

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 24TH MAY 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
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6	ADDENDUM
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GARY HALL
CHIEF EXECUTIVE

Electronic copies sent to Members of the Development Control Committee

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N 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	Date 24 May 2016

ADDENDUM

ITEM 3a-15/00953/FULMAJ – 127A Station Road, Croston

1 No. further letter of support has been received.

The following consultee responses have been received:

Lancashire Lead Flood Authority has stated that they have no objections to the proposed development subject to conditions and informatives.

The following conditions have been added:

Condition 18

No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

1. To ensure that the proposed development can be adequately drained.

2. *To ensure that there is no flood risk on or off the site resulting from the proposed development*
3. *To ensure that water quality is not detrimentally impacted by the development proposal*

Condition 19

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

1. *To ensure that the drainage for the proposed development can be adequately maintained.*
2. *To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.*

Condition 20

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons

1. *To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development*
2. *To reduce the flood risk to the development as a result of inadequate maintenance*
3. *To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.*

ITEM 3b- 15/01040/OUT – 127A Station Road, Croston

The following consultee responses have been received:

Lancashire Lead Flood Authority has stated that they have no objections to the proposed development subject to conditions and informatives.

The following conditions have been added:

Condition 18

No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons

1. *To ensure that the proposed development can be adequately drained.*
2. *To ensure that there is no flood risk on or off the site resulting from the proposed development*
3. *To ensure that water quality is not detrimentally impacted by the development proposal*

Condition 19

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons

1. *To ensure that the drainage for the proposed development can be adequately maintained.*
2. *To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.*

Condition 20

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons

1. *To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development*
2. *To reduce the flood risk to the development as a result of inadequate maintenance*
3. *To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.*

ITEM 3c-16/00152/FUL – Town Lane Farm, Town Lane, Heskin

The recommendation remains as per the original report

The following conditions are recommended (*include reason*):

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 stables hereby permitted shall be used for the stabling of horses and storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.

Reason: To define the permission and in the interests of the visual amenities and character of the area.

3. Where use of the stables for the authorised purposes ceases for a period exceeding 6 months within 10 years of their substantial completion they, and the associated midden, menage and hardstanding, shall be removed from the field and the land restored to its former condition.

Reason: To avoid the proliferation of buildings in the Green Belt for which there is not a continuing need.

4. The existing livery stables building shall be demolished and all resultant materials removed from the site before development pursuant to this permission is commenced.

Reason: To safeguard the amenity of the locality.

5. Before the access is used for vehicular purposes, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the carriageway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain ungated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the carriageway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to assist visibility.

6. The precautionary measures to ensure that impacts on bats are avoided as detailed in section 9.2.1.1 of the Bat, Barn Owl and Nesting Bird Survey at Town Lane Farm, Heskin (Envirotech NW Ltd, August 2014) shall be implemented in full during the course of the development and in accordance with the timescales specified.

Reasons: To ensure the development minimises the potential impact on bats.

7. All trees and hedgerows being retained in or adjacent to the application area shall be adequately protected during construction, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction-Recommendations.

Reason: To safeguard trees and hedgerows during the course of development.

8. 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.

9. 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.

10. 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.

11. No vegetation clearance works, site preparation works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys have first been carried out by a competent ecologist which shows that nesting birds would not be affected.

Reason: In the interests of safeguarding nesting birds.

12. Prior to the commencement of the development hereby permitted, a scheme details how surface and foul drainage will be dealt with shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only thereafter be carried out in accordance with the approved drainage details. *Reason: To ensure the development has satisfactory drainage.*

13. No works shall commence until full details of replacement nesting opportunities for House Sparrow to be installed within the re-developed site have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full and thereafter retained and maintained in accordance with the approved details and timescales contained therein.

Reasons: In the interests of safeguarding nesting opportunities for House Sparrows on the site.

14. A further precautionary survey for Barn Owl shall be carried out immediately prior to works commencing on site. No works shall commence until evidence has been provided to, and approved in writing by the Local Planning Authority, which demonstrates that barn owls are not nesting in any of the buildings to be affected by the development to which this approval applies immediately prior to works commencing. If Barn Owl are found or suspected to be roosting and/or nesting then no works shall commence between March and August inclusive or at any other time when Barn Owl are nesting and until details of alternative and permanent provision in accordance with relevant guidance (Barn Owls and Rural Planning Applications "What needs to happen": A guide for planners, Natural England and The Barn Owl Trust) have been submitted to and approved in writing by the Local Planning Authority. The approved provisions shall be implemented in full.

Reasons: In the interests of safeguarding any barn owls which may be on the on the site.

15. 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.

16. 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.*

17. A scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing prior to the commencement of the development. Landscaping proposals should comprise only native plant communities appropriate to the natural area. All hard and soft landscape works shall be carried out in accordance with the approved details within 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.

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.

18. No development approved by this permission shall be commenced until a scheme for the containment and storage of manure has been approved by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with approved plans and maintained at all times thereafter.

Reason: To prevent the pollution of the water environment.

19. The proposed external facing materials (notwithstanding any details shown on previously submitted plan (s) and specification) as detailed on the photograph received on the 16th of May 2016 shall be used in the construction of the dwelling and no others substituted. 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.

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

Title	Drawing Reference	Received date
Location plan		17 February 2016
Site plan	1405 SP 03.1 c	17 February 2016
Cottage Heskin proposed floor plans	1405 P 20	17 February 2016
Stables	1405 ST	17 February 2016
Proposed agricultural building plans and elevations	TLF/PL/08/001C	17 February 2016
Cottage Heskin proposed elevations	1405 P21	16 May 2016

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

ITEM 3f-16/00258/OUT– Brinscall Plumbing And Building Supplies, 17 Hartington Road, Brinscall

The recommendation has changed as follows:

Approve outline planning permission

The original report has been amended as follows:

Paragraph 27 confirms that 2 affordable units will be secured as part of the legal agreement and paragraph 38 confirms that a contribution of £1599 per dwelling will be secured for playing pitches as part of the legal agreement. However the National Planning Policy Guidance (NPPG) was updated on 19th May 2016 and confirms that there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

These circumstances are that;

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of

cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty

- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

Brinscall is not a rural area as described under section 157(1) of the Housing Act 1985 and as such in accordance with the National guidance set out above affordable housing cannot be secured through an off-site contribution.

The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS).

The law has always made a distinction between whether something is a material consideration and the weight it should be given. “The former is a question of law. The latter is a question of planning judgement which is entirely a matter for the planning authority. Provided that the planning authority has regard to all material considerations, it is at liberty (within the test of reasonableness) to give whatever weight the planning authority thinks fit or no weight at all...” Lord Hoffman in *Tesco v S of S* 1995.

ITEM 3g – 16/00359/FUL – Land 35M West Of 19 Bannister Lane, Ecclestone

The recommendation remains as per the original report

1 No. letter of objection has been received from Ecclestone Parish Council stating the following:

- The Parish Council objects to this application on the grounds of impact on highway safety. The proposed access to Plot 4 is directly off Bannister Lane in very close proximity to a corner (which is not shown on the submitted site plan). There is no pavement proposed for pedestrian access to this property.
- The Parish Council would request access be obtained via Larkfield, as is proposed for Plot 3.

The following conditions have been amended (*include reason*):

3. 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.

To be changed to:

3. The external facing materials, detailed on the supporting information received 18th May 2016, shall be used and no others substituted.

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

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (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, and shall be completed in all respects before the final completion of the development and thereafter retained.

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

To be changed to:

4. The ground surfacing materials, detailed on the approved plans and supporting information received 18th May 2016, shall be used and no others substituted.

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

8. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area.

To be changed to:

8. Replacement tree planting shall be carried out in accordance with the approved details, set out on drawing number 15/100/P04 Rev. A received 18th May 2016, within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area.

14. 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 as can be assured that the design meets the required dwelling emission rate.

To be changed to:

14. The development shall be completed in accordance with the approved details and SAP assessment (Standard Assessment Procedure) received 18th May 2016 demonstrating that the dwelling will meet 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. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

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

Plan Ref.	Received On:	Title:
15/100/L01	18 April 2016	Location Plan
15/100/P02	18 April 2016	House Type A
15/100/P03	18 April 2016	House Type B
15/100/P04	18 April 2016	Proposed Site Plan
LMP_GS_09	18 April 2016	Single Garage
LMP_GD_12	18 April 2016	Double Garage

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

To be changed to

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

Plan Ref.	Received On:	Title:
15/100/L01	18 April 2016	Location Plan
15/100/P02	18 April 2016	House Type A
15/100/P03	18 April 2016	House Type B
15/100/P04 Rev. A	18 May 2016	Proposed Site Plan
LMP_GS_09	18 April 2016	Single Garage
LMP_GD_12	18 April 2016	Double Garage

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