three sons, and of Mr and Mrs Bird. The Linfoots three boys all attend school locally and need the security of a home with family around them. Mr Walter Bird and Mrs Sylvia Bird are 74 and 71 respectively and still follow a nomadic way of life appropriate to their age and health. Mr Bird had a serious fall and has had problems with his shoulder since then. Mrs Bird had a stroke two years ago, her mobility is constrained and she now has a disabled badge for their car.

We would stress the particular character of the site – see para 4 of the Design and Access Statement, that any harm is only temporary, and unlike in other cases where temporary permissions are sought in Green Belt the Council has identified a non green belt site that the family are happy to move on to as soon as it is ready. Hence what harm there is may be for less than two and a half years. Given this group of factors in this case we believe there are the very special circumstances to allow a further temporary permission notwithstanding the changes in national policy.

I also confirm that we do not see any reason to defer determination of the application.

Policy Update

Since the report was drafted the Government has published its revised guidance on Planning Policy for Traveller Sites.

Officer Comment

The revised Planning Policy for Traveller sites has been released since the Committee report was issued and does change some areas of the Policy Guidance from the 2012 document.

The 2015 document reiterates the point that harm to the Green Belt is unlikely to be outweighed by “the best interests of the child, personal circumstances and unmet need” and makes this position more explicit.

The document also changes definition of Gypsy and Traveller's by adding clarification about determining the status of gypsies and travellers. The definition and the clarification focus on the reasons for ceasing to travel temporarily and if they have previously led a nomadic habit of life, reasons for ceasing this habit and the intention of living a nomadic habit in the future, when and how.

In assessing the information before Committee then there is an update from the applicants agent concerning the position of those currently on the site, the planning consultant acting for residents

also considers that the existing consent with the existing restrictions could be renewed. It is considered that the position of those families currently authorised to live on the site has been evidenced previously and within the additional letter from the applicants agent and as such the renewal of that consent in isolation can be accepted.

What is not evidenced is the reasons for the additional caravans to be present on the site, the applicants agent considers that the additional two families represent a need and meet the revised definition, however no supporting information concerning the very special circumstances that exist for those families to be present on this site is available, in accordance with the new policy document to be able to make a decision at this meeting. It must therefore be concluded that the evidence to support those additional families is not sufficient and does not carry sufficient weight to justify support of the application as described.

As the description of the development includes reference to 7 caravans in total, an increase in caravans of 2 then the ability to approve a development for 5 caravans means that any consent would need to be restricted or modified in some way to ensure that any consent issued is not subject to legal challenge and can be implemented. To this end there is a verbal agreement with the applicant and agent that the description of the development can be amended to include 5 caravans in accordance with the amended condition 5.

The recommendation as above remains as the formal agreement to modify the description of the development has not been secured.

That the conditions attached to the planning application be amended as follows:-

Condition 2

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

Title	Drawing Reference	Received date
Location Plan		9 June 2015
Utility Block Plan		9 June 2015

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

Condition 5 modified as follows:-

The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:

Mr Michael Linfoot and wife Mrs Patty Linfoot and dependent children.

Mr Walter Bird and Mrs Sylvia Bird and grandson Clonus John Boswell. (Born 1994)

Reason: Weight has been given to the personal circumstances of the applicant as a very special circumstance in granting permission for inappropriate development in the Green Belt

Condition 6 modified as follows:-

No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a mobile home) shall be stationed on the site at any time.

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

An additional condition be imposed as follows:-

Notwithstanding the submitted and approved plans, within 1 calendar month a plan representing the site plan for 5 caravans in accordance with condition 6 shall be submitted to the Local Planning Authority and thereafter the site shall be laid out in accordance with that plan approved by the Local Planning Authority.

Reason: For the avoidance of doubt as the proposed description of the development and number of caravans has changed from that applied for.

ITEM 3d-15/00506/REMMAJ – Land Surrounding Huyton Terrace Previously Baly Place Farm, Bolton Road, Adlington**The recommendation remains as per the original report**

The Section 73 application in respect of the outline planning consent was approved today and as such the description of this application has been amended to refer to the updated outline consent as follows:

Reserved Matters Application for the erection of 158 dwellings comprising of 1, 2, 3, and 4 bedroom homes, open space and associated works (pursuant to outline planning consent ref: 15/00568/OUTMAJ)

Concerns have been raised by neighbours that the proposed layout does not take into account the existing accessway and passageway at the rear of number 70 and 72 Bolton Road however a detailed plan has been submitted which shows that this is outside of the application site.

2 further letters of objection have been received raising the following points:

- No meeting on site has been arranged although one was requested.
- Are they going to replace the fence between the proposed and existing properties?
- Are they going to pay for my property to be cleaned after the demolition of the property? My property including windows and conservatory will be covered with dirt.
- Is the proposed crossing going to have sounds to indicate when a pedestrian can cross? If so will cause distress to habitable rooms of nearby dwellings
- There is going to be zigzag lines outside the properties- will anything be able to be delivered or collected because there is no parking on the zigzag lines?
- If the residents of Bolton Road have to park away from their properties their insurance will rise considerably.
- What will the height of the buffer zone grow to?
- Concerned that young people using this buffer zone as a place to use drink and drugs.
- Lack of school places in the four primary schools
- Lack of local secondary school
- Lack of further education Lack of places on doctor's lists
- Lack of local leisure facilities or youth club
- Danger of becoming overwhelmed by volume of traffic on both major roads through the village, particularly if M61 traffic is diverted for whatever reason - and it's happened, causing gridlock.
- The loss of wildlife habitat and the danger of flooding at the River Douglas
- The further strain placed on water supplies and sewerage.
- The lack of rail services calling at Adlington
- Insufficient parking for residents of Bolton Road

ITEM 3e – 15/00661/FUL – Car Park Adjacent To 48 Wood Lane**The recommendation remains as per the original report**

An updated petition in objection to the proposed development has been received which includes 300 signatures.

Paragraph 23 of the report wrongly refers to Preston Road. This should read Wood Lane.

Paragraph 29 of the report states that it was not possible to park on the street outside the car park at the application site when the car park was in use. It is noted, however, that it may have been possible to park one car close to the entrance of the car park, whilst in use and that this possibility would be lost as a result of the proposed development. The loss of on street parking potential cannot be protected in relation to an application for planning permission in any case, however, and this does not alter the assessment or recommendation.

ITEM 3f – 15/00723/FUL – Land between 71 and 81 Station Road, Croston

The recommendation remains as per the original report

A further letter has been received from the owners of no. 71 has been received, raising the following issues:

- As 71 Station Rd is the party wall and the proposed development is being sited 1 meter distance away, separated by paving, they are concerned that the issue of all run off water is carried away efficiently and that the foundations of the new buildings are situated at a height that does not cause a problem to no. 71;
- Currently soil has risen above the floor level of no. 71 and vegetation is growing up the side of the house and tree roots may have crept underneath it, this is causing damp and mould within the house;
- They are concerned about the rear elevation of the proposed house causing overshadowing;
- There may be a noise issue if only a meter is left between their house and next door because there is no cavity in their home, it is solid wall double brick construction

The finished floor level of the proposed houses would be approximately 0.3m above the ground level of the site at present (although this does vary slightly across the site). The finished floor levels are as advised by the environment Agency and would not result in any significant changes to land levels.

It is recommended that a condition be attached to require details of ground surfacing materials to be provided and that such materials, to the front, will be constructed from permeable materials. The applicant is aware that permeable materials on other parts of the site may be sought. Other drainage matters are dealt with through the building control process.

There are no windows to habitable rooms in the rear elevation of no. 71 and the proposed dwelling would comply with the Council' s interface standards in respect of it's relationship with no. 71. Some overshadowing of the rear garden would occur, and although it is acknowledge that the rear garden of no. 71 is small, it is not considered that it would be reasonable to refuse the application on this basis.

Taking into consideration the position and location of no. 71 in relation to other properties nearby and roads and footpaths, it is again not considered that the scale of nuisance arising would be reasonable to refuse the application on this basis.
