

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 15TH MARCH 2016, 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 provides an update of events that have taken place since the agenda was printed.

Agenda No Item

6 **ADDENDUM**

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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	15 th March 2016

ADDENDUM

ITEM 3a – 15/01185/FUL – Waterstone House, 1A Dark Lane, Whittle-Le-Woods, Chorley, PR6 8AE

The recommendation remains as per the original report

It is noted that the Canal & River Trust would like to see the chain and bollards removed from along the proposed canal side ledge as they consider that this could encourage illegal mooring at this location. It is not considered that this is an unacceptable design detail for the scheme and boats could still moor illegally if another boundary design was used. It is not therefore considered a matter that the Council can police through the design of the properties. There is a condition requiring details of fences walls and gates to be submitted for approval, so the final details may change from that shown on the current plans.

The following conditions 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 Plan as Existing	0235 (A)4-01-PP	2 nd December 2015
Site Plan as Proposed	0235 (A)4-02-PP Rev A	29 th January 2016
Floor Plans, Front & Rear Elevations as Proposed Plot 1 Waterside House	0235(A)1-02-PP Rev A	7 th March 2016
Floor Plans, Front & Rear Elevations as Proposed Plot 2 Springwater House	0234 (A)1-06-PP Rev B	7 th March 2016
Site Sections as Proposed Plots 1 & 2	0235 (A)1-04-PP Rev A	29 th January 2016
Floor Plans as Proposed Plot 1 Springwater House	0235 (A)1-05-PP Rev A	28 th January 2016
Side Elevations as Proposed Plot 2 Springwater House	0235 (A)1-07-PP Rev A	28 th January 2016
Floor Plans as Proposed Plot 1 Waterside House	0235 (A)1-01-PP Rev A	28 th January 2016
Side Elevations as Proposed Plot 1 Waterside House	0235 (A)1-03-PP Rev A	28 th January 2016

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

3. Prior to the construction of either plot samples of all external facing and roofing materials for that plot (including the type, coursing and jointing of the natural stone to be used in the construction of the external faces of the dwelling), 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 to that plot shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the materials used are visually appropriate to the locality. These details need to be provided prior to construction commencing to ensure the materials are acceptable.

4. Prior to the laying of any hard landscaping on either plot full details of the colour, form and texture of all hard landscaping for that plot (ground surfacing materials) (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved for that plot, and shall be completed in all respects before the final completion of the plot and thereafter retained.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

5. Before any fences, walls or gates are erected on either plot, full details of the alignment, height and appearance of all fences and walls and gates to be erected for that plot (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The plot shall not be occupied until all fences and walls shown in the approved details have been erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

6. Before the construction of either plot 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 for that plot, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details for that plot.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents. This information is required to be submitted prior to commencement of either plot to ensure satisfactory levels are agreed prior to construction commencing.

7. Neither of the plots hereby permitted shall be occupied or used until the vehicular access, parking and manoeuvring areas have been constructed in accordance with the approved plans for the plot that they serve.

Reason: In the interests of highway safety.

8. A scheme for the landscaping of the either plot shall be submitted prior to the occupation of that plot. 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; and detail any changes of ground level or landform and proposed finished levels. All soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of the dwelling 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.

9. Notwithstanding Schedule 2 Part 1 Class A, B and E and Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-

enactment thereof no extensions or alterations to the dwellings, outbuildings (including sheds, garages, and greenhouses), walls and fences, or any other works permitted by the aforementioned classes shall be constructed or erected other than those expressly authorised by this permission.

Reason: The design of the property has been carefully considered, both in design terms and its impact on neighbouring properties. The rear of the property is also open to public views. These classes of permitted development have been removed so that any subsequent extensions under these classes can be controlled to ensure they are acceptable in design terms and in terms of impact on the neighbouring properties. Also, to enable the Local Planning Authority to assess the impact of such proposals on the stability of the canal wall on the western boundary of the application site in the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works.

10. All the 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.

11. Prior to the commencement of either plot details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how that plot 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.

12. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance for that plot (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.

13. Prior to the commencement of construction of either plot, plans and particulars showing a scheme of foul sewers and surface water drains serving that plot, 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 construction of the plot and in any event shall be finished before the plot is occupied.

Reason: To ensure a satisfactory means of drainage. The details are required to be submitted prior to commencement of construction to ensure satisfactory details can be agreed. Also, surface water discharge agreements must be in place prior to any construction work in order to prevent the risk of pollution/flood into the waterway and to ensure that the development is drained in a satisfactory manner.

14. No works on or adjacent to the existing canal wall on the western site boundary shall take

place until the Applicant has secured and implemented a scheme of investigation (the content of which to be first approved in writing by the Local Planning Authority) to establish the structural condition of the canal wall, the extent to which any works will increase loadings on the wall and the need for any rebuilding or strengthening works as may be necessary to ensure that the structural integrity of the canal wall can be maintained. Any works on or adjacent to the canal wall shall thereafter only be carried out in accordance with the recommendations set out in the approved scheme of investigation.

Reason: To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the adjacent Leeds Liverpool Canal by weakening the wall of the canal and to secure any mitigation works as may be required and to accord with the advice and guidance relating to land stability contained in Paragraphs 120 and 121 of the National Planning Policy Framework March 2012.

15. No development shall take place until a Method Statement detailing the design and means of construction of the foundations of the buildings, together with any other proposed earthmoving and excavation works required in connection with construction of the buildings has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction works upon the structural integrity of the Leeds Liverpool canal Pool adjacent to the western boundary of the application site, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework 2012 and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to inform development and construction operations from the outset.

16. Notwithstanding the plans submitted prior to the occupation of either plot details of any proposed lighting for that plot shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure.

17. Before construction on the site commences, details of facilities by which means the wheels of vehicles may be cleaned before leaving the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be retained during the full period of construction.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

ITEM 3c – 16/00045/FUL – Post Office, 60 Park Road, Chorley, PR7 1QU

The recommendation remains as per the original report

The following conditions 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. All external facing materials of the development hereby permitted shall match in colour, form and texture those on the original building.

Reason: In the interests of the visual amenity of the area in general and the existing building.

3. No development shall commence until a Scheme for the provision of off-site public open space in accordance with the principles of Policies HS4A and HS4B of the Adopted Chorley Local Plan 2012-2026 has been submitted to and approved in writing by the Local Planning Authority. The dwelling(s) hereby approved shall not be occupied until the approved Scheme has been implemented.

Reason: The provision of off-site public open space is a requirement of the Development Plan and therefore a scheme or mechanism to deliver the requirements of the development plan are essential to make the development acceptable. A suitable scheme has not been submitted as part of the application and is needed prior to the commencement of the development to ensure a suitable scheme can be agreed.

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

Plan Ref.	Received On:	Title:
	18 January 2016	Location plan
	10 March 2016	Proposed plans and elevations (Amended)

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

ITEM 3d - 16/00075/FUL - Land 20 Metres West Of 6 Ellerbeck View, Castle House Lane, Adlington

The recommendation remains as per the original report.

The lawful use of the site is for the hiring, repair and maintenance of contractors' plant and machinery. This has been confirmed by the grant of a lawful development certificate in 2003. This use falls outside Class B of the Use Classes Order and is therefore 'sui generis'.

Accordingly the requirements of Policy 10 of the Core Strategy are not applicable and, therefore, not engaged. Notwithstanding this, it is set out in the main report that there would be environmental and amenity benefits to removing the current use that would outweigh the normal policies protecting such sites for employment purposes.

Whilst it may have been a possibility that if the site was marketed for employment purposes that a less intensive and more neighbour friendly use could take over it (subject to any necessary planning permission for different uses), the Council could not prevent another company taking over the site to run the same or a similar type of business as is currently run from it. The current application is seen as an opportunity to remove the current unneighbourly use.

The Council cannot require the site to be marketed in this case given the lawful use of the site.

The following conditions are proposed:

1. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate 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; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area.

2. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) and full details of the hardground surfacing materials to be used (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in

writing by the Local Planning Authority. The development shall only be carried out using the approved materials.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in 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, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity of the area.

4. The dwellings hereby permitted on plots 1-6 shall 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.

5. Prior to construction of plots 1-6 commencing, 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 of these plots so it can be assured that the design meets the required dwelling emission rate before construction commences.

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

Plan Ref.	Received On:	Title:
2137/PL/01/D	25 th January 2016	Location and Site Plan
2137/PL/02	25 th January 2016	Terraced Properties Plots 1-4
2137/PL/03/A	25 th January 2016	Semi-detached Properties
Plots 5/6		
2137/PL/04	25 th January 2016	Bungalow Conversion

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

7. 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.

8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. This shall include the trees that bound the site to the south and west. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained.

9. The existing office building (building B1 - as referred to in the ecology survey carried out by The Tyrer Partnership dated 18th December 2015) shall be demolished with caution under the supervision of a suitably qualified person to ensure that bats are protected as set out in the recommendations of the ecology survey. If bats are found at any time during works then works must cease immediately and advice sought about how best to proceed.

Reason: All UK bats and their resting sites are specially protected in law.

10. No tree felling or vegetation clearance should be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Structures on the site also have some limited potential to support nesting birds; these should be inspected for the possible presence of nests prior to any demolition commencing and if nesting birds are found to be present the nests should be left undisturbed until the young birds have left.

Reason: All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

11. The Geo-environmental assessment report dated October 2012 (Ref: RW/C2083/3279) gives several recommendations for further investigation work and for remedial measures, as detailed in section 10 of the report. Due to the size of development and sensitive end-use (residential housing with gardens), no development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2011 'Investigation of potentially contaminated sites - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved proposals.

Reason: To protect the environment and prevent harm to human health, by ensuring the site is suitable for the proposed end-use.

12. No development shall take place until a scheme for the blocking of the access to the existing haul road from the open yard to the immediate north of the application site (that gives access to the sand quarry site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall give details of how the access point from the yard to the haul road will be permanently blocked to prevent vehicular traffic gaining access to the haul road. The access shall be blocked in accordance with the approved details before occupation of the first dwelling hereby permitted and shall remain blocked as per the approved details in perpetuity.

Reason: Weight has been given to the environmental benefits of the scheme in terms of the reduction in traffic to Castle House Lane and Park Road. Also, in the interests of the amenity of the properties hereby permitted. These details are required prior to the commencement of

the development to ensure a satisfactory scheme can be achieved before development commences.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor level or above in the north-northeast elevation of the dwelling on plot 6 hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties at Ellerbeck View.

14. All windows in the first floor of the north-northeast elevation of the dwelling hereby permitted on Plot 6 shall be top hung and fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or an equivalent level of obscurity.

Reason: In the interests of the privacy of occupiers of neighbouring property.

15. No dwelling shall be occupied until all fences and walls shown in the approved details, have been erected in conformity with the approved details.

Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

16. The alleyway serving the rear of plots 1-4 shall be gated at as shown on the approved plans prior to the occupation of any of these plots.

Reason: To provide security to the residents of these properties.

17. Before the development hereby permitted is first occupied, the car parking spaces and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan(s). The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

18. The development shall only be carried out in accordance with the Finished Floor Levels shown on the approved site layout plan ref: 2137/PL/01/D.

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

19. No dwelling hereby approved on plots 1-6 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.

20. Prior to the construction of plots 1-6 or the conversion of plot 7, plans and particulars showing a scheme of foul and surface water drainage, 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 dwelling it serves is occupied.

Reason: To ensure a satisfactory means of drainage.
