

30 October 2012

Dear Councillor

**DEVELOPMENT CONTROL COMMITTEE - TUESDAY, 30TH OCTOBER
2012**

The enclosed report provides an update of events that have taken place since the agenda was published.

Item

Addendum (Pages 1 - 8)

Report of the Director of Partnerships, Planning and Policy (enclosed).

Yours sincerely



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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
Director of Partnerships, Planning & Policy	Development Control Committee	30 October 2012

ADDENDUM

ITEM 4a – 12/00741/OUTMAJ – Land surrounding Huyton Terrace. previously Baly Place Farm, Bolton Road, Adlington.

The recommendation remains as per the original report

No further letters of support or objection have been received.

Lucas Lane Appeal Decision

For clarity it should be confirmed that the Lucas Lane appeal decision and the findings of the Inspector during this appeal form an important material consideration in the determination of this application as many of the issues that were being considered were representative of the issues on the current application.

At the Lucas Lane appeal, the Inspector concluded that Policy DC3 of the Chorley Local Plan Review is out of date and therefore the provisions of the Framework, paragraph 14 is applicable. This paragraph states that for policies where the development plan is absent, silent or relevant policies are put of date, planning permission should be granted unless a) and adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework or b) specific policies in the Framework indicate that development should be restricted.

The Inspector also concluded that the emerging Local Plan (Formerly the Site Allocations and Development Management DPD) which was only at preferred option stage at the time of the appeal was at an early stage and should therefore be afforded limited weight. This document has now advanced and should therefore be afforded a greater degree of weight, albeit still limited. The Inspector also makes reference to objections received on the proposed allocation of the site and concludes that the weight that can be accorded to them is reduced due to the proposed phasing schedule associated with the allocation.

Applicant Correspondence

The applicant, Fox Land and Property (FLP), have raised concerns regarding the wording of the proposed phasing condition number 25. Officers are prepared to delete the condition and include a condition regarding the phasing and masterplanning of the overall site to include implementation.

FLP have confirmed their agreement to an Education contribution, however they have raised concerns regarding the data used to calculate the value of the contribution and have submitted a Freedom of Information request to LCC to allow them to examine the evidence base on which such a request is made.

FLP have confirmed their agreement to the Highways s106 contributions sought.

FLP have requested that affordable housing is dealt with through the s106 to allow for flexibility in the mix of provision rather than through a condition. Due to the late nature of this request we have been unable to discuss this issue with the Affordable Housing Manager. This can be dealt with as part of the on going s106 negotiations.

Amendments to Original Report

For the avoidance of doubt it should be noted that all amendments to the report retaining to Policy DC3 of the Adopted Chorley Plan Review, the Lucas Lane appeal decision and the weight to be attributed to the emerging Local Plan (formerly the Site Allocations and Development Management DPD) within the addendum report for application 12/00941/OUTMAJ (item 4b) below can be considered to be relevant to this application.

ITEM 4b – 12/00941/OUTMAJ – Land north of Lancaster Lane and bounded by Wigan Road and Shady Lane, Lancaster Lane, Clayton-le-Woods.

The recommendation remains as per the original report

Lucas Lane Appeal Decision

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The original report has been amended as follows:

Paragraph 43 makes reference to the RS. It should be noted that this document is extant and still forms part of the Development Plan.

Paragraph 51 makes reference to the weight to be attributed to the emerging Local Plan. In accordance with the Inspectors conclusions at the recent Lucas Lane appeal, This document can be afforded limited weight, albeit the document was only at the preferred options stage at the time of the appeal. The document has advanced since this appeal and is now undergoing consultation on the publication version. The allocation of this site has been retained throughout the plan-making process.

Paragraph 57 makes reference to the Lucas Lane appeal in his concluding comments the Inspector states that 'the Council has a small oversupply of houses compared with the Development Plan requirement and there is the requisite five years + 5% housing land supply called for in paragraph 47 of the Framework.'

Paragraph 58, the Inspector concluded that the emerging Local Plan should be afforded limited weight.

Paragraph 61 outlines the reasons why the Council considered that DC3 was in accordance with the NPPF, however given the recent appeal decisions at Lucas Lane and Clayton-le-Woods where the Inspectors both concluded that Policy DC3 was out of date, these decisions form a material consideration in the determination of this application. It is therefore concluded that DC3 can be afforded limited weight in the determination of this application.

Paragraph 68 refers to the phasing of the development. The proposed phasing conditions, to which the applicant has agreed, ensures that the application will not be brought forward prematurely and will be brought forward in accordance with the proposed phasing as set out within the emerging Local Plan.

Paragraph 80 makes reference to Masterplanning. Whilst concerns were raised during the original application in relation to this site fitted into the wider allocation, it should be noted that these did not form part of the reason for refusal. The proposed conditions will ensure that the development will not be prejudicial to the development of the overall site and will ensure that the infrastructure required for the development will be delivered ahead of the proposed development and in a manner that ensures the overall sustainability of the site, including the provision of a bus route through the site.

Paragraph 93 discusses whether there is an urgent need to release the site now. A balancing exercise needs to be undertaken in relation to the Lucas Lane appeal where it was concluded that a 5 year + 5% supply of housing had been identified and the conclusion drawn that DC3 was outdated and therefore there should be a presumption in favour of sustainable development in accordance with the Framework. On balance it is considered that the phasing condition, to which the developer has agreed, removes any harm that may be caused by releasing the site at the current time.

Paragraphs 100-106 make reference to the Community Infrastructure Levy. At the recent appeal the Inspector this as a reason for refusal. It should also be noted that this application will be making s106 contributions towards infrastructure, including school places. Therefore, whilst this application will be determined ahead of the introduction of CIL it can be concluded that the applicant is making appropriate contributions to mitigate

Letters of Objection/Support

5 further letters of objection have been received. The following *new* issues have been raised:

- Green boundaries between towns and villages are being eroded.
- There will be an increase in air pollution, light pollution and noise pollution and a general reduction in the well-being of residents

Officer response to additional issues

This site has been protected for residential development within the emerging Local Plan. It has therefore been subject to extensive consideration through the preparation of the plan. In terms of impacts on existing residents, full consultation has been undertaken on the proposal and no adverse impacts to justify refusal of the application have been identified.

Fox Land and Property (FLP), the neighbouring land owner has written in support of the proposal. They have, however raised a number of issues that they wish to be addressed, namely that the proposal 'pays its fair share of the infrastructure requirements' and that the proposal does not prejudice the rest of the allocation to be comprehensively developed. In particular the provision of a new primary school and junction requirements.

FLP do, however then clarify that they consider that a number of these issues have been resolved by the applicant, or that they are capable of resolution through conditions or the s106 agreement.

In particular, FLP consider that an Education contribution is required to support the delivery of the new primary school and that Condition 13, as proposed, is required to make the T Junction acceptable. They also consider that conditions 18 and 19 are considered necessary to deal with the issues above, but have suggested that these conditions are amended to include the following 'Phase 1 (land covered by application ref 10/00414/OUTMAJ Appeal Ref: APP/D2320/A/10/2140873).

HCA have responded stating that their comments from the original application still stand. These can be viewed at paragraph 28 of the original committee report (Appendix A).

Highways Ownership

FLP had previously raised an issue with regard to the ownership land adjacent to the Redrow Land that would be used to undertake highways works and that this encroached into the land that they owned. FLP have indicated that this is not a matter that they wish to pursue, the matter in dispute can also be addressed within the s278 agreement with the Highway Authority where a layout will be designed at that stage.

Consultation Responses

United Utilities have raised no objection to the proposal but have made comments relating to the drainage of the site, the ability of the public sewer to cope with the development and the destination of drainage from the site. They have made a number of recommendations with regard to conditions to be attached should planning permission be granted. Conditions relating to drainage that covered these issues have already been proposed.

Affordable Housing Manager – has commented on the proposal, the Affordable Housing Statement submitted and the draft heads of terms and has commented that notwithstanding the details submitted, the following mix would be sought:

If 30% - total 48 affordable homes:

34 homes Social rent and 14 x Intermediate sale

Types :

Social rent: 4 x 1bed 2 person flats ,24 x 2bed 4 person houses , 6 x 3bed 5person houses

Intermediate Sale (preference for shared ownership): 4 x 2bed 4 person houses and 10 x 3bed 5 person houses

With regard to the flats, they AH Manager comments that they consider the assumption of the preference for flats to not be the situation within this location and that only a small number of 1 bed flats would be sought due to lack of popularity and difficulties of management.

Conditions

The following condition relating to open space has been added:

Prior to the commencement of the development, full details of a Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. It shall detail the parts of the site they will be responsible for. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the open space in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

Condition 1 has been amended as follows:

Before the development hereby permitted is first commenced, full details of the reserved matters to be approved (namely the siting, design, landscaping of the site and the external appearance of the dwellings) shall be made to the Council before the expiration of five years from the date of this permission and the development hereby permitted shall be begun three years from the date of Reserved Matters approval.

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.

Condition 22 has been amended to read as follows:

Prior to the first occupation of the development hereby permitted, the Travel Plan Coordinator should be appointed and their contact details supplied to the Planning and Highways Authority. The first residents Travel Survey shall be conducted within three months of 40% site occupation and a Full Travel Plan submitted to the Local Planning Authority within three months of the first residents travel survey. The Travel Plan shall include objectives, targets, measures to achieve, monitoring and implementation, timescales and continue with the provision of a Travel Plan Coordinator. The approved plan(s) will be audited and updated at regular intervals and shall be carried out as approved.

Reason: to ensure that the potential impact of additional vehicle flows generated by the development on the Trunk Road Network, in particular at Junction 28 of the M6 motorway, is minimised.

Condition 12 has been amended to relate to the phasing of the development, as follows:

All seeding, planting and turfing comprised in the approved details of landscaping as set out in condition 10 shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the phase of development to which the landscaping relates, whichever is sooner. Any trees or plants which within a period of five years from the completion of the phase of development to which they relate 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 interests of the appearance of the locality, in accordance with Policy GN5 of the Chorley Borough Local Plan Review and Policy 17 of the Adopted Central Lancashire Core Strategy.

Condition 2 has been removed as these issues can be dealt with through the s106

Condition 28 has been removed as phasing is considered under Condition 16.

Condition 10 has been amended to remove reference to tree protection measures which are dealt with in condition 17.

General Condition Issues

The previously proposed condition relating to phasing has been removed as following legal advice, it is considered that the conditions relating to the provision of infrastructure negate the need for a specific condition relating to phasing as these will ensure that ten development is brought forward in accordance with the phasing schedule within the Emerging Local Plan.

In terms of the conditions suggested by United Utilities, conditions relating to drainage had already been proposed which cover the requirements put forward by United Utilities.

Condition 18 has been amended as follows:

Prior to the first occupation of any dwelling hereby permitted a scheme for the provision of a bus route(s) through the site shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

The route(s) for the movement of buses between the site access, Phase 1 (land defined by application refs: 10/00414/OUTMAJ and 11/01085/OUTMAJ and appeal ref: APP/D320/A/10) and the wider masterplan area,

The specification of the estate roads carrying the bus route, including details of public transport infrastructure

The vertical and horizontal alignment of a vehicular link between Phase 1 and 2.

The phasing and timing of provision of the bus route(s), including its adoption as a public highway.

Reason: To ensure a seamless link for the movement of buses at an early stage.

Condition 19 has been amended as follows:

Reserved Matters submitted pursuant to Condition 1 shall include details to demonstrate how the development will provide vehicular and pedestrian connections through to adjacent land (land defined by application refs: 10/00414/OUTMAJ and 11/01085/OUTMAJ and appeal ref: APP/D320/A/10) including the opportunity to provide a bus route through the site and footway/cycleway links to the east.

Reason: to ensure a comprehensive development of the area and satisfactory links to improve the accessibility of the site.

Further to the request from FLP to include the references to applications approved at the 'phase 1' land a subsequent s73 application on that site has been referenced for clarity.

Neighbour Responses

For clarity, the following objection issues that may not have been covered in the original report are outlined below:

The proposal will not impact upon the Biological Heritage Site, this has been confirmed by LCC Ecology who undertook a comprehensive review of the original application. They also confirmed that the site does not support Great Crested Newts.

The Inspectors Report at Lucas Lane cannot be dismissed and forms a material consideration in the determination of this application.

In terms of Highway related concerns, these proposals have been fully assessed by LCC Highways who have no objections to the proposals subject to the addition of conditions, s278 works and s106 contributions that the applicant has confirmed agreement to.

In terms of flood risk, the Environment Agency confirmed on the original application that they have no concerns to the proposal in relation to flood risk subject to a number of conditions being applied should the application be approved.

With regard to the impact on house prices, this is not a material planning consideration.

In terms of no rented homes on the site, this is not a material planning consideration, nor can it be controlled through the planning process.

ITEM 4c – 12/00655/FUL – 10 Blacksmith Walks, Buckshaw Village, Chorley.

The recommendation remains as per the original report.

No further letters of objection have been received and no further letters of support have been received.

ITEM 4d – 12/00802/FUL – The Brook House, Barmskin Lane, Heskin, Chorley.

The application has been withdrawn.

ITEM 4e – 12/00037/FUL – South Miry Fold Farm, Briars Brow, Wheelton.

The recommendation remains as per the original report.

1no. additional letter has been received setting out the following issues:

- The objector is not sure the overlooking issue has been fully addressed in relation to the barn or dwelling at Miry Fold Farm. The report suggests the window would be 40m away which it is not. The barn and adjacent site would be overlooked by the proposed window causing significant detrimental harm. This window should be removed or be made opaque to minimise the impact on the occupiers of Miry Fold Farm and the future occupiers of the barn.
- The occupier of Miry Fold Farm will not come to an agreement with the applicant concerning the access arrangements.
- Discussions with Lancashire County Council (LCC) Highways have raised issues of vehicle speeds on Briars Brow, however, these discussions make no mention of the required visibility splays.
- The required visibility splays have been reduced from 90m to 60m and there is no explanation as to why.
- There is no need to create additional hardstanding as the site is regularly accessed by tractors. The additional hardstanding would look like a tarmac car park.

Officer response

With regards to the issues concerning possible overlooking of Miry Fold Farm, this is with respect to the proposed first floor window in the eastern gable end of the converted barn serving bedroom 4. The Council's adopted interface distances state that windows to habitable rooms at first floor

level should be a minimum of 21m from any such facing windows in neighbouring houses and should be 10m from the boundaries they face.

The proposed first floor window would be significantly more than 21m from any first floor windows of habitable properties at Miry Fold Farm and significantly more than 10m from the site boundary. This has been established because the proposed first floor window would be approximately 25m to the eastern gable end of South Miry Fold Farmhouse, which is significantly within the site boundary in an easterly direction.

As such, it is considered the proposed first floor window would conform to the Council's adopted interface distances and would not result in significant detrimental harm to the amenity of Miry Fold Farm or its associated buildings to warrant refusal of the application on these grounds. Additionally, it is not considered reasonable to require an obscure glazing condition on this window when it meets the relevant interface distances.

With regard to highway related matters, it must be noted that this application only seeks permission to vary the approved plans and does not formally seek permission to vary Condition 6 (relating to highways). This was the decision of the applicant. The issues of land ownership at the site access are a private matter between the respective parties.

The informal discussions held with LCC Highways do not form consideration as part of this application as condition 6 (relating to highways) has not been formally varied.

There is no record on any previous application file as to why the required visibility splays were reduced from 90m to 60m in respect of the required access alterations. However, the previously approved plan in respect of condition 6 shows visibility splays of 60m and so it is proposed to re-impose this plan with this Section 73 application.

With regard to the proposed hardstanding, this would link an existing hardstanding area to the proposed garage doors on the west elevation of the converted barn. The site will ultimately form a group of residential properties and so this hardstanding is considered reasonably necessary for the site to function effectively. The hardstanding is not considered to be inappropriate development within the Green Belt in accordance with the NPPF and is not considered to result in any significant detrimental harm to the openness of the Green Belt to warrant refusal of the application on these grounds.

The original report has been amended as follows:

Paragraph 48 makes reference to traffic calming measures to be secured through Section 106 Agreement. However, such traffic calming measures would actually be secured through a 278 Highways Agreement as the alterations would relate to the public highway.

ITEM 4f – 12/00787/REMAJ – Land north east of Buckshaw Hall and bounded by Buckshaw Avenue and Ordnance Road, Buckshaw Village, Chorley.

The original report has been amended as follows:

The County Highway Engineer is satisfied with the swept path analysis that has been carried out by the applicant and does not wish to raise an objection to the application.
