

COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	13/01/09	

ADDENDUM

ITEM 3(d): Minutes

Following the resolution to approve, subject to the signing of the Section 106 Agreement, planning application 08/01079/OUTMAJ- Radburn Works, Sandy Lane, Clayton le Woods, the following conditions have been amended under delegated powers (the amendments are highlighted):

17. Prior to the commencement of the development hereby permitted the further investigation works and any proposed remediation shall be carried out in accordance with the recommendations set out in the submitted Geo-Environmental Assessment Report prepared by Brownfield Solutions Ltd (reference AJH/C1307/865) and in accordance with a suitable remediation strategy. The further works shall include a complete gas monitoring programme to adequately characterise risks to the proposed end users from ground gases; installation of suitable gas protection measures **(where required)**; investigation of the extent of hydrocarbons and of peat to identify removal or treatment as required; **where the remedial strategy dictates** import clean cover into garden and landscaping areas (600mm and 450mm respectively) and validation of cover system. The further works and suggested remedial measures recommended in Section 9 and 10 of the submitted report.

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 and in accordance with Government advice contained in PPS23: Planning and Pollution Control

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out **on the area of land affected** until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 and in accordance with Government advice contained in PPS23: Planning and Pollution Control

ITEM A1: 08/01098/REMMAJ. Land South Of Buckshaw Avenue Buckshaw Avenue Buckshaw Village Lancashire. Reserved matters application for the erection of 84 apartments and 24 dwelling houses at the Southern Commercial Area, Buckshaw Village.

The following conditions have been amended as follows:

6. The development hereby permitted shall not commence until general details of the colour, form and texture of all external facing materials to the proposed buildings (notwithstanding any details shown on the 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 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.

7. The development hereby permitted shall not commence until general 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 and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2)(England) Order 2008, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwellings hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

ITEM A2: 08/01100/REMAJ. Reserved Matters Application for the Southern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking, related infrastructure and landscaping.

Conditions 2 and 13 of the recommendation has been amended as follows:

2) Within two months of the commencement of the development or within a time period previously agreed in writing by the Local Planning Authority a scheme for the phasing of the development (including infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show:

- in which phase completion of highways and marking out of highways and parking areas will occur.

The development shall be implemented wholly in accordance with the submitted and approved phasing plans referred to above unless otherwise agreed in writing by the Local Planning Authority.

Reason: The scale of the development and mixed-use format will result in the sequence of construction being linked to the economic opportunities of filling each phase. The Local Planning Authority in granting consent must ensure that the development and its implementation is effective from a highways and public use perspective and creates a sense of place throughout the development.

13) With the exception of the supermarket (Unit 1), none of the units (2-13) hereby permitted shall be used for Class A3-5 uses (where different to the approved plans) without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the nearby residential properties.

The following condition has been attached to the recommendation:

17) The principal use of the food store (Unit 1), shall be for the sale of convenience goods and no more than 25% of the net floor space of the building shall be used for the display and sale of comparison goods. Notwithstanding this no part of the food store shall be used as a Post Office. (Convenience goods are defined as food, non-alcoholic drinks, tobacco, alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods

are defined as all other retail goods. Both definitions are in accordance with the Experian's Retail Planner Briefing Note 6.0, Paragraph 1.5 October 2008)

Reason: In the interests of the vitality and viability of the neighbouring shopping centres. In accordance with Government advice contained in PPS6: Planning for Town Centres.

ITEM B1: 08/01107/FUL. Erection of two detached dwellings

Since the report was written further correspondence has been received from LCC Highways regarding the proposals. The Highway Engineer comments that the application is straightforward and they have no comments to make. He goes on to make the following comments: the sightlines are excellent and certainly meet requirements. As Bramblewood is a shared surface road it was designed to encourage very low speeds. As both pedestrians and vehicular traffic use the same way, the aim is to have vehicle speeds at 5mph, and the real speed is not much higher. Even with the addition of these two extra properties, the maximum number of dwellings that can be served by an accessway will still not be exceeded. The suggestion that access off Station Road should have been considered was not submitted, but guess that it would be difficult to achieve satisfactorily. He suggests that Bramblewood would be a better point to access the highway network. Finally, he comments that he knows the site and its history well, along with Station Road, as he was the engineer got the original Bramblewood development.

ITEM B2: 08/01171/FUL. Revised elevations to previously approved house.

A petition from six adjoining properties has been received raising the following issues

- The development would adversely affect the privacy of immediate properties due to unacceptable overlooking
- If the existing high fence were to be removed when construction work is complete this would result in all privacy being lost
- The Committee should uphold its previous decision not to allow further changes to the house

The above comments do not overcome the fact that the proposed windows are not in conflict with the Council's adopted design guidance and with conditions concerning obscure glazing, there will be no unacceptable loss of residential amenity. Removal of permitted development rights is the means by which Local Planning Authorities can gain control in situations such as this where the dwelling is at the maximum of site coverage. It does not automatically follow that further changes will not be allowed as they must be considered on their individual merits.

ITEM B3: 08/01189/COU. Retrospective application for change of use of property from residential to mixed use residential and office (B1), for a further 2 years.

Two further letters of objection have been received. The reasons for their objection can be summarised as:

- Windsor Road is a residential street with parking problems already acknowledged by the Council;
- Parking for residents during the day is difficult at the best of times without the extra cars from the business parking on the street, not at 22a;
- It was advised that alternative business premises were being sought, this does not seem to be the case with an application being made for 2 years. If the business expands and more employees are recruited then increased parking problems will occur;
- If granted, a precedent would be set and increased inconvenience for the residents will occur;
- Never more than 1 or 2 cars park at 22a all the rest park in the street;
- They can see no reason why a business needs to operate from a residential street and hope the Committee reject the application;
- The Design and Access statement says that "the property is capable of sustaining its day to day parking requirements within its own curtilage", which it is, however, not all employees are currently using these spaces. More often than not at least 1 and very often 2 of the employee's cars park at the side of their property (no. 11 Windsor Road). This has been the case for at least the last 12 months, even when there is parking space available within the curtilage of 22a or closer to the property, these cars still seem to park at the side of their property. This sometimes causes problems with their own parking and quite often there is nowhere available for their husband to park when he returns from work until these cars have moved at the end of their working day;

- The Design and Access Statement states that Xyone never has any clients coming to visit the premises on Windsor Road. However, on several occasions people have been seen visiting the premises for short periods of times which would suggest that they are clients or customers;
- Furthermore the supporting statement states that "it is critical that a small yet well respected IT company such as ours must locate an appropriately modern looking office building in a well respected forward looking commercial area in order to create the correct impression for our existing and future customers". This suggests that visitors are an important part of Xyone's business therefore these two statements appear to contradict each other;
- As residents of Windsor Road they agree that the main problem with allowing the use of 22a Windsor Road to be mixed residential and business use is the parking issue. Therefore they would like to be assured that as residents of Windsor Road their ability to park within the vicinity of their property would not be affected by the granting of planning permission to 22a Windsor Road.

ITEM B4: 08/01134/FUL. Erection of 2No. detached houses and 2 detached bungalows and new means of access.

It should be noted that the description of the application has been amended to reflect the amended plans submitted for consideration by the substitution of two bungalows for the originally proposed houses. The County Highway Authority's Principal Engineer has now confirmed their comments on the proposed access as follows:- "The Team Leader and myself had a meeting with the client on the 4th November 2008 and have agreed all issues in principle with the Architect. We have no highway objections."