

COMMITTEE REPORT			
REPORT OF	MEETING	DATE	ITEM NO
Director of Partnerships, Planning and Policy	Development Control Committee	20/04/10	

ADDENDUM

ITEM 1: 09/00985/OUTMAJ - Outline application for the erection of 15 affordable dwellings, following the demolition of the existing commercial premises. Chorley Motor Auction Cottam Street Chorley

No change to officer recommendation. Detail of the Section 106 Agreement are included below.

The application as submitted proposes the erection of 100% affordable dwellings on the site however the Council cannot insist that all the dwellings are affordable as in accordance with Local Planning Policy the maximum percentage of affordable dwellings which can be required on this allocated brownfield site is 20% (in accordance with Policy HS5 of the Local Plan).

It was originally intended that the S106 Agreement associated with this scheme would state that all the dwellings would be affordable on a 80:20 (rented: intermediate) tenure split as the Developer appears committed to delivering 100% affordable housing on this site however this has raised a number of issues:

Firstly, on 6th April the Community Infrastructure Levy Regulations were introduced which state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

In order for the Section 106 Agreement associated with this development to be considered lawful and meet the above tests the maximum number of affordable units the Council can require is 3 units as this is necessary to make the development acceptable in planning terms. The Section 106 Agreement will be drafted accordingly requiring 3 of the units to be rented accommodation

Secondly, Progress Housing Group are the potential RSL for this site and they have raised concerns that 100% affordable housing required as part of the Section 106 Agreement has the potential to adversely impact on future HCA funding which could render the redevelopment of this site for 100% affordable housing unviable.

It is considered that removing the obligation for all the units to be affordable from the Section 106 Agreement will ensure the agreement is lawful whilst improving the ability of the scheme to achieve funding and assist in delivering 100% affordable housing on this site. Progress Housing have confirmed that the proposed amendments are better for them with regards to HCA funding rather than 100%. The agreement will still include provision for a proportion of affordable housing which will aim to achieve Corporate Priorities however the suggested way forward is considered to be the most appropriate for this site.

The Head of Housing has been made aware of the suggested changes to the Section 106 Agreement in respect of affordable housing and has confirmed *I fully endorse your approach and recommendations. HCA funding on sites where there is a section 106 obligation for affordable housing is generally only applicable where there will be additonality as a result (ie 12 units). This is because the HCA will not essentially 'subsidise' development which should*

be provided by other mechanisms. The fact that New Progress Housing Association want to develop this site as 100% affordable provides an excellent opportunity to provide homes for local people

Strictly speaking the erection of market housing on this site would not accord with this planning approval (if Members are minded to grant approval) due to the inclusion of 'affordable' within the description however a revised application for market housing on this site would in principle be considered acceptable due to its allocation and brownfield status. A similar application for 15 market units on this site would be subject to the same affordable housing requirements (20%) as the current application.

ITEM 2: 10/00115/REMAJ- Reserved Matters Application for the erection of 62 two storey dwelling houses with associated open space, landscaping and infrastructure. Land Formerly Radburn Works Sandy Lane Clayton-Le-Woods

No change to the officer recommendation. Condition 2 has been amended and three further conditions added.

This application was accompanied by a Sustainability Statement in accordance with Policy SR1 and the accompanying DPD and SPD. Conditions were attached to the outline planning approval in respect of Code for Sustainable Homes and energy efficiency. Planning Policy have reviewed this document and provided comments. As such it is proposed to attach the following conditions to the recommendation:

Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.

The development hereby permitted shall be carried out in accordance with the submitted Sustainability Statement. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No dwelling to be constructed after 1st January 2011 shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.

No dwelling, constructed after 1st January 2011, shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final

Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Sustainable Resources Supplementary Planning Document.

Condition 2 has been amended as follows:

The approved plans are:

Plan Ref.	Received On:	Title:
BHWL78/01 Rev S	1st April 2010	Planning Layout
01-11 Rev B	1st April 2010	Refuse Vehicle Tracking
2H22	8th February 2010	2 Bed Mews
3LA2 Rev A	8th February 2010	3 Bed Detached
3PI2 Rev A	8th February 2010	3 Bed Detached/ End
Mews		
3RA2 Rev A	8th February 2010	3 Bed Detached/ End
Mews		
4B02 Rev A	8th February 2010	4 Bed Detached
4CA2 Rev A	8th February 2010	4 Bed Detached (Plot 62
only)		
4CA2 Rev A	8th February 2010	4 Bed Detached (Plots
25, 26, 52, 53 and 56)		
4CA2 Rev A	8th February 2010	4 Bed Detached Floor
Plans		
4FB2 Rev A	8th February 2010	4 Bed Detached
4HA2 Rev A	8th February 2010	4 Bed Detached (Plot 3
only)		
4HA2 Rev A	8th April 2010	4 Bed Detached (Plot 1
and 2 only)		
4OR2 Rev A	8th February 2010	4 Bed Detached
4PR2 Rev B	19th March 2010	4 Bed Detached
5GA2 Rev C	19th March 2010	5 Bed Detached
5GA2 Rev C	19th March 2010	5 Bed Detached Floor
Plans		
5TA2 Rev A	8th February 2010	5 Bed Detached
5TA2	8th February 2010	5 Bed Detached Floor
Plans		
	8th February 2010	Double Garage and
Games Room (Plots 53/ 54, 55 and 58 only)		
	8th February 2010	Garage and Fence
Details		
LDS-137-01A	19th March 2010	Landscape Master Plan
P.083.09.02 Rev A	8th February 2010	Arboricultural
Implications		
P.083.09.01	8th February 2010	Tree Survey
LDS-137-02	8th February 2010	Equipped Play Area
BHWL78/04	8th February 2010	Site Location Plan
BHWL78/02 Rev A	8th February 2010	Street Scenes
BHWL78/03 Rev A	8th February 2010	Street Scenes
01-10	25th March 2010	Proposed Section Plots
40, 59, 56 & 54		

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

ITEM 3: 09/01016/COU –Conversion of retail units to form Doctor’s Surgery – change of use from A1 to D1 225- 227 Eaves Lane Chorley

No change to the officer recommendation. Further comments have been received.

The Head of GP Contractors at the PCT has commented on the application and confirmed that they support the scheme as they have been working with the doctor for some time to identify alternative premises as the current premises on Eaves Lane are no longer suitable. The PCT have committed financial support to the project and they are keen to see the relocation take place as soon as possible.

Additionally the PCT have confirmed that the proposed conversion of retail units on Eaves Lane to accommodate the current Eaves Lane Practice is an interim measure and that it is still intended that the practice will relocate to the Friday Street development.

It is clear from the above correspondence that the existing premises are unsuitable for the Doctors Surgery as they are willing to fund the relocation as a interim measure until the Friday Street development is completed.

2 letters of objection has been received raising concerns with the parking

A petition has been received containing 25 signatures raising concerns with the lack of appropriate parking facilities.