

## **DEVELOPMENT CONTROL COMMITTEE**

TUESDAY, 5TH FEBRUARY 2019, 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**

7        **ADDENDUM**

| (Pages 3 - 14)

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 (Customer and Digital)	Development Control Committee	5 February 2019

  

ADDENDUM
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**ITEM 3a - 18/00939/FUL – Anderton St Joseph's Catholic Primary School, Rothwell Road, Anderton**

**The recommendation remains as per the original report.**

(2)No. further letters of objection have been received setting out the following issues (Letters to be circulated to members):

- Disappointment that the applicants have not discussed with residents.
- No need for fencing at the rear of properties on Lees Road.
- A 2m high fence would be preferable.
- Request that the application is refused and assurance given regarding clearing of overgrowth and that the maintenance corridor is maintained and kept clear.

**ITEM 3b - 18/00905/FUL – 2 Heath Paddock, Hut Lane, Heath Charnock**

**The recommendation remains as per the original report.**

A further representation has been received from the agent representing residents of Stoneheath Court and is set out below:

In the report on this application going to committee on Tuesday, you show that the residents that I represent have responded positively to the change to the application and, albeit with reservations, no longer object to it. As there is no longer an objection from my clients, I will not be speaking at the committee meeting. However, recent activity levels on the site have grown substantially, and we would like this reported to Members at the meeting, perhaps in the late report.

In the committee report, you accurately report these reservations as:

*My clients accept this providing that the consequential additional activity is strictly limited and this is necessary if the intensification of inappropriate development in the Green Belt is to be properly controlled. There should continue to be no commercial activity on the site and the restriction on the size of vehicles to 3.5 tonnes should remain. A significant number of vans of various forms do occupy the site and this traffic will now increase because of the activity of the Bird family. The LPA is therefore requested to control the overall number of vehicles parking overnight on the site to a level which in its judgement is reasonably necessary for the families. As there is a recognised history of planning contraventions on the site there should be inspection at no more than 6 monthly intervals by the council to confirm that the conditions are being complied with.*

There is now a continuing pattern of much intensified activity both on the site and in accessing it and this is beyond what would be expected from the modest change in occupation implied by the application. The residents living near the site respect the privacy demanded by the applicants but must record that the level of activity on the site and compliance with other conditions must be controlled. This is a longstanding point of conflict between the settled and travelling communities.

Over many years the applicants have shown a disregard for planning law, the latest manifestation of which is the current unlawful occupation of the site by the Bird family who moved onto the site in full contravention of the conditions imposed by the planning committee, who considered the conditions to be necessary for consent to be granted. Enforcement of conditions on the site must be improved, as recent levels of activity show, and that is why my clients have made the request relating to occasional inspection of the site by enforcement officers which is not initiated by specific complaints by the local community. That way, the community can maintain respect for the applicant's privacy whilst having some assurance that there is no planning contravention.

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### **ITEM 3c – 18/00917/FULMAJ – Land Adjoining Cuerden Residential Park**

**The recommendation is changed to:**

**It is recommended that planning permission is granted subject to a S106 legal agreement to secure the provision of affordable housing and a financial contribution towards the provision of public open space with the final wording of the conditions to be agreed by the Executive Director in consultation with the Chair and Vice Chair.**

1 No. further letter of objection has been received setting out the following issues:

- Narrow width of Shady Lane – photograph to be circulated at committee.

The following consultee responses have been received:

**Lead Local Flood Authority (LLFA):** Following the receipt of additional drainage information the Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of appropriate conditions specifying the drainage scheme and requiring details of management and maintenance.

**Lancashire County Council (LCC) Highways:** Further to the LCC Highways response of 21 January 2019 and the follow up email of 30 January 2019 in response to queries raised by the applicant in an email of 24 January 2019. I also refer to the joint meeting of 31 January 2019 in the Chorley Council Offices involving LCC Highways, Chorley Council, the developers, Redrow and their Consultants, Axis where the remaining outstanding issues relating to the above development were discussed.

At the meeting, amendments were agreed to the proposed environmental traffic improvement scheme on Nell Lane to include footway extensions and road markings to delineate pedestrian walking areas, installation of traffic calming features (speed cushions) near Wigan Road/Nell Lane to cause vehicles to slow down on entry to Nell Lane and minor realignment/alteration to the south radius of Shady Lane and Nell Lane with give-way and hazard line markings for improved junction visibility.

It was also agreed at the meeting that the applicant makes design modifications to the proposed site access to Nell Lane to encourage safe pedestrian/cyclist use. This would involve providing footway on the south side of Nell Lane from the new site access to the existing access to Cuerden Residential Park. It was agreed that due to existing constraints the footway would be less than the required minimum standard width of 2.0m. In addition, a 2.0m wide lit footpath is to be provided behind the highway verge through the application site from the new site access to the existing field access just before Shady Lane/Nell Lane where it would connect Nell Lane. Although the footpath would be signed and always available for public use, it was agreed that it would not be adopted by the LCC and that its maintenance would be the responsibility of the applicant.

In addition to the above measures, the applicant confirmed at the meeting that they have agreed to implement all the highway improvement measures detailed in the highway response of 21 January 2019. The works are to be undertaken through the s278 agreement of the highways act 1980.

Following the meeting, the applicant has resubmitted a proposed plan incorporating the agreed amendments and a letter referenced J000008 / APB dated 1 February 2019 confirming the amendments. The resubmitted plan is referenced Fig TA14 Rev B dated 28/09/19.

The amended plan has been analysed by LCC Highways and found satisfactory and the contents of the accompanying letter are also in line with the discussions held at the meeting. LCC therefore confirm that, the proposed development is acceptable subject to conditions and advice notes.

**The original report has been amended as follows:**

Paragraph 16 of the committee report identifies 18Ha of land being available for housing development under allocation HS1.31. There is in fact 23Ha of land available for housing development under allocation HS1.31.

LCC Highways have agreed a range of measures with the applicant that are required to be implemented in order to make the development acceptable in highway terms. These improvements are set out in a letter from the applicant referenced J000008 / APB, dated 1 February 2019 and on a plan referenced Fig TA14 Rev B dated 28/09/19. The improvements are summarised in the LCC Highway response above and would be secured by condition and through the section 278 process with LCC. On the basis of the agreed highway improvement measures the proposed development is considered to result in an acceptable impact on highway safety and capacity.

**The following conditions are recommended but will need to be agreed with the applicant.**

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission.  <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The parking and/or garaging and associated manoeuvring facilities for each dwelling shown on the plans hereby approved shall be surfaced or paved, drained

	<p>and marked out and made available in accordance with the approved plan prior to the occupation of the dwelling(s) they serve.</p> <p><i>Reason: To ensure provision of adequate off-street parking facilities within the site.</i></p>
3.	<p>The detached or integral garages of the properties hereby permitted shall be kept freely available for the parking of cars and shall not be converted to living accommodation (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order amending or revoking and re-enacting that order), unless the properties benefit from off road parking as follows:</p> <ul style="list-style-type: none"> <li>-Three bed properties - two off-road parking spaces within the curtilage;</li> <li>-Four or five bed properties - three off-road parking spaces within the curtilage.</li> </ul> <p><i>Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.</i></p>
4.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
5.	<p>The development hereby approved shall be carried out in accordance with the details contained in the approved Tree Protection Plan (Drawing No. 4141.02 Rev B received 02 October 2019) and the Ecological Survey and Assessment Report, ERAP reference 2018-303 Sections 5.3.1 to 5.3.6. All remaining trees must be fully safeguarded in accordance with BS5837.2012 for the duration of the site works unless agreed in writing with the Local Planning Authority.</p> <p><i>Reason: To protect habitat for roosting bats and safeguard the trees to be retained.</i></p>
6.	<p>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.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
7.	<p>Prior to the commencement of any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Japanese knotweed, rhododendron, monbretia, cotoneaster and virginia creeper should be supplied to and agreed in writing by the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure the eradication and control of any invasive species, which are found on the site.</i></p>
8.	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted a landscape and environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:</p> <ul style="list-style-type: none"> <li>• A description and evaluation of the habitat features to be created and enhanced (to include but not necessarily exclusively ponds, grasslands, tree planting and bird nesting habitat)</li> <li>• Aims and objectives of management</li> </ul>

	<ul style="list-style-type: none"> <li>• Preparation of a work schedule for implementation</li> <li>• Details of the organisations responsible for implementation and management</li> <li>• A five year monitoring and maintenance plan</li> </ul> <p>The approved plan will be implemented in accordance with the approved details.</p> <p><i>Reason: to contribute to and enhance the natural and local environment.</i></p>
<p>9.</p>	<p>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.</p> <p><i>Reason: In the interest of the appearance of the locality.</i></p>
<p>10.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted 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.</p> <p><i>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</i></p>
<p>11.</p>	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted, unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>
<p>12.</p>	<p>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.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
<p>13.</p>	<p>The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage scheme (as shown on drawing S104 DRAINAGE LAYOUT reference 4146/ENG001-1 Revision A, dated 24.09.2018). The surface water drainage scheme shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><i>Reasons:</i></p> <ol style="list-style-type: none"> <li>1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.</li> <li>2. To reduce the risk of flooding to the proposed development and future occupants.</li> </ol>

<p>14.</p>	<p>No dwellings hereby permitted shall be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted and approved in writing by the local planning authority which, as a minimum, shall include:</p> <p>a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company</p> <p>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:</p> <p>i. on-going inspections relating to performance and asset condition assessments</p> <p>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;</p> <p>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.</p> <p><i>Reasons:</i></p> <p><i>1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development.</i></p> <p><i>2. To reduce the flood risk to the development as a result of inadequate maintenance.</i></p> <p><i>3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system managed and maintained in accordance with the approved details.</i></p>
<p>15.</p>	<p>Prior to the construction of the superstructure of any of the dwellings hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development as a whole will achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. The development thereafter shall be completed in accordance with the approved details.</p> <p><i>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.</i></p>
<p>16.</p>	<p>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 for all dwellings on the site, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the development has achieved the overall Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>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.</i></p>

<p>17.</p>	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="363 331 1353 1794"> <thead> <tr> <th data-bbox="363 331 762 360">Title</th> <th data-bbox="762 331 1066 360">Drawing Reference</th> <th data-bbox="1066 331 1353 360">Received date</th> </tr> </thead> <tbody> <tr><td data-bbox="363 360 762 389">Site location plan</td><td data-bbox="762 360 1066 389">LEYL/15/04/01 Rev.C</td><td data-bbox="1066 360 1353 389">01 February 2019</td></tr> <tr><td data-bbox="363 389 762 418">Proposed planning layout</td><td data-bbox="762 389 1066 418">LEYL/15/04/02 Rev.C</td><td data-bbox="1066 389 1353 418">01 February 2019</td></tr> <tr><td data-bbox="363 418 762 448">Boundary enclosures layout</td><td data-bbox="762 418 1066 448">LEYL/15/04/04 Rev.C</td><td data-bbox="1066 418 1353 448">01 February 2019</td></tr> <tr><td data-bbox="363 448 762 477">External materials layout</td><td data-bbox="762 448 1066 477">LEYL/15/04/03 Rev.C</td><td data-bbox="1066 448 1353 477">01 February 2019</td></tr> <tr><td data-bbox="363 477 762 506">Waste management layout</td><td data-bbox="762 477 1066 506">LEYL/15/04/06 Rev.C</td><td data-bbox="1066 477 1353 506">01 February 2019</td></tr> <tr><td data-bbox="363 506 762 535">Affordable housing layout</td><td data-bbox="762 506 1066 535">LEYL/15/04/05 Rev.C</td><td data-bbox="1066 506 1353 535">01 February 2019</td></tr> <tr><td data-bbox="363 535 762 609">Proposed traffic management works</td><td data-bbox="762 535 1066 609">Figure TA14 Rev.B</td><td data-bbox="1066 535 1353 609">01 February 2019</td></tr> <tr><td data-bbox="363 609 762 683">Drainage layout</td><td data-bbox="762 609 1066 683">4146/ENG001-1 Revision A</td><td data-bbox="1066 609 1353 683">30 January 2019</td></tr> <tr><td data-bbox="363 683 762 757">Balancing Pond Details</td><td data-bbox="762 683 1066 757">4225/ENG005</td><td data-bbox="1066 683 1353 757">30 January 2019</td></tr> <tr><td data-bbox="363 757 762 786">Tree protection plan</td><td data-bbox="762 757 1066 786">4141.02 Rev B</td><td data-bbox="1066 757 1353 786">02 October 2018</td></tr> <tr><td data-bbox="363 786 762 815">Landscape proposal</td><td data-bbox="762 786 1066 815">5860.03 Rev.E</td><td data-bbox="1066 786 1353 815">23 November 2018</td></tr> <tr><td data-bbox="363 815 762 844">Landscape proposal 1 of 3</td><td data-bbox="762 815 1066 844">5860.01 Rev.E</td><td data-bbox="1066 815 1353 844">23 November 2018</td></tr> <tr><td data-bbox="363 844 762 873">Landscape proposal 2 of 3</td><td data-bbox="762 844 1066 873">5860.02 Rev.E</td><td data-bbox="1066 844 1353 873">23 November 2018</td></tr> <tr><td data-bbox="363 873 762 902">Landscape proposal 3 of 3</td><td data-bbox="762 873 1066 902">5860.04 Rev.B</td><td data-bbox="1066 873 1353 902">23 November 2018</td></tr> <tr><td data-bbox="363 902 762 976">External Workds Layout Sht1 Rev.A</td><td data-bbox="762 902 1066 976">4444/ENG010-1 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(render)</td><td data-bbox="762 1296 1066 1326">N/A</td><td data-bbox="1066 1296 1353 1326">05 February 2019</td></tr> <tr><td data-bbox="363 1326 762 1355">The Cambridge (brick)</td><td data-bbox="762 1326 1066 1355">N/A</td><td data-bbox="1066 1326 1353 1355">05 February 2019</td></tr> <tr><td data-bbox="363 1355 762 1384">The Cambridge (render)</td><td data-bbox="762 1355 1066 1384">N/A</td><td data-bbox="1066 1355 1353 1384">05 February 2019</td></tr> <tr><td data-bbox="363 1384 762 1413">The Harrogate (brick)</td><td data-bbox="762 1384 1066 1413">N/A</td><td data-bbox="1066 1384 1353 1413">05 February 2019</td></tr> <tr><td data-bbox="363 1413 762 1442">The Harrogate (render)</td><td data-bbox="762 1413 1066 1442">N/A</td><td data-bbox="1066 1413 1353 1442">05 February 2019</td></tr> <tr><td data-bbox="363 1442 762 1471">The Oxford (brick)</td><td data-bbox="762 1442 1066 1471">N/A</td><td data-bbox="1066 1442 1353 1471">05 February 2019</td></tr> <tr><td data-bbox="363 1471 762 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Proposed traffic management works	Figure TA14 Rev.B	01 February 2019																																																																																																																										
Drainage layout	4146/ENG001-1 Revision A	30 January 2019																																																																																																																										
Balancing Pond Details	4225/ENG005	30 January 2019																																																																																																																										
Tree protection plan	4141.02 Rev B	02 October 2018																																																																																																																										
Landscape proposal	5860.03 Rev.E	23 November 2018																																																																																																																										
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The Canterbury elevations	N/A	05 February 2019																																																																																																																										
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The Alton elevations	N/A	05 February 2019																																																																																																																										
The Alton floor plans	N/A	05 February 2019																																																																																																																										
The Stratford	N/A	05 February 2019																																																																																																																										
The Marlow (render)	N/A	05 February 2019																																																																																																																										
The Cambridge (brick)	N/A	05 February 2019																																																																																																																										
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The Harrogate (brick)	N/A	05 February 2019																																																																																																																										
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The Oxford Lifestyle (brick)	N/A	05 February 2019																																																																																																																										
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The Welwyn floor plans	N/A	05 February 2019																																																																																																																										
The Welwyn elevations (brick)	N/A	05 February 2019																																																																																																																										
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<p>18.</p>	<p>Prior to the construction/provision of any services, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon</p>																																																																																																																											

	<p>occupation of a dwelling, either a landline or ducting to facilitate the provision of a super-fast broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works within the site boundary only.</p> <p><i>Reason: To ensure a sustainable form of development.</i></p>
19.	<p>The development shall not commence until an Employment and Skills Plan that is tailored to the development and will set out the employment skills opportunities for the construction phase of the development has been submitted to and approved by the council as Local Planning Authority (unless otherwise agreed in writing by the council). The development shall be carried out in accordance with the Employment and Skills Plan (in the interests of delivering local employment and skills training opportunities in accordance with Core Strategy Policy 15: Skills and Economic Inclusion).</p> <p><i>Reason: In the interests of delivering local employment and skills training opportunities as per the Central Lancashire Core Strategy Policy 15: Skills and Economic Inclusion and the Central Lancashire Employment Skills Supplementary Planning Document September 2017. No Employment and Skills Plan was submitted with the application.</i></p>
20.	<p>No development, other than enabling works, 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.</p> <p><i>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.</i></p>
21.	<p>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.</p> <p><i>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.</i></p>
22.	<p>No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing 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.</p> <p><i>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.</i></p>
23.	<p>No development, other than enabling works, shall be commenced until full</p>

	<p>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.</p> <p><i>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.</i></p>
24.	<p>No part of the development hereby approved shall commence, other than enabling works, until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.</i></p>
25.	<p>No part of the development hereby approved shall be occupied until the access approved site access scheme has been constructed and completed in accordance with the scheme details.</p> <p><i>Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.</i></p>
26.	<p>The new estate road/access between the site and Nell Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development, other than enabling works, takes place within the site.</p> <p><i>Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.</i></p>
27.	<p>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.</p> <p><i>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.</i></p>
28.	<p>Prior to commencement of development, 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.</p> <p><i>Reason: To maintain the operation of local streets and through routes in the area during construction, particularly during peak periods.</i></p>
29.	<p>Within 30 days of commencement of construction of the dwellings hereby approved, full details of the 3.0m wide pedestrian/cyclist link from the site to Parkhurst Avenue and the 2.0m wide footpath through the site from the site access to the existing field access on Nell Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. Prior to the occupation of the 30th dwelling, the pedestrian/cyclist link and the footpath shall be available for use by the public in accordance with the approved</p>

	<p>details.</p> <p><i>Reason: To ensure the pedestrian/cycle link and the footpath are available for the residents of the approved development and the area and to ensure that the development provides sustainable transport options.</i></p>
30.	<p>The development hereby permitted shall be carried out in accordance with Section 6 of the Phase II Geo-Environmental Site Assessment report Ref: 12-357-r1 received 02 October 2018. This comprises a clean cover system in all garden areas in vicinity of the identified made ground, and gas protection measures installed within all relevant plots that shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p><i>Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.</i></p>
31.	<p>The development shall be carried out in accordance with an 'archaeological watching brief', whereby an archaeologist is present on site to oversee all new ground excavations. Should any 'finds' be discovered at this stage of ground works all works shall cease, whilst a full archaeological investigation is undertaken. Works on site shall then only continue once that investigation has been concluded.</p> <p><i>Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.</i></p>
32.	<p>Prior to the occupation of any affordable dwelling hereby approved details of secure sheltered cycle parking provision shall be submitted to an approved in writing by the Local Planning Authority. The approved cycle parking shall have been provided in all respects and made available for use prior to the occupation of the affordable dwellings, and shall thereafter be retained.</p> <p><i>Reason: To ensure adequate on site provision for cycle parking.</i></p>
33.	<p>Prior to the occupation of 50% of the dwellings hereby approved a Full Travel Plan developed in line with the timescales outlined within the Framework Travel Plan and a scheme for monitoring of the development, implementation and review of the Travel Plan for a period of up to 5 years shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in accordance with the approved scheme.</p> <p><i>Reason: To encourage sustainable travel patterns reduce car journeys to / from development and to encourage increased use of a wider range of more sustainable travel modes.</i></p>
34.	<p>A scheme for wildflower planting shall be carried out in accordance with the Additional Wild Flower Area plan reference 4225-WFA-10 and shall be carried out in the first planting and seeding seasons following the occupation of any dwellings or the completion of the development, whichever is the earlier.</p> <p><i>Reason: To offset the loss of biodiversity resulting from the development of the site.</i></p>

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**ITEM 3e- 18/01224/FUL - The Eagle and Child Hotel, 20 Pall Mall, Chorley, PR7 2LA**

**The recommendation remains as per the original report.**

The following consultee responses have been received in relation to Public Open Space (POS):

There are no requirements in relation to POS provision except in relation to provision for children/young people.

There is currently a surplus of provision in Chorley North West in relation to this standard and the site is within the accessibility catchment (800m) of an area of provision for children/young people (Rangletts Recreation Ground, Brindle Street, Coronation Recreation Ground, Devonshire Road, Spurrier Square, Tatton Recreation Ground Play Area). A contribution towards new provision in the ward is therefore not required from this development. However, there are areas of provision for children/young people within the accessibility catchment that are identified as being low quality and/or low value in the Open Space Study (Spurrier Square). A contribution towards improvements to these sites is therefore required from this development. The amount required is £134 per dwelling, therefore a total of £402.

Policy HS4 of the Chorley Local 2012 - 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

However, the National Planning Practice Guidance (NPPG) post-dates the adoption of the Local Plan and states that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres.

In the determination of planning applications, the effect of the national policy, which was issued in 2016 following a Court of Appeal judgement, 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.

The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings.

The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

However, in this case, it is considered that the benefit of securing a public open space contribution on the basis of three flats would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space, however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit of £402. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.

Therefore, a public open space commuted sum is not requested for this scheme.

**The following conditions are proposed:**

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.*

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

Title	Plan Ref	Received On
Location Plan	N/A	27 December 2018
Elevations	006	27 December 2018
Floor Plans	001 Rev A	30 December 2018

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

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