

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 26TH JULY 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

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| C O M M I T T E E R E P O R T | | |
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| REPORT OF | MEETING | DATE |
| Director Public Protection, Streetscene and Community | Development Control Committee | 26 th July 2016 |

| ADDENDUM |
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ITEM 3c – 16/00365/FUL – *Laneside Farm, Brown House Lane, Higher Wheelton*

The recommendation remains as per the original report

(3)No. further letters of objection have been received setting out the following issues:

- Impact on the openness of the Green Belt
- Encroachment of the Green Belt
- Visual impact
- Impact on highway safety

ITEM 3e-16/00350/FUL *Retreat Restaurant, Adlington*

The following consultee responses have been received:

Chorley Council's Environmental Health Officer has made comments in response to a neighbour complaint, the same neighbour that has lodged an objection to the application, about noise from the development. Monitoring equipment was installed at the neighbour's property on Friday 15 July and collected on Friday 22 July. The results of the monitoring are: 'In short there are a small number of recordings where raised voices are audible (mainly on the Friday night between 11.03pm and 11.48pm), otherwise **I would consider the noise levels from the restaurant to be at a normal and acceptable level for this type of business**'.

ITEM 3h-16/00213/FULMAJ – *Adlington Hall Farm, The Common, Adlington, Chorley, PR7 4DT*

The recommendation remains to approve the application but subject to the matter coal mining being delegated to the Director in consultation with the Chair and Vice-Chair.

Coal

The Coal Authority recommend that the Council impose a planning condition requiring intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

To follow on from the report on the agenda, the applicant has commissioned bore hole drilling and a report on that is imminent, which will also detail any remedial works necessary. The applicant would like to avoid a pre-commencement condition being imposed on any decision. It is therefore recommended that this matter is delegated to the Director in consultation with the Chair and Vice-Chair so that the issuing of any permission will be delayed until this report has been submitted (and The Coal Authority are satisfied with it). Any conditions will be imposed as necessary controlling the development in line with the coal investigation report.

Ecology

As detailed in the report of the agenda the Council's ecology advisor requested either an ecological assessment prior to determination or a reasonable avoidance method statement.

An ecological assessment has now been submitted. This confirms that no significant ecological constraints were found. The main risk is impacts on the watercourse to the west, which can be resolved via condition. The following condition is therefore proposed:

To prevent the risk of accidental impacts to the adjacent water course and Arley Nature Reserve, prior to any development starting (including site clearance or earth moving works) measures shall be put into place to prevent accidental spillages, dust and debris into the adjacent stone line channel. This shall include that the existing grassland located between the western most edge of the proposed units and the western boundary (approximately 30m wide) should be retained during the course of the construction works to provide a natural slowing of any run off mid construction. The measures shall be maintained for the duration of the construction period.

Reason: To prevent the risk of accidental impacts to the adjacent water course and Arley Nature Reserve.

The ecologist also asks for informative notes to be applied to any permission, which are proposed.

The proposal is therefore considered acceptable in relation to ecology.

ITEM 3i-16/00213/FULMAJ – Orcheton House Farm, Wood Lane, Heskin, Chorley, PR7 5PA.

The recommendation remains as per the original report.

Eccleston Parish Council

The Parish Council objects to this application on the following grounds:

- Traffic issues - concerns regarding the additional vehicle movements created by the development.
- The proposal represents inappropriate development in the Green Belt.
- The application fails to demonstrate the prior use of the building as being solely for agricultural purposes.

Neighbour letter

A letter has been received from a solicitor objecting to the application on behalf of Mr and Mrs Whaite of High Heys Farm on the following grounds:

- The access is over an access track which belongs to Mr and Mrs Whaite. The applicant only has the right to use the access for purposes of access the agricultural fields. He does not have the right to use it to gain access to and from a residential dwelling, or commercial buildings. It is currently an unmade single track;
- Mr and Mrs Whaite operate a fishery and kennels and there is already substantial traffic using the access;
- The applicant has not tarmacked the access track as required when planning permission for a fish farm was granted;
- The applicant is using the site as a fishery not as a fish farm;
- Mr Prideaux is currently unlawfully letting customers use the access which belongs to Mr and Mrs Whaite even though it has been impressed upon him not to do so and there are signs erected to prevent such use.

To respond to the above point not covered in the main report. The issue of legal rights of access is not a matter to be assessed as part of this prior approval application. The Council can only assess it against the criteria set out in the legislation. Rights of access are a separate legal matter outside the planning process.

Letter from applicant

The applicant has send in a response to the comments of Heskin Parish Council details in the committee report on the agenda:

'Their letter states that "They" (the parish council) "advise that I [Mr Prideaux – the applicant] attended a meeting of Eccleston Parish Council". I did attend but I am not aware of any council member of Heskin PC being present, Cllr Whitaker however was and the comments he made at that meeting are virtually word for word of what is in the Heskin letter of objection. (You will probably recall I sent you a copy of the email I sent to the clerk of Eccleston PC dated 16th July.)

Further, there hasn't been a Heskin PC meeting since the consultation papers went out, their next meeting is not until the 4th August and this application is on their agenda for that meeting.

I will be writing to the clerk separately asking him to clarify how the representations came about and what is "duplicitous" about the application.

In the meantime I ask that in the interests of openness and transparency that the Development Control Meeting and the public are aware that the comments haven't been discussed in a public forum at Heskin PC (and are therefore questionably undemocratic). I further ask that this is recorded in the published minutes.

Highways

A response has now been received from Lancashire County Council Highways

They state that the change of use to two dwelling houses should not materially impact on the highway network in terms of traffic generation and they have no highway concerns for use of the existing access to access the proposed dwelling houses. They recommend that the first 10m of the access from its junction with Wood

Lane would be required to be paved in order that loose and deleterious materials are not carried onto the highway.

To respond to this, the access from Wood Lane is a long standing access used to access the site and High Heyes Farm and its boarding kennels. It is not considered that a condition could be justified requiring the first 10m back from Wood Lane to be paved to serve two additional dwellings.

Contaminated Land

In terms of contaminated land the council's Contaminated Land Officer has clarified that although the site is within a 250m buffer of an old landfill site this would not result in the council determining the site as contaminated land as set out under the legislation for determination of this application.

ITEM 3j - 16/00374/FULMAJ – Land 80M North Of Swansey Lane And Bounded By The Elms, Swansey Lane, Whittle-Le-Woods

The recommendation has changed from the report on the agenda:

It is recommended that the application is approved subject to the final wording of the conditions requested by LCC Highways being delegated to the Director in consultation with the chair and vice chair.

The following consultee responses have been received:

LCC Highways raise no objection to the application and have made the following comments:

The layout seems to have followed the principles of the Manual for Streets, as the design seems to have incorporated sufficient speed control measures and areas for turning; with attention given to servicing, delivery, waste collection and parking. For the development to be accepted for adoption under the Section 38 agreement of the Highways Act 1980 however, the layout must be designed and constructed to the Lancashire County Council Specification for Construction of Estate Roads.

The highway works are to be carried out through the Section 278 agreement of the Highways Act 1980 and the applicant would be responsible for all associated costs.

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 only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).

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

3. The integral and detached garages hereby approved on plots 1, 10, 11, 14, 15, 16, 25, 26, 27, 28, 29, 31, 32 and 33 shall be kept freely available for the parking of cars and no works, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending or revoking and re-enacting that order, shall be undertaken to alter convert the space into living or other accommodation.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards and inconvenience caused by on-street parking

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 8.4l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time at first floor in the following elevations hereby permitted:

- Plot 1 north elevation
- Plot 9 south elevation

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

7. During the construction period, all trees to be retained within the site or on the site boundaries 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.

8. The footpath link approved plan ref: 15/105/P01 Rev.D in the southwest corner of the site shall be constructed prior to construction of the 20th dwelling on the site hereby permitted.

Reason: To ensure a footpath is provided for residents of the site to reduce walking time to Preston Road.

9. No tree felling, vegetation clearance works, or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: Nesting birds are a protected species.

10. 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 earlier, 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

11. The ground surfacing materials, detailed on the approved plans, shall be used and no others substituted.

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

12. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

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

13. Due to the proposed sensitive end-use (residential housing & gardens), the development hereby permitted shall be carried out following the remediation of the site

in full accordance with the measures stipulated in the approved report and in accordance with in section 9.0 – particularly the proposed remediation in lieu of further investigation as detailed in Table 17.

Reason: To ensure that the site is safe for habitation.

14. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

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

15. The parking and/or garaging and associated manoeuvring facilities for each dwelling shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) they serve; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015).

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

16. 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.

The development shall be completed in accordance with the approved details and SAP assessment (Standard Assessment Procedure) received 17th June 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.

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.

17. Prior to the commencement of the development, a 'Design Stage' assessment and related certification shall be submitted to and approved in writing by the Local Planning Authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant Code Level of the Code for Sustainable Homes. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of minimising the environmental impact of the development.

18. Prior to the commencement of the development a Carbon Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall demonstrate that either appropriate decentralised, renewable or low carbon energy sources will be installed and implemented to reduce the carbon dioxide emissions of the development by at least 15% or additional building fabric insulation measures are installed beyond what is required to achieve the relevant Code Level rating. The development shall only be carried out in accordance with the approved Carbon Reduction Statement.

Reason: In the interests of minimising the environmental impact of the development.

23. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission.

Reason: To define the permission and in the interests of the proper development of the site.

Please note that the following conditions have been proposed by LCC Highways. The applicant intends to provide information to satisfy these conditions prior to the decision being issued. **It is therefore recommended that the application is approved subject to the final wording of these conditions being delegated to the director in consultation with the chair and vice chair.**

1. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed. Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

2. No dwelling or dwellings shall be occupied until the estate street(s) affording access to those dwelling(s) has been completed in accordance with the Lancashire County Council Specification for Construction of Estate Roads. Reasons: To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

3. No development shall be commenced until details of the proposed arrangements or future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

4. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Before the use of the site hereby permitted is brought into operation and for the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. 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.

6. Prior to construction, a construction plan shall be submitted to and approved in writing by the local planning authority. The plan to include method and details of construction including vehicle routing to the site, construction traffic parking and any proposed temporary closing of roads or streets. No construction traffic or deliveries to enter/exit during traffic peak periods or to wait on the public highway. Such construction plan to be implemented and adhered to during the construction of the development. Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.

7. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority in consultation. Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

The original report has been amended as follows:

- Paragraph 30 states that the bus stop improvements and kerb works will be secured through a section 106 agreement. LCC Highways have since confirmed that this will now be secured through a section 278 agreement.
- Paragraph 41 states that the provision of 3 affordable dwellings on the site equates to 11% affordable housing provision. This should read 9% affordable housing provision.

ITEM 3k - 16/00303/FULMAJ – Grundys Farm, Clover Road, Chorley

The recommendation remains as per the original report.

However, for the avoidance of doubt, Members are advised that the conclusions of the viability assessment are accepted and neither a 19% SAP uplift or a commuted sum payment towards the provision of public open space is required in this instance because they would render the scheme unviable. Accordingly, there is no need for the applicant to enter into a Section 106 Obligation.

1no. further objection has been received that echoes the representations detailed in the main report. In particular, concern has been expressed that there has been a marked increase in Police incidents, including anti-social behaviour since the existing

development was built on Clover Road and the addition of another 27 properties will potentially add to an already existing and ongoing problem.

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