

18 August 2009

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 18TH AUGUST 2009**

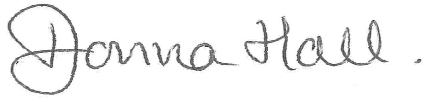
The following report was tabled at the above meeting of the Development Control Committee.

**Agenda No    Item**

10.    **Addendum (Pages 139 - 142)**

Report of Corporate Director (Business) circulated at the meeting

Yours sincerely



Donna Hall  
Chief Executive

Dianne Scambler  
Democratic and Member Services Officer  
E-mail: [dianne.scambler@chorley.gov.uk](mailto:dianne.scambler@chorley.gov.uk)  
Tel: (01257) 515034  
Fax: (01257) 515150

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

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	18/08/09	

## ADDENDUM

**ITEM 1: 09/00437/COU : Retrospective application for the use of land for stationing of two mobile homes and up to 14 touring caravans for residential occupation for temporary period of 3 - 4 years with associated development (hard standing, utility building, septic tank, 6 small toilet buildings, second access off Hut Lane, brick pillars and gates)**

**Land 65m South Of 3 Olde Stoneheath Court (bounded By M61 And Hut Lane), Hut Lane, Heath Charnock**

**Applicants agent** has requested that the following points be brought to the attention of Members :

Firstly it is apparent from the evidence of the applicants and others – in particular the Police, that there is a pattern of unauthorised encampments in this area that does not appear to be known to the Council. Some of this need has been concealed and hidden – such as the occupation by these families of land on farms that was never reported or made known to the authorities. The biannual count is very unreliable as a snap shot of need on two days each year. It is not unusual for unauthorised encampments to be missed off if they are not reported to or known to the person responsible for undertaking this task.. There have been several incursions this summer within Chorley itself. Families are moved on quickly and are not able to settle. The evidence of the Police points to high levels of unauthorised encampments which does not appear to be known to the authority. I refer to this in my supporting statement. I note that they do not appear to have been asked for this information which I find very surprising. The GTAA relies heavily on the biannual count information. It is widely known and understood that the GTAA approach tends to reinforce existing patterns of site distribution which is why the regional approach being favoured is a more balanced redistribution to ensure that sites are provided where they are wanted and needed and not just where some Council 's have been willing to make provision.

Secondly I note that you say there is no need to have regard to the transitional arrangements because there no evidence of clear and immediate need. But this site is evidence of a clear and immediate need to which substantial weight should be attached and the evidence of these families points to a clear and immediate need for sites in this area which has not been picked up in the GTAA because these families were not known to the researchers and were therefore not included in that assessment. I urge you to reconsider your assessment of the Transitional Arrangements. One of the main aims of the Circular is to avoid making families homeless.

Finally, your report does not address the race relations implications of refusal as detailed in para 71-2 of C 1./2006. This is an important material consideration as detailed in the circular. It is linked to concerns expressed in para 4 about the conflict and distress associated with unauthorised encampments.

### **Response to the points raised**

The Council are aware that there have been unauthorised encampments within the authority's area. However, with regard to circular 01/2006 there have not been significant numbers of encampments and other sources of information such as the lack of any planning applications apart from the current application or search for alternative sites before buying the land supports the Council's stance on this matter.

The Council are not obliged to grant a temporary permission but merely to consider the granting of it. The arguments in this case against exercising discretion to grant temporary permission as outlined in my report are the inappropriateness and visual harm to the Greenbelt.

The duty on local authorities to actively seek to eliminate unlawful discrimination and promote good race relations does not give gypsies and travellers a right to establish sites in contravention of planning control. Local Planning Authorities should assess and consult on any likely impact on policy when drawing up proposals, and where an adverse impact is identified which cannot be justified making appropriate changes. Although a factor, it is not overriding in reaching a decision on this application.

### **Further Representations Received**

Since the report was written a further 10 letters and 6 emails objecting to the development have been received.

Lindsay Hoyle MP has written to confirm his support for local residents and does not believe that the travellers should be given planning permission or allowed to remain on the site.

A petition has been received in support of the development with 149 signatures.

### **Additional Reason for Refusal**

The report refers to the sustainability of the site and that it is not genuinely a sustainable location. It is recommended therefore that this is a further reason for refusing planning permission :

**The development is located in open countryside on land which under the sustainable development approach and locational requirements outlined in PPS1 and PPS7 and the sequential test outlined in RSS Policy DP4 should only be considered for development after land (well served by public transport) within and adjacent to urban areas has been developed.**

**The development is therefore contrary to PPS1, PPS7, RSS Policy DP4 and Policy PS14 of the Chorley Local Plan and Policy 29 of the Joint Lancashire Structure Plan, which seek to resist development in the open countryside.**

### **ITEM 2: 09/00392/OUTMAJ: Erection of 14 two storey dwellings and associated infrastructure (following demolition of no. 202 Chorley Old Road)**

A further letter of objection has been received from a resident of Whittle-le-Woods. The reasons for objection have been covered in the report.

Since the report was written the Council's Arboricultural Officer has re-visited the trees in the garden of no. 206 Chorley Old Road to measure them. He comments that both trees are less than a metre from the fence line. Given the diameters of the two trees, but within a Tree Constraints Plan being submitted, he calculates that a Root Protection Area comprising a circle with a radius of 7.6 metres for the Beech and 8 metres for the Sycamore, to be measured from the trunk of the tree would be required as a minimum as per the

recommendations in BS5837:2005 Trees in relation to construction and should be considered to give adequate protection to the trees in the event of development of the area.

The proposed property on plot 1 would be within the calculated Root Protection Area and therefore the reason for refusal relating to impact on trees remains.

**ITEM 6: 09/00449/REMMAJ: Reserved matters application for the erection of 227 dwellings with associated garages, roads, sewers & parking spaces for Parcels H6, I (Phase 1) and I (Phase 2)**

The scheme incorporates amendments to the highway layout previously approved and as such the description of the proposal has been changed to:

**Reserved matters application for the erection of 227 dwellings with associated garages, roads, sewers & parking spaces for Parcels H6, I (Phase 1) and I (Phase 2). Including a part amendment to the road layout previously approved as part of reserved matters approval 05/00523/REMMAJ and 05/00525/REMMAJ**

Concerns have been raised about the proximity of some of the proposed dwellings to the highway (the main loop road) particularly as the previously approved highway layout incorporated a landscaped edge along the carriageway. As such some of the plots have been conditioned out of this approval for further consideration which will ensure an open landscaped feel is retained along the loop road. The following condition has been attached to the recommendation:

Notwithstanding the submitted details the reserved matters approval hereby granted does not apply to plots 892, 920- 922 and 810-816.

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review

**Lancashire County Council (Highways)** initially objected to the scheme and they are still concerned that the highway layout as shown would not be acceptable in respect of the Section 38 Agreement. The applicant has confirmed that all of the Engineers concerns can be addressed and a Section 38 Agreement can be achieved for these parcels. As such the following Grampian style condition has been attached to the recommendation which ensures the scheme cannot commence until an acceptable highway layout has been achieved:

Notwithstanding the submitted details the development hereby permitted shall not commence until full details of the highway layout, which is capable of being adopted as part of the Section 38 Agreement, have been submitted to and approved in writing by the Local Planning Authority. The highway layout thereafter shall be constructed in accordance with the approved details.

Reasons: In the interests of highway design and safety and in the interests of achieving an acceptable housing and highway layout. In accordance with guidance contained in Planning Policy Statement 1 and Manual for Streets.

**United Utilities** have no objection subject to various conditions/ informatives. The following informative has been attached to the recommendation:

**PLEASE NOTE** the following comments from United Utilities:

- Surface water should discharge to the watercourse/soakaway/surface water sewer and may require the consent of the Environment Agency.
- If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.
- The applicant must discuss full details of the site drainage proposals with John Lunt contact Number 01925 537174.

- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.
- The applicant should be instructed to lay their own private pipe, to United Utilities standards, back to the existing main. If this should involve passing through third party land United Utilities must receive a solicitors letter confirming an easement, prior to connection.
- The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply
- The applicant should contact out Service enquiries on 0845 7462200 regarding connection to the water mains/ sewers
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999
- United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

**Chorley Borough Council's (Environmental Services)** made further comments on the amended plans in respect of refuse collection. These queries have been addressed by the applicant and the Waste & Contaminated Land Officer has confirmed he is happy with the tracking plans in respect of access for refuse collection vehicles.

**ITEM 10: 09/00541/FUL: Demolition of existing bungalow and erection of 8 two storey detached dwellings with associated garages and infrastructure**

Please note that this application has been withdrawn.