

COMMITTEE REPORT

| REPORT OF | MEETING | DATE | ITEM NO |
|----------------------------------|-------------------------------|------------|---------|
| Corporate Director (Business) | Development Control Committee | 27/05/2008 | |

ADDENDUM

ITEM A1: 07/01426/FULMAJ- Talbot Mill, Froom Street

The agent for the application has submitted various letters from Lancashire County Council and Thomas Consulting in respect of the highway implication of the scheme. The letters date back to April 2004 and demonstrate that the applicants and the agents acting on behalf of the applicants have worked closely with the Highway's Authority in respect of the redevelopment of the Mill site.

Lancashire County Council (Highways) have no highway or traffic objections to the development as proposed and have provided the following comments:

- There were a number of issues that were discussed during pre and post application meetings which have been met in the design by the consulting engineers.
- With regards to the capacity of Froom Street and Eaves Lane the Arcady analysis shows there is plenty of capacity to spare, however there is the potential for parking at the junction when loading/unloading which could reduce the capacity particularly during busy peak periods. The Section 278 works proposed for Froom Street should also include the introduction of a No Loading traffic order to protect the junction.

Following the completion of the Committee report the agent for the application has submitted full details of the bin storage and collection and the cycle storage. The Council's Environmental Services Section has confirmed that the bin storage and collection details are sufficient and adequate. Following the submission of this information conditions 19 and 20 have been removed from the recommendation.

The wording of condition 10 has been amended slightly to read:

Prior to the occupation of the dwellinghouses hereby permitted the emergency access link from Bagganley Lane shall be constructed and operational in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to be implemented to prevent vehicular access except in emergencies and shall include details of proposed signage, details of the proposed bollards and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

The wording of Condition 12 has been amended to read:

Prior to the occupation of the dwellinghouses hereby permitted the highway serving the site and the traffic calming measures along Froom Street shall have been completed in accordance with the approved details shown on plans reference P2040/04/118A and 04/210/100/003A, or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

The condition has been amended to read 'prior to occupation' as the works involved incorporate development and as such cannot be commenced prior to development.

Condition 21 has been removed as the street lights and signage will be dealt with via a separate Section 278 Agreement with the Highways Authority.

Condition 23 has been amended slightly to read:

Prior to the commencement of the dwellinghouses on plots 70-73, 74-79, 80-85, 100-103 and 107 full details of the measures to be incorporated to protect these dwellings affected by the M61 Motorway, shall be submitted to and approved in writing by the Local Planning Authority. All work which forms part of the approved scheme shall be completed before the first occupation of the noise-sensitive dwellings and noise protection measures shall be retained thereafter.

Reason: To protect the amenities of the future occupiers of the properties affected by the motorway and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

Condition 25 has been slightly amended to read:

Prior to the occupation of the dwellinghouses hereby permitted full details of the 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. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the private driveways and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

The Friends of Healey Nab have submitted a letter raising concerns about bats on the site. The agents have forwarded the following comments in response to these concerns:

- A bat survey has been carried out at the site and no bats were found
- The LCC Ecologist is satisfied that there will be no impact on protected species subject to various planning conditions
- The recommendations set out within the Ecology report will be dealt with via condition
- Only one tree will be removed from the tree line south of the pond which is a dead Sycamore with no bat roosting opportunities
- The other section of trees highlighted by the organisation will be retained apart from fallen Hawthorn. The ecological assessment does not indicate that there is a bat roosting opportunity for this group of trees.

The Friends of Healey Nab have submitted a letter setting out their Strategy for the pond area and subway adjacent to the application site. They ask that these proposals are taken into consideration when assessing the proposal. The main point is the fact that a 5 metre

buffer zone is required between the pond and the development. The agents for the application have reassessed the proposal and have agreed to amend the location of the boundary fences of these properties adjacent to the pond by 1.5 metres. The following condition was also attached to the recommendation to ensure this buffer zone is retained:

An undeveloped buffer zone of at least 5m should be retained along the watercourses and should include the pond to the north of the site. This buffer zone must be protected from construction activities (e.g. run-off/pollution, the storing of any material, or vehicle movements), and secured herras fencing at least 5m from the brook and canal shall be erected and retained during the period of construction to ensure the continued protection of Water Voles and the water bodies.

4 letters have been received from neighbours raising the following comments:

- The traffic survey was carried out on Wednesday 18th July and therefore cannot be considered representative of a wet winters day
- The TA identifies that the fundamental limitation of the 60 metre length at the west of Froom Street is that it only allows alternate one-way flow. The TA, however, does not recognise that this is a problem
- The speed humps will slow the traffic which means there is a fundamental error with the TA's calculations.
- The analysis in terms of a vehicle standing on Froom Street is wrong as this occurs now
- The flows of traffic have been oversimplified in the TA
- The TA does not address the length of Froom Street where there is a problem
- The additional congestion is likely to create risks
- The TA is not on the web site
- The bridge will be a shared surface for pedestrians and vehicles
- Development will create extra traffic including construction traffic
- The definitive right of way along the east bank of the Black Brook should be retained
- Fundamental traffic problems- failure to provide safe and suitable road access to the site
- Parking problems
- Impact on wildlife

A letter has been received from Singleton Clamp raising the following concerns in respect of the highway implications of the scheme:

- The TA does not conform with the latest DfT requirements for Transport Assessments and there is no mention of a travel plan
- There has been no consultation with residents
- There is no segregated provision for cyclists across the access bridge. The available carriageway is insufficient for a car to pass a cyclist
- The capacity calculations of the bridge does not taken into account cyclists
- There is a 6.4 metre level difference between the bridge and the site- the submitted plans do not illustrate any embankments or the works that would be required to allow access to the eastern section of Froom Street
- There is no evidence to demonstrate how the proposed footway can achieve appropriate gradients
- The access scheme needs to be compatible with the transport requirements of the existing factory unit located to the east of the motorway
- It is not possible to assess that the scheme can be achieved within land owned by the applicant
- It is not possible for the Local Council and County Council to fully assess the highway safety implications of the scheme

- It is difficult to understand why the scheme has not been supported by a Safety Audit or Quality Audit

Following the receipt of the above comments the agents for the application have provided plans which detail the highway levels (these actually relate to the previous application but are very similar to the current application). The agent confirms that LCC Highways were happy with the information and that they are appropriate for pedestrians, cyclists and motorists. The agents have also made the following comments in response to the above points:

- The Transport Assessment is compliant with latest DfT requirements
- The larger proposal was considered by the Appeal Inspector. The Inspector's concerns have been subsequently addressed through further survey work
- The width of the bridge carriageway has been determined to discourage motorists passing cyclists. There is sufficient intervisibility between vehicle drivers and cyclists to ensure the highway will operate safely and not discourage cycle use. The Inspector had no concerns regarding the shared vehicle/cycle use of the short length of road over the canal, when considering this issue previously.
- The anticipated traffic demands associated with the proposal are well below any consideration of capacity irrespective of how it is identified or whether or not it includes for any cyclists using the length of road concurrently.
- Since March 2007, the forward visibility requirements have reduced to 43 metres for the same vehicle speeds, as set out in the Department of Transport publication "Manual for Streets". The re-shaping works required will be constructed in a manner that ensures adequate forward visibility is maintained, as will be access to the factory operating at the eastern end of Froom Street.
- Similarly, all footway gradients will be such that they do not discourage pedestrian movement to and from the site. This will be ensured by the highway authority who will check the detail design drawings as part of the S38/S278 Agreements.
- It has previously been demonstrated that the access works are satisfactory for use by commercial vehicles accessing/egressing the site or factory to the east. The highway authority has accepted this as being the case.
- Any access works will form part of the necessary Section 38/Section 278 Agreements with the highway authority who have already satisfied themselves that access to/from the site can be satisfactorily achieved for all modes of travel.
- The Singleton Clamp objection to the proposal is unsubstantiated and hence should be ignored. The Inspector at the previous Inquiry was satisfied with the access works and the traffic calming.

Chorley Borough Council's Urban Design Manager is satisfied with the amended scheme.

ITEM A3: 08/00111/FULMAJ - The Eagle And Child Hotel, Pall Mall, Chorley

Following the completion of the Committee report, a further neighbour letter has been received from the occupier of a property on Gillibrand Walks which contains an objection to the application on the basis of the three storey height of the development. The letter states that the development should not exceed two storeys and that the development will block out any daylight. In response to this, as detailed in the report on the main agenda, the site already partly occupied by a three storey building and whilst the proposed development will lead to some loss of light, it will only be in the earliest part of the day hence will not be of significant detriment to residential amenities.

The applicant also now advises that the ground floor will only comprise of a vet's surgery and single retail unit rather than including a mix of retail and office space along with the vet's

surgery hence the ground floor plans have been amended accordingly although this is not of any significance in relation to the application.

The following additional conditions are recommended in relation to the gates to be installed to prevent pedestrian access through the site from Gillibrand Walks and Pall Mall and vice versa and the management of the car park: -

Prior to the commencement of the development hereby permitted, plans of the lockable gates to prevent pedestrian access between Gillibrand Walks and Pall Mall along with a scheme for their management shall have been submitted to and approved in writing by the Local Planning Authority (Notwithstanding the details shown on the approved plans). The lockable gates shall be provided in accordance with the approved plans prior to the first occupation of the building hereby permitted and shall be managed in accordance with the approved management scheme at all times thereafter.

Reasons: To prevent pedestrian access between Gillibrand Walks and Pall Mall and in accordance with Policy HS4 of the Chorley Borough Local Plan Review.

Prior to the commencement of the development hereby permitted, a scheme detailing how the car parking spaces associated with the development will be managed shall have been submitted to and approved in writing by the Local Planning Authority. The car parking spaces associated with the development shall only be managed in accordance with the approved scheme of management at all times thereafter following the first occupation of any part of the development hereby permitted.

Reasons: To ensure the proper management of the car park and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.

The recommendation therefore remains as per the report on the main agenda.

ITEM B2: 08/00430/FUL – 8 Bracken Close, Chorley

Following the completion of the Committee report, the ground surfacing materials conditions has been varied as follows: -

Prior to the commencement of the garage conversion works hereby permitted, the additional car parking area detailed on the approved site plan shall have been hard surfaced and made available for use. The additional car parking space shall be retained at all times thereafter and only used for the parking of a vehicle.

Reason: To ensure adequate on site provision of car parking and in accordance with Policy No. 7 of the Joint Lancashire Structure Plan.