

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 29TH SEPTEMBER 2015, 6.30 PM
COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following report that was unavailable when the agenda was published.

Agenda No Item

5 **ADDENDUM**

(Pages 3 - 10)

Report from the Director Public Protection, Streetscene and Community
(enclosed).

GARY HALL
CHIEF EXECUTIVE

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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	29 th September 2015

ADDENDUM

ITEM 3a-15/00375/FULMAJ – Market Walk Extension, Union Street, Chorley

The recommendation remains as per the original report

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

The recommendation remains as per the original report

Since writing the report the applicant has confirmed that they agree with the Council's assessment of the Affordable Housing Commuted Sum and have confirmed that they are willing to provide a commuted sum of £99,313.50 which results in a scheme which is now Policy compliant.

Paragraphs 83-85 of the original report are incorrect in respect of CIL and the correct position is as follows:

The Council have established that the Community Infrastructure Levy Regulations have not been correctly applied to this application. This application is a “new” application brought under section 70 of the Town and Country Planning Act. In the report it is treated as an application to amend an existing permission under section 73 of that Act. As such the report requires the developer to pay only an uplift amount for CIL rather than the full amount due for the whole site. There is a transitional provision within the regulations that allows this for section 73 applications. There is no such provision under section 70 for new applications. As a result the Council do not have the authority to seek this lesser amount and are obliged to charge the full CIL liability in accordance with the regulations.

Paragraph 77 and 78 of the original report confirms that a sustainable transport contribution (£89,067.76) will be secured as part of the legal agreement. The sustainable transport measure indicated include the investigation and operation of an additional bus service in the vicinity of the site and upgrading bus stops near the junction of A6 Bolton Road and Myles Standish Way, which are considered to be relevant infrastructure, and in this case would be more appropriately delivered through the CIL regime.

An additional neighbour comment has been received raising the following concerns:

- The last council meeting aired concerns as the plans show Plot 48 encroaching on the borders of the adjacent fence line.
- Since the original meeting I have had no contact with any Rowlands representative about the request I have made, in the last council meeting I

brought up that myself and my husband are new to the estate and have not had any liaison with any building contractor.

- I feel because of the lack of communication on Rowlands behalf none of my requests have been taken into consideration with the new plans produced.

Condition 2 has been amended to address the receipt of amended plans in respect of the amended layout set out within the original Committee report:

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	11th August 2015
A2-2 Block Plans	20, 21, 22, 23	HT164/P/2/V1-1	18th May 2015
A2- 2 Block Elevations	20, 21, 22, 23	HT165/P/2/V1-2	19th May 2015
A3-3 Block Plans	40, 41, 42	HT165/P/3/V2-1	19th May 2015
A3-3 Block Elevations	40, 41, 42	HT165/P/3/V2-1	19th May 2015
Reynold Floor Plans	1, 10	HT130/P/110 Rev A	18th May 2015
Reynold Elevations	1, 10	HT130/P/111 Rev A	18th May 2015
Hatton House Type	6, 56, 60	HT139/P/111 Rev C	18th May 2015
Belgrave House Type	13, 36, 37, 38	HT146/P/115	18th May 2015
Bonington Floor Plans (with bay)	11, 35, 52, 53	HT147/P/110-11 Rev I	18th May 2015
Bonington Elevations (with bay)	11, 35, 52, 53	HT147/P/112-11 Rev A	18th May 2015
Bonington Floor Plans (without bay)	17	HT147/P/113	18th May 2015
Bonington Elevations (without bay)	17	HT147/P/202-38	18th May 2015
Charleston House Type	7, 12, 33, 34, 35, 58, 61	HT166/P/111 Rev A	18th May 2015
Brantwood House Type	4, 14, 66	HT167/P/100	18th May 2015
Materials Schedule Plan		R074/3 Rev D	22nd September 2015
Detached Double Garage	1, 10, 36, 43, 68	P/DG/1	18th May 2015
Single Detached Garage	4, 7, 11, 12, 14, 16, 17, 33, 34, 35, 52, 53, 58, 65, 66	P/SG/1	18th May 2015
Tree Protection drawing		P.532.15.02 Rev B	28th September 2015
1.8M High close board timber		SD.1 Rev A	18th May 2015

fence			
1.8m high screen wall		S.O.46	18th May 2015
Planning layout		R074/1 Rev D	22nd September 2015
Bowes House Type	2, 5, 9, 47, 48, 54, 55, 59	HT104/P/111 Rev B	18th May 2015
Burlington House Type	44, 45, 62, 63	HT105/P/111 Rev C	18th May 2015
Marlborough floor plans	49, 57	HT107/P/110	18th May 2015
Marlborough Elevations	49, 57	HT107/P/112 Rev A	18th May 2015
Marlborough floor plans	68	HT107/P/210	18th May 2015
Marlborough Elevations	68	HT107/P/212 Rev A	18th May 2015
Elmbridge House Type	8, 16, 64, 65	HT148/P/111	18th May 2015
Renishaw house type	3, 15, 39, 46, 50, 51, 67	HT149/P/202 Rev A	18th May 2015
A2- 3 Block Floor Plans	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-1	18th May 2015
A2- 3 Elevations	21, 22, 23, 24, 25, 26, 27, 28, 29, 30 31, 32	HT164/P/3/V1-2	18th May 2015
A3- 3 Block Plans	18, 19	HT165/P/2/V1-1	18th May 2015
Planting Plan		P.532.15.01 Rev F	29th September 2015
Planting Schedules		P.532.15.01 Rev F	28th September 2015
Proposed Site Sections		J3432 EX13	21st July 2015
Fencing Layout		RO74/2 Rev C	22nd September 2015
900 high post & rail fence detail		SD.21	18th May 2015
Plot 43 Floor Plans	43	R074/1010	22nd September 2015
Plot 43 Elevations	43	R074/1011	22nd September 2015

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

ITEM 3c-15/00719/FUL – Land To The South West Of Ricmarlo, Preston Nook, Ecclestone

The recommendation remains as per the original report

ITEM 3d-15/00540/FULMAJ – Croston Hall Estate, Grape Lane, Croston

The recommendation remains as per the original report

ITEM 3e-15/00528/FULMAJ – Canal Boat Cruises, Riley Green Marina, Bolton Road

The recommendation remains as per the original report.

The following conditions are proposed:

2. 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.

3. The development hereby permitted shall be limited to no more than 22 berths and shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location Plan: Canal Boat Cruises	N/A	15 th June 2015
N/A (plan showing location of drawing numbers 1-3)	BYMD 01/09/14	15 th June 2015
Drawing 01	BYMD 01/09/14	15 th June 2015
Drawing 02	BYMD 02/09/14	15 th June 2015
Drawing 03	BYMD 03/09/14	10 th June 2015
Drawing 05	BYMD 05/09/14	10 th June 2015
Drawing 06	BYMD 06/09/14	10 th June 2015
Drawing 07	BYMD 07/09/14	10 th June 2015
Drawing 09	BYMD 09/09/14	10 th June 2015
Carpark Plan	Extract: BYMD 07/09/14	12 th June 2015

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

4. Prior to the commencement of the development hereby permitted full details of a structure to permit isolation of the marina (and any associated entrance arrangements to the marina) from the existing canal shall be submitted to and approved in writing by the Local Planning Authority. The structure shall then be implemented as per the approved details and maintained as such at all times thereafter.

Reason: To ensure that the marina can be isolated from the canal to allow the canal to be drained for repair and maintenance purposes. These details are required prior to commencement to ensure that the marina is constructed in a way to ensure a satisfactory structure can be implemented.

5. All waste water from the site shall go to a sealed tank and be disposed of offsite.

Reason: To avoid pollution of the canal.

6. Prior to the commencement of the development a lighting plan/scheme (including the location, height and type of all external lighting) shall be submitted to and agreed in writing by the Local Planning Authority and the lighting shall only be implemented in accordance with the approved details.

Reason: Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will use the canal for commuting and foraging and are likely to use the retained trees on site for commuting. In addition to be in keeping with the character of the canal and to minimise the use of unnecessary light spill.

7. The development shall only be carried out in accordance with the recommendations set out in at paragraph 6.3.1 of the Ecological Appraisal (report ref: 2288) by Envirotech submitted with the application.

Reason: Badger setts are known to occur within 2km of the site and as badgers are mobile in their habits a number of recommendations have been suggested in order to reduce any likely impacts on badgers which may pass through the site.

8. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standards.

Reason: To safeguard the trees to be retained.

9. Prior to the development hereby permitted being brought into use, details of biodiversity enhancement to be incorporated into the new development shall be submitted to and approved in writing by the Local Planning Authority. These should include details and locations of bat and bird boxes. These shall be erected in accordance with the approved details within three months of the development being brought into use.

Reason: In line with Section 11 of the NPPF, that encourages opportunities for biodiversity enhancement.

10. Any works to trees, including pruning and any scrub clearance should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person.

Reason: All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

11. The moorings/berths hereby permitted shall be used for leisure purposes only and shall not be used as residential moorings.

Reason: Weight has been given to the benefits the proposal will bring to the area in terms of leisure and tourism.

12. If the car parking area, access track or facilities building hereby permitted are not brought into use or the use of them ceases for a period of one year within 10 years of their substantial completion, that element shall be removed from the land and the land shall be restored to its former condition.

Reason: To avoid the proliferation of buildings and hard standing in the Green Belt for which there is not a continuing need in the interests of the visual amenity of the Green Belt.

13. That part of the access extending from the kerb line/edge of carriageway of Bolton Road for a minimum distance of 6 metres into the site shall be paved in permanent construction, such as tarmac, concrete, block pavements or other permanent fixed materials before the access is used for vehicular purposes. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 no gates or other obstructions shall be constructed in that area unless planning permission is first obtained.

Reason: To prevent loose surface material from being carried on to the public highway, and to prevent obstructions being erected that would cause vehicles accessing the site to stop in the highway, thus causing a potential source of danger to other road users

14. The car park and associated manoeuvring facilities shown on the plans hereby approved shall be made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015) unless required to be removed by condition 12 of this permission.

Reason: To ensure provision of adequate off-road parking facilities within the site.

15. The materials, detailed on the approved plans, shall be used and no others substituted. This includes that the parking bays of the car park shall be constructed of plastic grass creep or a similar material (details to be first submitted to and approved in writing by the Local Planning Authority).

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

16. All planting, seeding or turfing shown on the approved details of landscaping shall be carried out in the first planting and seeding seasons following the development being brought into use, 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: In the interest of the appearance of the locality to help the development blend into the landscape.

17. Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent re-enactment therefore) no dredging, deepening or expanding of the quarry/Shale Hole shall be undertaken without express planning permission being obtained.

Reason: To ensure that the water resources of the canal are not adversely affected by changes to the marina's ground water interaction.

ITEM 3f-15/00675/FULMAJ – Plots 1075 - 1093 The Orchard, Ordnance Road, Buckshaw Village

The recommendation remains as per the original report

Paragraphs 37-40 of the original report are incorrect in respect of CIL and the correct position is as follows:

The Council have established that the Community Infrastructure Levy Regulations have not been correctly applied to this application. This application is a “new” application brought under section 70 of the Town and Country Planning Act. In the report it is treated as an application to amend an existing permission under section 73 of that Act. As such the report requires the developer to pay only an uplift amount for CIL rather than the full amount due for the whole site. There is a transitional provision within the regulations that allows this for section 73 applications. There is no such provision under section 70 for new applications. As a result the Council do not have the authority to seek this lesser amount and are obliged to charge the full CIL liability in accordance with the regulations.

ITEM 3g-15/00833/FUL – Leigh Farm, Marsh Lane, Brindle

The recommendation remains as per the original report

ITEM 3h- 15/00787/FUL – 1 Jubilee Close, Whittle-Le-Woods

The recommendation remains as per the original report

ITEM 3i- 15/00691/S106A – Site of Former Social and Athletic Club, Duke Street

The recommendation remains as per the original report

Since writing the report Symphony Housing Group have contacted the case officer as they are currently in discussion with Fellows Homes with a view to purchasing the 14 affordable units.

The existing Section 106 Agreement includes the following tenure housing split:

A. *Social Rented Units*

6 x 1 bedroom apartments

6 x 2 bedroom houses

Types: 1 bed apartments and 2 bedroom houses

B. Intermediate Units

2 x Units

Types: 2 bed Dwellings

Symphony have indicated that they would like to take all of the affordable units as social rented which would change the tenure housing split to:

A. Social Rented Units

6 x 1 bedroom apartments

8 x 2 bedroom houses

The Council's Strategic Housing Section have no issue with this change and the case officer has contacted Symphony Housing to confirm whether they would like this change to be included as part of this application. Their response will be reported to Members at Committee within the final addendum document.

Symphony Homes have subsequently confirmed that if Contour Homes are able sign up to this s106 agreement then they would like the tenure split of the affordable housing to be 100% social rent and amend the agreement to remove the shared ownership units. This is due to the fact that Help to Buy is already available on the existing Duke Street site they feel that the option to buy is already being fulfilled in this area. They have confirmed that they are confident that there is a demand for homes for rent in this area. The change to the affordable housing tenure is considered to be acceptable and Members are asked to consider this change as part of this application.

In respect of the additional clauses set out within the original Committee Report the applicant's Solicitor has confirmed the following:

My client has no issue with the council becoming involved in attempting to identify an appropriate provider and would welcome the council's input, but any decision as to the viability of any offers put forward must rest with my client. Should the Council identify a provider who is willing to put forward an offer, my client should not be bound to accept that offer if the terms are not reasonably acceptable to it.

It is considered that suitable clauses in this regard can be included within the deed of variation if the Members are minded to approve this modification application.

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