

27 May 2010

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 25TH MAY 2010

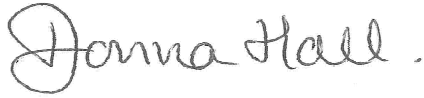
The following reports were tabled the above meeting of the Development Control Committee.

Agenda No Item

11. **Addendum (Pages 1 - 4)**

Addendum (tabled at the meeting).

Yours sincerely



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Chief Executive

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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
Director of Partnerships, Planning and Policy	Development Control Committee	25/05/10	

ADDENDUM

ITEM 2: 10/00273/OUT - Outline application for the erection of 7 dwellings and associated works Pall Mall Garages And Sheds 81A Pall Mall Chorley Lancashire PR7 3LT

It is recommended that the recommendation be changed to grant conditional outline planning approval subject to the associated Section 106 Agreement

Since the report was written further comments from the Planning Policy Section have been received with regard to Sustainable Resources Policies: as the application seeks approval for the layout of the development, information needs to be provided on how criterion (a) of Policy SR1 has been taken into account. Additionally, the applicant needs to be aware that the 15% reduction in carbon emissions needs to be achieved through the installation of renewable energy or low carbon sources

Criterion 9a) of Policy SR1 requires that evidence is set out to demonstrate that the design and layout of the building minimises energy use, maximises energy efficiency and is flexible enough to withstand climate change. The layout of the development in this instance has largely been dictated by the character and layout of the existing surrounding properties and the need to ensure that the amenities of these properties are maintained. The layout as proposed is considered to present a good solution in terms of design and neighbour amenity.

The applicant has also provided an amended layout, providing two parking spaces per dwelling and they have agreed that each dwelling shall have no more than three bedrooms. The amended plan also makes clear that the properties will be 2 storey properties which is a reduction from the part 2.5 storey properties originally proposed.

The agent has also given a commitment on behalf of his client:

With regards to the development of the site and its current state. The applicant has informed me that they are in the early process of having the site cleared of materials and tidied up, prior to any work taking place.

After speaking with the applicant they have confirmed to me that this outline application has been submitted with the full intention of developing the site as applied for subject to the approval of a reserved matters application and a Section 106 agreement.

The suggested reason for refusal has therefore been overcome and it is now recommended that the application be approved, subject to the receipt of a s106 agreement for the provision of play space. The following conditions are recommended:

1. No development approved by this permission shall be commenced until details of the means of foul sewage and a surface water drainage strategy (including attenuation surface discharges from the development to existing rates or less) has been submitted to and approved by the Local Planning Authority. The schemes shall be constructed and completed in accordance with the approved details. Reason: to reduce the risk of flooding and ensure a satisfactory means of drainage and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

2. There is a potential for ground contamination at this site. Due to the size of development and sensitive end-use, no development shall take place until: a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of

Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;c) the Local Planning Authority has given written approval to any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.
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, in accordance with PPS23.

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.
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.

4. 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 sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area, to ensure that the proposal does not give rise to an undue increase in surface water run off and in accordance with Policy Nos. GN5, EP18 and HS4 of the Adopted Chorley Borough Local Plan Review.

6. An application for approval of the reserved matters (namely the appearance, and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.
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.

7. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (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 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 protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. Each and every application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change, for example, amongst other things through the use of passive solar design. No phase or sub-phase shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority. 2. No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in

writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.3. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

9. No development shall take place until a scheme detailing the treatment of the south facing elevations of no. 73 Pall Mall and No. 18 File Street have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and in accordance with policy no. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. The approved plans are:

Plan Ref.	Received On:	Title:
C2904	7 April 2010	Block Plan
C2904	7 April 2010	Location Plan
7593 PO1B	25 May 2010	Site Plan

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

11. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

12. In accordance with the recommendations set out in section 8 (Advice and Recommendations) of the Bat survey Results dated September 2009, removal of the roof structure on the larger building shall be done carefully by hand

Reasons: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and PPG9

Please note: Breeding wild birds are protected under Part 1 of the Wildlife and Countryside Act 1991, which makes it an offence to destroy or damage nests, eggs or chicks. The applicant is therefore advised that clearance of trees, shrubs and ivy should take place outside of the nesting season (mid March to Mid August inclusive).

Please note: If any evidence of bats is found during the course of the development then works should cease immediately and further advice sought from a bat ecologist.

Please note: Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the use or development of the land to which this permission relates.

ITEM 5 ENFORCEMENT REPORT – Land at Springfields, Sandy Lane, Mawdesley

A letter has been received from a planning consultant acting on behalf of the landowner.

It puts forward various suggestions for resolving the breaches of planning control referred to in the report including the submission of retrospective planning applications and asks that enforcement action be deferred and further time be given to allow these to be progressed.

Your officers have been in contact with the landowner since last year when the breaches of planning control were first reported. Despite meetings and requests for the submission of planning applications to try to resolve the breaches no applications have been submitted.

The authorising of enforcement action does not mean that the Council must issue an enforcement notice immediately and it will still consider any planning application that may be submitted before taking any action. However, as the situation remains uncertain my recommendation remains unchanged.