

C O M M I T T E E R E P O R T		
REPORT OF	MEETING	DATE
Director of Planning and Development	Planning Committee	15 June 2021

  

<b>ADDENDUM</b>
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**ITEM 3b - 20/00149/FUL – Land 60M West Of No. 3 Castle Walks, Croston**

**The recommendation remains as per the original report.**

**The report is updated as follows:**

**2no. further objections have been received as below:**

- Considerable work has already been carried out on this site, comprising:
- Clearing of trees not included in notification 20/00992/TCON.
- Considerable reprofiling by excavation and the laying of a large area of hardstanding.
- Storage of heavy plant machinery on the site.
- Considerable disruption to local residents moving heavy plant over the unadopted section of Yarrow Close.
- Amendments to the plans dated 26/1/21 were not notified to residents
  
- The accompanying case officer report clearly sets out the reasons why the application is contrary to local and national policies and why it should be refused. I repeat my previous objection for the reasons ably set out in your officer report.
  
- Members are of course not bound to follow your recommendation; after all the reasons why more sensitive planning applications are determined by committee is so that they can be debated properly. Were the planning committee to go against your recommendation there must be good reason to do so and those reasons clearly identified and articulated (see for example The Lawyers in Local Government Model Council Planning Code and Protocol). This must especially be the case here, as little weight can be given to the benefits deriving from the delivery of a single "high end" dwelling.
  
- Additionally, if members of the Planning Committee were minded to approve the application I would ask that their attention be especially drawn to the potential for significant archaeological remains and the lack of appropriate field evaluation (contrary to NPPF 189). Therefore if Members do not agree with your recommendation for refusal, then clearly the decision should, at the very least, be deferred (see again The Lawyers in Local Government Model Council Planning Code and Protocol) until such field evaluation works have been carried out.

**Officer comment:**

Site clearance /excavations / hardstanding – An objection states that a number of works have recently been carried out at the site. This has been reported to reported to planning enforcement to investigate.

Amended plans and no re-notification to neighbours – as the revisions to the plans were relatively minor in the context of the scheme as a whole it was not necessary to re-notify to neighbours.

**Impact on ecological interests**

Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced in a number of ways which includes protecting, safeguarding and enhancing habitats for European, nationally and locally important species.

In their original comments the Council's appointed ecologist at Greater Manchester Ecology Unit (GMEU) advised that the submitted ecological survey provided not no assessment of the impacts of the proposal on the habitats present. GMEU have clarified that this is in relation to the site supporting swap and scrub, which are potentially valuable habitats and no mitigation is proposed for its loss. In addition, a landscaping scheme has not been submitted as part of the planning application and it would, therefore, appear that the scheme would result in a net loss in biodiversity. It is, however, considered that mitigation and biodiversity gains could be addressed by way of condition. The landscaping scheme would also need to incorporate native species and a number of suitable species for the site has been identified in the ecological report at Appendix III

The submitted ecological report identifies that the proposed development would not harm protected species interests. In particular the surveyed trees have been identified as having negligible bat roost potential and suggested bat enhancements have been provided at Appendix II of the ecological survey. Such details could be controlled by way of a suitably worded condition. In respect of Great Crested Newts the report identifies that given the isolation of pond within the contiguous landscape, coupled with poor connectivity to extending areas of suitable habitat, it is considered to be highly unlikely that this development will impact upon great crested newts. The Rapid Risk Assessment provides that an offence is highly unlikely. Himalayan Balsam is an invasive species and this has been identified at the site and measures for its control /eradication could be controlled by way of a suitably worded condition

The report identifies no evidence of use of the site by barn owl or kingfisher, however, the habitat supports nesting birds. An appropriate condition could control clearance or vegetation removal to avoid the main nesting season. The ecological report suggests a number of enhancement measures for birds and such details could be controlled by way of a suitably worded condition.

Subject to various conditions, the proposed development would not be detrimental to nature conservation interest and would accord with Chorley Local Plan 2012 -2026 policy BNE9.

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