

27 January 2012

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 17TH JANUARY
2012**

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

Agenda No Item

Addendum

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

C O M M I T T E E R E P O R T			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	17 th January 2012	

ADDENDUM

IMPORTANT NOTE: Local Financial Considerations

Members are reminded that with effect from 15 January 2012, s.70 of the Town & Country Planning Act 1990 has been amended by virtue of s.143 of the Localism Act 2011. This amendment enables the Local Planning Authority to have regard to local financial considerations (so far as they are material to the application) when dealing with planning applications.

Local financial considerations are expressly defined as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy

A relevant authority includes (inter alia) a district/county council, housing action trust, and the Home & Communities Agency.

ITEM 4A-11/00764/OUT – 11 SUTTON GROVE, CHORLEY

The recommendation remains as per the original report.

1 further letter of objection has been received setting out the following issues:

These comments relate to assertions contained within a document from the applicant dated 9th January 2012:

- The assertion that the proposal will not impact on the Thirlmere Aqueduct cannot be made. The applicant would be required to show at a later planning stage that this was so.
- At this stage the applicants statement *'the proposal fully meets United Utilities guidelines for work near an aqueduct'* is not provable.
- After visiting United Utilities headquarters it has been made clear that whilst they cannot make a formal objection, the amended layout would not meet United Utilities guidelines. United Utilities confirm that the Building Control comments (para 14 of the Committee report) are accurate.
- When the estate was built the developer stopped building at No.11 as it was not cost effective in respect of the aqueduct. United Utilities confirm that conditions in respect of aqueducts are now more stringent and future occupiers would be liable for any damage their properties caused the aqueduct.
- United utilities are the legal owner of the easement

- The applicants statement that *'the proposed dwellings would be in keeping with the existing Great Knowley estate in general and with Sutton Grove in particular...in terms of the their appearance'* is not true- at no point has the applicant demonstrated how the proposed buildings would appear.
- The applicant has provided no evidence to demonstrate that the proposed houses would be pleasant. Sutton Grove contains 4 bungalows, 2 each side, with a panoramic view of open countryside across a Biological Heritage site (BHS), in between. The applicant proposes to place 4 two storey houses in this space, thus blocking the existing view from the end of Sutton Grove.
- The applicant has failed to present any evidence to support the contention that *'with the land falling steeply away immediately to the east'*. Elevations of the site would be required to establish whether the assertion is true. Most would describe the slope as gentle and certainly insufficient to sink the ridge heights of these two storey houses to a level commensurate with that of the bungalows on each side. Excavation would not be possible due to the aqueduct.
- The aqueduct does not lie to the south of the proposed development- it runs north/south directly up the middle of the proposed development.
- The applicant's assertion that *'the proposed building would be at a lower elevation than adjacent existing buildings. As seen from the green belt they would be against the background of the existing buildings and lower than them'* is not true- no elevation drawings have been submitted to support this. The ridge height would exceed that of the adjacent bungalows.
- The proposed semi-detached house sits right on the edge of the BHS- will be extremely conspicuous and would alter the entire character.
- The character of the view from the green belt would be changed
- No elevational plans have been submitted to support the applicant's assertion that *'the view from the existing cul de sac in the direction of the proposed dwellings is limited by topography, since the ground falls away'*.
- The Planning Department's conclusion is accurate- the proposed development would be detrimental to the visual amenity of the green belt.

The original report has been amended as follows:

Paragraph 13 of the original report states: *United Utilities have no formal objection to the proposals however paragraph 36 states United Utilities have control over the Aqueduct and have objected to the proposed development. Paragraph 40 goes on to state The Council is not satisfied that the proposal will not impact on the Thirlmere Aqueduct which runs through the site*

United Utilities did originally object to the application however following the receipt of the amended plan detailing the easement United Utilities confirmed that they have *no formal objections to this application; however they still have reservations regarding the practicality of this development.*

Following the receipt of the amended plans a further letter of objection was received raising concerns in respect of this easement. These were forwarded to United Utilities who have confirmed that they have no objection to the proposal provided that the following **conditions** are met: -

The Thirlmere Aqueduct crosses the site and we will not permit building over it. We will require an access strip with a width of 10 metres, 5 metres either side of the centre line of the pipeline, for maintenance or replacement. Please refer to and adhere to the standard conditions for works adjacent to pipelines. The exact location and depth of the pipeline will need to be determined prior to works. Depending on the depth of cover in order to comply

with the standard conditions, plots 2 and 3 (which are proposed to be immediately adjacent to our 10m easement) would require extremely deep footings/ Foundations e.g. 1m cover would result in a required depth of approximately 5.5m 2m cover requires approximately 6.9m as per plans in the attached standard conditions. I therefore request a condition to be attached to the planning application stating that the construction details must be approved in writing by the local planning authority prior to any development taking place. Such a scheme shall be constructed & completed in accordance with the approved plans.

Such issues could be dealt with via condition on any positive recommendation.

Paragraph 17- the applicant has raised concerns that paragraph 17 states *The applicant has not undertaken this exercise and therefore this proposal is contrary to Local Plan Policy HS6 f) and paragraph 24 states The agent advises that an assessment of other sites is presently being prepared.* An assessment in respect of this Policy was however submitted in December.

This has been reviewed by Planning Policy who have confirmed *that there are no suitable and/or available allocated housing sites in Chorley Town* and that of the alternative sites listed within the assessment *these are not appropriate alternatives to the proposed development of the subject site.* As such it is considered that the submitted assessment demonstrates that there are no other suitable sites for this development within the area.

Planning Policy did consider that the report could be further strengthened by an analysis of previously developed land that does not have planning permission. In this regard the agent for the application has undertaken an assessment of whether there are any suitable and available previously developed sites in Chorley North East ward. Planning Policy consider that *this assessment has not found any suitable and available previously developed sites in the local area.* Although it is noted that Policy HS6(f) refers to settlements rather than wards, in this case the assessment is considered to be sufficient and adequately addresses the Policy requirements.

Paragraphs 33, 34 and 40- the applicant has raised concerns with the contents of these paragraphs. He considers that *they have submitted evidence that the proposed dwellings would be in keeping with the existing Great Knowley estate in general and with Sutton Grove in particular both in terms of their appearance, their garden sizes and their spacing. It is the case the proposed development would provide pleasant homes which would be a positive addition to the estate and not at all harmful to its character. we realise that it has been the case with many previous development in residential gardens that houses have been crammed into the available space, resulting in a development out of character with the surrounding area and detrimental to it. The current proposal is not of that nature and this fact should be acknowledged. Furthermore the existence of natural boundaries, with the land falling steeply away immediately to the east, and the position of the Thirlmere Aqueduct and its well, to the south of the proposed development, mean that no subsequent further development would be feasible, so there would be no pressure to allow any.*

The applicant considers: *the proposed dwellings would be at a lower elevation than adjacent existing buildings. As seen from the green belt they would be against the background of the existing buildings and lower than them. The character of the view from the green belt towards the Great Knowley Estate would not be significantly changed by the proposed development. Looking in the opposite direction, the view from the existing cul de sac in the direction of the proposed dwellings is limited by the topography, since the ground falls away, and by the existing buildings at 11 and 13 Sutton Grove. It is not the case that this view would be significantly affected by the proposed development. The statement in paragraph 34 that the proposed development would be detrimental to visual amenity is*

incorrect as is its repetition in the conclusion in paragraph 40 and the recommendation reason 2.

ITEM 4C - 11/00934/REMAJ**PARCEL F3 BUCKSHAW CENTRAL AVENUE, BUCKSHAW VILLAGE****The recommendation remains as per the original report**

A meeting was held on 12 January with Council planning officers, representatives of Barratt Homes and Councillor Perks, at which the matter of changing the road layout and access was discussed. A summary of the issues relating to proposed layout explained at the meeting is below.

Buckshaw Masterplan

In accordance with the Buckshaw Masterplan, the roads Bryning Way and Holland House Way, on the adjoining, already developed, parcels were constructed so as to link to the roads that would be built on Parcel F. They were designed specifically to accommodate the levels of traffic that would be generated by the development of Parcel F.

The Masterplan provides for a high level of permeability (connectivity and route options) on Buckshaw. National and local planning policy relating to new development and urban design also seeks high levels of permeability. Even if vehicular access to from Parcel F to Bryning Way and Holland House Way could be viably removed from the scheme, there would be no possible policy justification to restrict pedestrian and cycle access.

Turning Heads

As Bryning Way and Holland House Way were designed to be connected, no turning heads were built at the points where they presently terminate. As there are now occupied houses around these points, turning heads could no longer be constructed. Without such heads, the roads could not meet the standards necessary for them to be adopted and, therefore, maintained or managed by the Highway Authority as planned.

Constructing a road connecting Bryning Way and Holland House Way, but without any link to the houses on Parcel F

Whilst providing permeability and allowing Bryning Way and Holland House Way to be adopted, this option would not be viable for the following reasons: -

- it would mean that the whole Parcel F development would have to be served by a single cul-de-sac running off Main Street. Such a cul-de-sac would be unacceptable in planning or highways terms (see next point for details);
- it would make it impossible to meet the criteria required to receive the Homes & Communities Agency (HCA) funding (approximately £2 million) for the affordable housing. To receive this funding it will be necessary to have the affordable housing element of the scheme, including the road connecting it to the wider road network, completed by June. This can only be accomplished by constructing the affordable housing and the road serving it before other parts of the scheme. The fact that the HCA funding is available is a local financial consideration in favour of the proposal.

Providing a single cul-de-sac road running from Main Street to serve all 53 homes proposed for Parcel F

This would be unlikely to be acceptable in planning terms as it would fail to meet permeability and Masterplan standards. It is also unlikely that such a solution would be acceptable to Lancashire County Council Highways, for example, the exploratory design of

such a cul-de-sac by Barratt showed that it would have to exceed the 250m cul-de-sac length limit required for emergency services access.

To propose any changes to the proposed scheme at this point would require further public consultation to be undertaken, which would be very likely to generate objections to any proposed changes. Changing the proposed road layout would, for example, disadvantage residents of Bryning Way and Holland House Way who bought their homes fully expecting the presently proposed connections to be implemented in accordance with the Masterplan provisions, thereby improving connections from these roads. The same residents would be affected if these roads could not be adopted by the Highway Authority. If a single cul-de-sac was proposed for access to the proposed development, residents to the north of Parcel F may well object to the fact that all traffic from the 53 new homes would be forced to use Main Street.

As previously indicated, the HCA funding is dependent on completing the affordable housing element of the proposal by June. This is likely to be impossible if changes to the scheme are proposed at this stage and further consultations undertaken. Members are asked to note that the HCA funding is a local financial consideration weighing in favour of the proposal.

The following conditions have been added:

A scheme detailing the routing of construction traffic so as to minimise disturbance on adjoining residential roads must be submitted to and agreed in writing by the Council within 14 days of the date of this permission.

Reason : To minimise disturbance to occupiers of nearby dwellings during the period of construction.

Details of the landscaped buffer between the site and houses on Bryning Way to be submitted and agreed in writing by the Council prior to finalisation of the boundaries to the new dwellings adjoining the south of the site.

Reason : To ensure the amenity of neighbouring occupiers.

**ITEM 4D-11/00837/FULMAJ
SITE 7 AND 9, BUCKSHAW AVENUE, BUCKSHAW VILLAGE**

This application has been withdrawn from the agenda.

A letter has been received from the agent for the application, dated 13th January, requesting that the application is withdrawn from the agenda. This is due to the fact that since the application's submission in September 2011, Evander Properties have been in discussion with potential occupiers of the development. Discussions are now at an advanced stage with a specialist parcel delivery organisation who have, in principle, committed to leasing a substantial part of the proposed development to provide a new mail distribution centre. This results in amendments to the scheme which will be subject to reconsultation. Amended plans have not yet been formally submitted however they are expected this week.

ITEM 4E- 11/00871/FULMAJ – FORMER INITIAL TEXTILE SERVICES)

The recommendation remains as per the original report that planning permission be granted subject to the signing of a S106 Legal Agreement.

Members should note that the site plan included in the agenda pack has now been superseded by a site layout (see presentation) which has revised the road layout, parking arrangements and interface distances. The number of dwellings on the site has also been reduced from 42 to 41. The amended site plan has been the subject of public consultation.

The applicant has also made further amendments to this site plan to increase the interface distances even further between the property on plot 1 and the terraced properties on Harpers Lane to 21m which now accords with the Council's Spacing Standards. Plot 1 will also have a garden in excess of the required 10m. The interface distances between plots 20 – 28 and the properties on Larch Avenue have also been increased so as all of the proposed dwellings have 10m long gardens and the first floor window to window distance will now exceed the minimum 21m distance. The interface between plot 29 and 36 Larch Avenue has also been increased so as there is 21m between first floor windows. The amended site plan also shows the existing Lime tree adjacent to plot 29 being retained (and pruned if necessary). Given the interface distances have been increased, there will not be any prejudice to the neighbours as the relationship will be further improved over the plan upon which consultations were based hence it has not been necessary to consult on the further amended site plan. Likewise, the changes to the internal parking and road arrangements will not have any prejudice on the neighbours.

In terms of plot 1, as a result of this property being moved forward, the drive in front of the garage is now only 4m which is not sufficient to enable a vehicle to pull fully off the road. A condition is therefore added requiring the dwelling on plot 1 not to have an internal garage and provision to be made within the curtilage of the property for there to be 3 no. off road parking spaces utilising the space available.

A further letter of objection has also received setting out the following issues:

- Several interface distances between existing and proposed dwellings do not accord with the Council's Spacing Standards
- Plot 1 does not accord with the required 21m interface distance
- Some of the internal interface distances fall short of the Spacing Standards
- The garage for plot 1 is inaccessible
- 19A Botany Brow has a kitchen window which would be 17.3m from the rear elevation of plot 17
- Plots 32 to 25 are very close to the road
- There are inconsistencies with the sizes of the parking bays
- The footpath in front of plot 29 disappears into the turning head
- The turning head adjacent to plot 29 is non compliant
- Has a swept path analysis been done?
- Some of the dwellings have different dimensions to the elevations
- The proposal is not in accordance with LCC (Highways) guidance, Manual for Streets and the Council's Design SPG

In terms of the objections raised, LCC (Highways) do not have any objections to the site layout on the basis of the amended plans as the turning head adjacent to plot 29 has been extended by 1m and the parking spaces serving plots 30 and 31 are now accessible from both sides.

With regards to the window in 19A Botany Bay, this is a secondary window to the kitchen and the Spacing Standards state that the 21m window to window distance relates to first floor windows so this relationship is considered to be an acceptable one.

It is acknowledged that the internal interface distances (frontage to frontage) are under the 21m specified in the Council's Spacing Standards. However, the internal layout does reflect some of the terraced streets in the locality and privacy distances in terms of rear gardens are still acceptable. On the issue of street widths, pages 52 and 53 of Manual for Streets state that there are no fixed rules for street widths and that frontage distances typically range between 12m to 18m for a typical residential street, as is the case here so the frontage to frontage distances in this case are considered to be acceptable.

No further letters of support have been received.

The following consultee responses have been received:

LCC (School Places & Planning) advise that on the basis of a reduction in dwelling units from 42 to 41, the same contribution is still required towards school places.

LCC (Archaeology) do not raise any objections to the application.

LCC (Highways) advise that the proposed site layout is acceptable subject to a 1m extension to the turning head adjacent to plot 29 and the provision of turning facilities to serve plot 31. The applicant has now extended the turning head and amended the access arrangements so as the parking spaces serving plots 30 and 31 can be accessed from both sides.

The Police Architectural Liaison Officer recommends that the properties are built by Secured by Design standards to prevent burglary and vehicle crime. The boundary treatments to the proposed dwellings are acceptable. There are some concerns with parking arrangements for certain plots where the parking spaces are at the side of a gable end and parking spaces should ideally be at the front of the properties to allow for good natural surveillance so in these circumstances, first floor gable end windows are crucial to maximise the opportunities for natural surveillance. Plot 29 also details parking on hardstanding and next to the substation so this area must be well lit within the street lighting scheme. Planting on and around the scheme must not restrict the opportunities for natural surveillance or create areas of concealment for potential offenders eg low level to 1m. Should this development seek formal Secured By Design accreditation checklists and further Secured By Design advice can be sought from the Constabulary Architectural Liaison Officer

In terms of the Architectural Liaison Officers comments, house type A has first floor windows in its gable end which overlook the parking areas at the sides of these property types. House type D does not have gable end windows but the parking areas of these properties are all overlooked from windows in other properties either in the front of gable end so these parking areas also have natural surveillance. The parking area originally proposed at the side of plot 29 has now been moved to the front of this plot so the parked cars will now be overlooked from windows in the front of the property thus addressing the concerns of the Architectural Liaison Officer. The planting details will be secured through the landscaping condition and input from the Architectural Liaison Officer can be sought when the details are submitted for consideration.

The following conditions have been amended to reflect the amended site plan; to include the on-street parking spaces which will also serve plots 19, 20 and 30, and to address the sub-standard parking space proposed in front of the integral garage for plot 1.

The approved plans are:

Plan Ref.	Received On:	Title:
Drg No. 003 Rev B	16 th November 2011	Location Plan
Drg No. 002 Rev A	6 th December 2011	Topographical Survey
Drg No. 003 Rev J	13 th January 2012	Site Plan
Drg No. 10 Rev A	13 th October 2011	House Types A & B
Drg No. 11 Rev C	22 nd December 2011	House Types C & D
Drg No. 13 rev B	19 th December 2011	Wall / Fencing Types
Drg No. 004 Rev C Elevations	22 nd December 2011	Proposed House

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

Prior to the first occupation of the dwellings on plots 10, 11, 19, 20 and 30, the car park and vehicle manoeuvring areas shall associated with these dwellings shall be surfaced or paved, drained and marked out all in accordance with the approved plans. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

Notwithstanding the details of plot 1 on the site plan (Ref No. 003 Rev J) and the plans of house type C (Ref No. 011 Rev C), the dwelling on plot 1 shall not include an integral garage and provisions shall be made prior to its first occupation, for the parking of 3 no. vehicles at the side of the property based on plans of the car parking spaces and floor plans of the property showing the integral garage removed, which have first been submitted to and approved in writing by the Local Planning Authority. The dwelling and its plot shall only be constructed in accordance with the approved plans.

Reasons: The parking space in front of the garage is not of sufficient length to enable a vehicle to pull safely off the highway, in the interests of highway safety, to define the permission and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

ITEM 4F- 11/00892/FUL – INITIAL TEXTILE SERVICES

The recommendation remains as per the original report.

The following consultee responses have been received:

LCC (Highways) advise that the plans detailing the access are now acceptable and suggest the attachment of an informative (see below) and that full layout and constructional details of the access will be required.

Please Note: This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Manager South 01772 538560 or writing to the Area Manager South, Lancashire County

Council, Cuerden Way, Bamber Bridge, Preston PR5 6BS quoting the planning application number.

The following additional condition has been added: as a result of the comments from LCC (Highways).

The development hereby permitted shall not commence until full constructional and layout details of the access (notwithstanding the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The access shall only be constructed in accordance with the approved plans and retained and maintained as such at all times thereafter.

Reasons: In the interests of highway safety, to define the permission and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

ITEM 4G - 11/01062/FUL - LAND EAST & ADJACENT TO 99 LAKELAND GARDENS

The recommendation remains as per the original report.

The following additional condition has been added:

Details of the proposed fencing, gating, boundary treatments and landscaping to be used shall be submitted and agreed in writing by the Council prior to installation.

Reason : In the interests of clarity, efficient operation of the Centre and neighbourhood amenity.

ITEM 4I - 11/00977/FUL - BARRATT HOMES DEVELOPMENT, PILLING LANE, CHORLEY

The recommendation remains as per the original report.

The following additional condition has been added:

The bottom of the rear roof light windows shall be positioned at least 1.7m above floor level in the second floor rooms.

Reason : To ensure that there is no undue loss of privacy for the occupiers of neighbouring dwellings.

ITEM 4K - 11/00874/FUL – 41 WIGAN ROAD, EUXTON

The recommendation has been changed as a supplemental agreement to the original S106 agreement for the outline permission (Ref No. 08/01052/OUTMAJ) is required. The recommendation is now that planning permission be granted subject to the signing of a supplemental S106 agreement.

The following condition has been amended: as the original materials condition on the report is changed to a pre-commencement condition as the applicant no longer to use the type of brick specified on the plans.

The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding the materials specified

on the approved plans) 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.

The original report has been amended as follows:

Paragraph 22. The original outline planning permission approved in 2008 (Ref No. 08/01052/OUTMAJ) included a S106 agreement requiring the payment of a commuted sum towards off site play space. This commuted sum related to all 12 dwellings and comprises of a single lump sum. A supplemental agreement to the original S106 agreement is therefore required to link this latest application to the original outline application to secure payment of the commuted sum.

ITEM 4L- 11/00989/FUL – JUMPS FARM, 147 SOUTH ROAD, BRETHERTON.

The recommendation remains as per the original report that planning permission be granted subject to conditions.

An amended site location plan has been received since the publication of the Committee Report which addresses a number of concerns in relation to off-road parking provision.

An additional 4 letters of objection have been received from neighbouring residents setting out the following issues – some of these are addressed in the report, others in this addendum

- Neighbour nuisance has been present at the site for some time;
- The site is within the Bretherton Conservation Area which should remain largely undisturbed;
- The B5247 is the main route for many HGV's and is heavily trafficked at all times;
- Many properties on South Road have no off-road parking faculties;
- The latest application will result in an increase in commercial vehicles to and from the site;
- The access to Jumps Farm is not particularly wide and vehicles related to the landscaping business often have difficulty in entering and leaving the site, temporarily blocking the road;
- The access is directly opposite a thriving village primary school, with breakfast club and after-school facilities, operating from 08.00am until 18.00pm daily;
- The increase in traffic will be a real danger to both pupils and parents and the road safety hazard is most relevant to the proposed permission;
- The removal of the occupancy condition will result in a material change in the character of the use of the Jumps Farm planning unit;
- Unrestricted hours of operation at the site will generate vehicular movements which will cause material harm to the amenity of local residents;
- The application should be assessed as if it were an application for Change of Use of Building A for office use unconnected with other activity being conducted at Jumps Farm;
- Issues of traffic generation / highway safety and on-site car parking should be considered;

- The application should be refused or withdrawn until details of foul drainage, hours of operation and highways have been fully considered;
- An hours of operation condition is essential and meets all six tests for planning conditions as outlined in Circular 11/95;
- The banging of car doors will cause detrimental harm if allowed to occur at any time, day or night;
- Proposed foul drainage details are required to ensure a satisfactory mains drainage connection is in place prior to occupation of Building A;
- The removal of Conditions 2 and 5 removes any protection to neighbouring residents which have been applied to previous permissions;
- Building A has never been used for a workshop and it was never the intension of the applicant to use Building A solely for their own use;
- Currently up to 40 vehicles use this site which would increase further if these conditions are removed;
- The applicant's approach to development at this site has been inconsistent;
- Access and parking is of concern, particularly being sited within close proximity to the local school;
- The Parish Council did not provide comments on the application because they do not have a meeting in January.

The following consultee responses have been received:

LCC (Highways) advise the existing access to the site is sub-standard in terms of visibility sightlines and therefore any significant intensification of vehicular movements at the site should be discouraged.

However, LCC advise it is unlikely that there will be a material change in traffic levels using the site access, in which case it would be difficult to sustain a highway objection.

In terms of addressing the points raised above, it is considered appropriate to deal with the issues under the headings below:

Access / Highways / Parking

LCC Highways acknowledge that the existing access to the site is sub-standard in terms of visibility sightlines and therefore any significant intensification of vehicular movements at the site should be discouraged.

However, in determining this application it is considered a number of issues should be taken into account. Firstly, Building A is currently laid out to incorporate only two office rooms and currently benefits from planning permission to be used as an office for the applicant only. Secondly, the current application is for the removal of Conditions 2 and 5, which will still retain the building in a B1 office use.

It is considered that if Conditions 2 and 5 are removed, this will enable other office based businesses to occupy the building. However, given the restrictive size of Building A, it is considered that the vehicular activity at the site will be similar to that which could already take place if the personal permission were to remain in effect.

It is therefore considered unlikely that there will be a material change in traffic levels using the site access, in which case it would be difficult to sustain a highway objection.

With regard to parking, the applicant has submitted an amended site location plan which aims to address the proposed condition concerning allocated off-road parking provision to be used and retained in connection with Building A.

The amended site location plan now shows the proposed parking area associated with Building A (hatched red) which will be retained as parking space to be used only in connection with Building A. The parking area already comprises hardstanding and measures approximately 20m by 10m which is considered sufficient given the size of Building A. It is not considered necessary to require the applicant to mark out the parking area, provided the area remains for use in connection with Building A only. This detail would be conditioned should members resolve to grant planning permission.

It must also be considered that the proposed parking area could currently be used to park cars on and is situated over 60m from the adjacent residential property No. 149 South Road, screened by a high hedge which is greater than 2m in height.

As such, on balance of the above, it is not considered a refusal of the application could be sustained concerning highway related matters.

Drainage

With regard to foul drainage arrangements concerning Building A, during the course of the application the applicant confirmed that foul drainage was disposed of via the mains sewer. However, this arrangement has not yet been fully inspected or approved by the Council's Building Control Team.

The applicant has contacted Building Control who have carried out a preliminary inspection of the foul drainage arrangements on the 17th January 2012. However, Building Control have subsequently confirmed that further, more detailed inspections are required before the drainage arrangement can be comprehensively approved.

As such, it is considered that whilst the issue of foul drainage will be ultimately dealt with through Building Control, the drainage arrangements are yet to be approved. Therefore, it is considered that a Condition requiring the submission of details of foul water drainage details before Building A is occupied by third parties is necessary in this case. This is even more relevant in this case because (1) unlike the applicant, third parties will not have the option of using toilet facilities in the adjacent farmhouse (should there be issues with drainage) and (2) because the existing drainage arrangement has not been approved by building control before the application has been considered by members.

Therefore, subject to a pre-commencement condition requiring details of foul drainage, it is considered the above issue would be overcome.

Hours of operation

Firstly, it must be noted that the hours of operation of Building A were not restricted with the original application (10/00563/COU) as the use of the building for B1 purposes was considered to be one which would be carried out within a residential area without causing detriment to the amenity of that area.

It has been acknowledged that removing Condition 5 will result in Building A being occupied by another business, however, it is not considered any significant detrimental harm would come to the amenity of the neighbouring residents by way of activity within the building as Building A would (1) have a use that fits comfortably in a residential area, (2) incorporate only two offices and (3) is well insulated being double glazed and re-built in brick.

With reference to the comments received by neighbouring residents, these appear to be more orientated around increased noise and disturbance through an intensification of vehicular movement at the site than operations within the building itself. It has been noted that the use of the building by other business(es) will lead to some increase in vehicular movement, which with no restriction on hours of operation, could lead to car doors opening and closing at any time of the day or night. This would consequently cause a degree of noise and disturbance to neighbouring residential properties.

It has also been noted that hours of operation have been conditioned elsewhere at the Jumps Farm site. However, in such instances an hours of operation condition has been enforced because the nature of the activity within the building has been more industrially orientated.

As such, on balance of the above, it is considered reasonable and necessary to impose a condition restricting the hours of operation of Building A.

The following Conditions have been amended/added:

Condition 1 now refers to the submitted site location plan.

Condition 2 is now no longer needed and is effectively replaced with a new condition which reads:

The proposed parking area hatched red on the submitted location plan (received: 16th January 2012; Plan Ref: 1944-2) shall not be used for any other purpose other than for the parking and manoeuvring of vehicles in connection with Building A and shall be retained only for this purpose thereafter.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

The following additional conditions are now recommended:

Before Building A is first used by anyone other than the applicant (Mr S J Wignall), full details of the means of foul water drainage/disposal of Building A shall have been submitted to and approved in writing by the Local Planning Authority. Building A shall not be occupied other than by the applicant (Mr S J Wignall) until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development (details of which have not yet been approved by Building Control) and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

The use of Building A hereby permitted shall be restricted to the hours between 08.00am and 18.00pm on weekdays, between 08.00am and 13.00pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 of the Adopted Chorley Borough Local Plan Review.

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