

9 December 2008

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 9TH DECEMBER
2008**

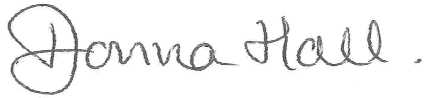
The following reports were tabled the above meeting of the Development Control Committee.

Agenda No Item

11. **Addendum (Pages 1 - 8)**

Report of the Corporate Director (Business) circulated at the meeting (enclosed)

Yours sincerely



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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા
માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	09/12/08	

ADDENDUM

ITEM A2- 08/01044/OUTMAJ- Outline application for the erection of a mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares). Vertex Training And Conference Centre, Little Carr Lane, Chorley

1 further letter of objection has been received raising the following points:

- there will be 4 new properties built that will directly border our property, we view this as far too many,
- potential for a dispute/conflict with one of our new neighbours,
- there is no buffer zone shown for us to maintain our boundary and the plans do not show any soft planting of trees
- The current outlook from our home is beautiful we realise we will loose this with this development.

The Council's Arboricultural Officer has no objection to the proposal. He did raise concerns about the loss of some good trees however it has been confirmed that this is actually the site of a capped mineshaft, so it's removal is unavoidable from a health and safety viewpoint. The Officer has accepted this and replacement trees will be required as per the condition attached to the recommendation.

As set out within the Committee report there was still an outstanding issue in respect of bats. The Ecologist appointed by the applicants has been discussing this issue directly with the Ecologist at Lancashire County Council. The Ecologist at County Council's main concerns relate to the 'limited level of survey effort undertaken so far cannot provide conclusive evidence on the type and size of the roost occurring within the building.'

The applicants Ecologist has confirmed that several surveys for bats have been undertaken and an old bat roost was discovered. The intention is to undertake 3 surveys over the next few months, 1 hibernation survey and 2 emergency surveys between May and July. If bats are discovered during these surveys then a Bat Licence from Natural England will be required. Additionally mitigation measures will be required to be approved by the Local Planning Authority if necessary and which will be accommodated within the new buildings. If no bats are discovered then bats will not have utilised the roost in over a year and the owners can legally demolish the building with no risk to bats.

As surveys have already been undertaken it is considered that the additional surveys can be dealt with by condition as follows:

Prior to demolition of the buildings on the site, the developer shall undertake further detailed bat surveys of the existing buildings to establish whether or not any bat species are present. Where bat species or their habitat are found to be present, a mitigation report shall be prepared and submitted to the Local Planning Authority, in accordance with the recommendations of the UES Ecological Assessment submitted with this application. No development or site clearance shall take place until the Local Planning Authority has agreed the mitigation measures in writing, and these measures shall then be implemented in accordance with that agreement.

Reason: To protect the interests of any bat species which may be present on the site and in accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.

As set out within the committee report concerns have been raised about when the employment element of the scheme and when it will be delivered. It has been agreed that the main access road from Myles Standish Way will be constructed and include the access road stubs into the east and west employment areas which is required as per the condition attached to the recommendation. Additionally the employment site will be marketed for a period of 24 months from the date of the permission or 12 months from the date of the commencement of the residential development, whichever provides the longest marketing period. The proposed marketing strategy will first be agreed with the Local Planning Authority and marketing boards will be erected on the site to ensure future occupiers of the residential part of the site will be aware of the employment parcel and the proposed future B1 uses. The applicants have also agreed to implement the landscaping to the periphery of the employment parcel to improve the visual appearance of the site.

It is considered that as the development will be split into parcels it would not be practical or achievable to phase the residential and employment development. However by providing a serviced site which is landscaped will encourage commercial developers. Additionally an extended marketing period shows commitment on United Utilities part to deliver employment uses on the site. The marketing will be required as part of the Section 106 Agreement associated with the site.

The following conditions has been amended as follows:

Any application for approval of reserved matters must be made to the Council not later than four years from the date of this decision. The development shall be begun within two years of the date of approval of the last of the reserved matters or within six years of the date of this decision whichever is the later

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

At the time of submission of the first set of details for development of the residential parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the residential parcel shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

At the time of submission of the first set of details for development of the employment parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the employment parcel shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

Before any phase of the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected for that phase (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building/ dwelling for that phase shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.

A scheme of landscaping for each phase shall be submitted and agreed in writing prior to the commencement of that phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped, detail any changes of ground level and shall be in accordance with the approved landscape strategy pursuant to conditions four and five. Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

Prior to the commencement of the development hereby permitted a method statement, setting out proposals for the protection of the Biological Heritage Site during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved methods.

Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.

Each application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

The applications for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

Each application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels of the dwellings and the B1 units (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved level details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5, EM2 and HS4 of the Adopted Chorley Borough Local Plan Review.

The access link from Little Carr Lane shall cease to be used 3 months following the commencement of development and prior to the commencement of the residential development unless otherwise agreed in writing with the Local Planning Authority. Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

Each reserved matters application shall include full details of the trees to be felled on that phase of the development and shall include full details (including species, number, stature and location) of the replacement tree planting. The replacement tree planting shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos.EP9 of the Adopted Chorley Borough Local Plan Review.

No dwelling/ B1 unit hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way have been completed in accordance with plan reference B3141 P017A, dated 21st November 2008, unless otherwise agreed in writing by the Local Planning Authority. The access road shall include access roads into the two employment areas located to the east and west of the access junction.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

No dwelling/ B1 unit hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

The outline planning permission hereby approved relates to the erection of up to 200 residential units and up to 10,800 square metres of B1 floor space. The applications for reserved matters shall not exceed 200 residential units and 10,800 square metres of B1 floor space.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Government advice contained in PPS3: Housing and Policy EM2 of the Adopted Chorley Borough Local Plan Review.

Conditions 6 and 21 have been removed as these will be dealt with as part of the Section 106 Agreement. Condition 32 has been removed as this will be dealt with under condition 18.

Lancashire County Council (Contributions Officer) has requested further contributions in respect of the Natural Environment, Waste Management and Youth and Community Facilities. However the Section 106 Agreement negotiations have been ongoing since pre-application stage. It is considered that the current draft agreement is acceptable for the scheme proposed and further requests cannot reasonably be justified.

ITEM A3 - 08/01052/OUTMAJ - Outline application for 12 detached houses, associated garages and access road (including access, layout and scale), following demolition of existing dwellings, offices and workshop/storage buildings

An amended site layout plan has been received removing a small area of land next to the Railway Public House from the application, due to issues over ownership affecting the signing of the required Section 106 agreement. This has resulted in changes to the layout of plot 5 including it having an integral rather than a detached garage and an amended driveway.

Therefore the informative note is revised to take account of the latest site layout plan:

Please Note: This consent relates to the following plans:

- i) Leyden Kirby Associates Ltd Ground Investigation & Risk Assessment reports Ref. CL1057 dated 22nd March 2007 and 19th December 2007;
- ii) Leyden Kirby Associates Ltd Groundwater and Gas Monitoring results dated 11th September;
- iii) Design and Access Statement dated 3rd October 2008;
- iv) Proposed Site Layout dated 28th November 2008 Drawing no. 05/133/0P04 Rev B

ITEM A4- 08/01079/OUTMAJ - Outline application for residential redevelopment incorporating ancillary open space, landscaping and associated infrastructure. Radburn Works, Sandy Lane, Clayton-Le-Woods

The Urban Design Manager made various comments on the proposal which were forwarded to the agents for the application. The agents have responded to these comments which have led to various changes to the Design and Access Statement, some of the issues were specific design issues which will be dealt with at reserved matters stage.

The Environment Agency have provided additional comments on the development following the receipt of the Geo-Environmental Assessment Report which are as follows:

- We consider that the controlled waters receptors for site-derived contamination are the two surface waters bodies at the site's western and southern boundaries.
- We agree with the consultant that a further phase of investigation is required, followed by a detailed quantitative risk assessment. Site works should include the installation of additional wells to enable the collection of representative shallow groundwater samples and testing of upstream and downstream samples from the two surface water bodies.

Conditions have been suggested in regard of contamination. The recommendation already included conditions in this regard to deal with contamination at the site.

Brindle Parish Council have no observations to make on the application

1 further letter of objection has been received raising the following concerns:

- Do not feel the local facilities can cope
- Proposed access is in a dangerous position
- Do not feel additional houses are necessary
- Significant impact on trees and wildlife

The Arboricultural Officer has made the following comments:

- There has been damage caused along the edges of the woodland to the southeast and east sides of the site.
- The existing poplars have been removed due to their poor condition, but there has been alteration of the soil levels leading up to the edges of the tree line and there is no sign of a root protection zone, but plenty of evidence of track-laying vehicles right up to the tree line.
- The proposal also seems to show building into the existing trees. This invariably causes problems, either during construction or later.
- There is potential for damage to the remaining trees in this section and protection will be required before any further works are carried out in the southeast and eastern sides of this site.
- The remaining trees around the boundary appear to be clear of the construction outline.
- We should perhaps consider a TPO on the trees in the above-mentioned section.

As this application is outline in nature the Arboricultural Officer considers that when reserved matters are submitted, which will detail the siting of the proposed properties, any potential impact on the trees can be assessed and a Tree Preservation Order on the site will be progressed.

A draft version of the Section 106 Agreement was forwarded to the agents for the application which included 20% affordable housing, contributions to on-site equipped and informal play space, contributions to an off site playing field and a contribution to highway improvements in the area.

The agents for the application have various queries in respect of the Section 106 Agreement which include:

- The requirement for 20% on site affordable housing. The agents are contending this requirement and have sited a recent document prepared on behalf of Government Office for the North West.
- Details of and an indication of where the open space contribution will be used is required. The agent states that as the cabinet report, used to calculate the contributions, was not subject to formal consultation and as such is afforded minimum weight. As such the agent argues that the contribution should relate directly to the impact of the application development on the open space provision in the area.
- What sustainable transport measures, if any, are required in support of this development?

These issues require further discussion and clarification. If members are minded to grant planning permission, subject to the Section 106 Agreement, officers will discuss the agents concerns to try and resolve the issues. In the event that an agreeable resolution cannot be achieved the application will either be refused or brought back to DC Committee for a decision.

The following conditions have been amended as follows:

Each application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

The applications for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD

ITEM B1 - 08/00884/CB3 - installation of a CCTV system including six cameras (located on Astley Hall, The Coach House and wall mounted in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House

English Heritage – The applications shall be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Friends of Astley Hall – A CCTV system would be most welcome. No comments on the proposals.

One additional neighbour letter has been received. Comments can be summarised as follows:

- Whilst the installation is necessary to protect the Hall and Coach House, these should not spoil the appearance of the buildings. There are concerns with the siting of the cameras in open areas on the front lawn in front of the Hall, which would significantly detract from the appearance of the Hall. They could be moved closer to the trees, away from the Hall
The impact of the cameras on the buildings, including those sited on the front lawn, is dealt with in the main report. The Council's Conservation Officer has no objections to the proposed sitings, which are considered to be appropriate whilst providing the necessary coverage.

ITEM B2 - 08/00885/LBC - Listed Building Consent for the installation of a CCTV system including six cameras (located on Astley Hall, The Coach House and wall mounted in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House

As this is a listed building in the Council's ownership, following Full Council this application will be referred to Government Office for the North West for a decision.

English Heritage – The applications shall be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Friends of Astley Hall – A CCTV system would be most welcome. No comments on the proposals.

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