

# COMMITTEE REPORT

REPORT OF	MEETING	DATE	ITEM NO
Corporate Director (Business)	Development Control Committee	09/10/2007	

## ADDENDUM

### **ITEM A.1: 07/00684/FULMAJ- Land To Rear Of 243-289 Preston Road Clayton-Le-Woods**

14 further letters of objection have been received following the receipt of the amended plans reiterating the objections originally made and making the following additional points:

- Too many houses
- Increase in vehicles visiting the site- danger to highway safety
- The access road to the rear of the properties on Preston Road is not shown
- Loss of a tree not owned by the applicant
- Stability of the land and flooding implications
- The proposed residents parking proposed will have no impact as residents will still park on the highway
- Overdevelopment of the site
- Impact on pedestrian safety
- Parking problems in the area
- Proposed residents parking in an inconvenient location away from the properties they will serve
- How will these spaces be managed? Will it be on a first come, first served basis?
- Safety issues
- Noise issues
- Dirt and smells associated with the bin storage
- Details of landscaping, drainage and lighting not shown
- Width of access way to rear of Preston Road appears to have been reduced.
- Loss of light
- Three storey properties out of character with the area.

**Chorley Council's Strategic Housing Section** still has concerns in respect of the affordable housing provision on site. 4 units of 2 bedroom accommodation and 4 units of 3 bedroom accommodation are required, this should be split between 50% rented and 50% shared ownership. The social rented should be split between 2 two bedroom units and 2 three bedroom units. The agent for the application has been made aware of these requirements and the affordable housing provision will be secured by a Section 106 Agreement. This Agreement has been sent to the agent in draft form.

### **ITEM A. 6: 07/00934/REMAJ – Land east of the Talbot Arms and South of Botany Brow Works, Mason Street, Chorley**

LCC (Ecology) have now commented on the Bat Survey submitted by the applicant. On the basis of the survey, it is considered that the development will not have a significant impact on bat populations although a condition is recommended requiring the developer to contact a

suitably experienced Bat worker or Natural England and cease all works if bats are found to be present on site. LCC (Ecology) also advise that works during the bird breeding (March to July inclusive) season should be avoided that may impact on nesting birds. On the basis of these comments, the following additional condition and informative are recommended: -

If at any time prior to, or during the course of development, bats are detected or found to be present, all works must stop immediately and a suitably experience bat worker and/or Natural England must be contacted immediately for advice on how to safeguard the bats found to be present on site.

*Reason: In the interest of protected species and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.*

**Please Note:** Works that could potentially impact upon nesting birds during the bird breeding season (March to July inclusive) should be avoided.

The following informative and condition is also recommended to clarify the approved plans: -

**Please Note:** The approved plans are as follows;

Plan Ref.	Received On:	Title:
-----	13 <sup>th</sup> August 2007	Location Plan
0649:01	13 <sup>th</sup> August 2007	Site Layout as Existing
0649:11	13 <sup>th</sup> September 2007	Site Layout as Proposed
0649:06	13 <sup>th</sup> September 2007	Proposed Apartment Block
0649:07	13 <sup>th</sup> August 2007	Proposed House Plans (Units 1,2 and 9 to 12)
0649:09	13 <sup>th</sup> August 2007	Proposed Elevations (Units 1,2 and 9 to 12)
0649:08	13 <sup>th</sup> August 2007	Proposed House Plans (Units 3 to 9)
0649:10	13 <sup>th</sup> September 2007	Proposed Elevations (Units 3 to 9)

Notwithstanding the approved plan detailing the house plans for units 3 to 9 (ref no. 0649:08), the position of the dwelling on plot no. 8 shall only be in accordance with the approved site plan (ref no. 0649:11).

*Reason: To ensure a suitable relationship between the dwellings on plots 8 and 9, to define the permission and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.*

#### **ITEM A. 7: 07/00998/FULMAJ- Parcel 9 Land 106m East Of 74 Keepers Wood Way Chorley**

**The Ramblers Association** have made the following comments on the proposal:

- The northern boundary of Parcel 9 impinges of Footpath Number 1.
- In addition to this 6 of the properties on Lakeland Gardens impinge on this footpath and there appears to be no diversion of the footpath
- There is however scope to resolve this issue by diverting the footpath along the northern boundary of Parcel 9 and creating an access point through Lakeland Gardens

**The Environment Agency** has made the following comments:

- Following the receipt of further information they wish to withdraw their original objection and have suggested conditions which should be attached to the recommendation
- The condition relates to implementing a scheme of surface water regulation.
- The Environment Agency recommend that surface water attenuation should be dealt with by a system of SUDS and an informative is attached relating to the removal of contaminated soil.

Following the receipt of the Environment Agencies comments the following condition and informatives have been attached to the recommendation:

No development shall take place until a scheme for the provision and implementation of a surface water regulation has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans

Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25 Development and Flood Risk

PLEASE NOTE: It is advised that surface water attenuation should be by use of SUDS (Sustainable Drainage System) and in accordance with Annex F of PPS25 (Development and Flood Risk)

PLEASE NOTE: The following should be considered as part of the scheme:

- Water management in the development including dealing with grey water
- Use of sustainable forms of construction
- Energy efficient buildings.

PLEASE NOTE: Contaminated soil which is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Waste Management Licensing Regulations 1994 (as amended)
- Pollution prevention and control regulations (England and Wales) 2000
- Landfill (England and Wales) Regulations 2002

Recovery and disposal operations require a Waste Management Licence or Pollution Prevention and Control Permit.

**3 further letters of objection** have been received raising the following points:

- Existing properties will be surrounded by three storey dwellings
- Dwellings will create overlooking to the detriment of the existing residents
- Concerned about the stability of the land and the impact on the neighbouring properties
- Loss of light
- The original plans detailed a 'ransom strip' where plot 1 is located, to link to a footpath- this has now disappeared
- Three storey properties out of scale with the surrounding properties
- Impact on highway safety due to the siting of the parking spaces and poor visibility
- Potential for flooding
- Loss of views and openness
- Devalue the existing properties
- Loss of privacy

1 neighbour has raised concerns in the fact that the originally written report made no reference to the impact of the development on Keepers Wood Way and does not specifically address the representations received.

The site will be accessed via Keepers Wood Way which is a residential street. The proposal will extend this street to provide additional residential accommodation. The nearest residential property along Keepers Wood Way to the development is 76 Keepers Wood Way. The owner of this property has raised concerns with the development and in particular the proposed dwelling on plot 1. The neighbours concerns relate to the scale of the property on plot 1, loss of amenity, ground stability, the fact that the original plans detailed a strip of land retained between his property and this development, visibility issues and flooding implications.

The proposed dwelling on plot 1 will be a three storey property however this property will be adjacent to 76 Keepers Wood Way incorporating a similar building line. The property will be approximately 1 metre higher than 76 Keepers Wood Way however the side elevations of the properties will face one another and as a similar building line will be retained it is not considered that the proposal will result in loss of amenity to the detriment of the neighbours. There are no first or second floor windows proposed in the side elevation of the proposed dwelling and as such the proposal will not create overlooking to the detriment of the neighbours amenities.

The whole of this parcel was always proposed for residential development. No adverse highway comments have been received in respect of the scheme and in respect of flooding the Environment Agency were consulted on the scheme who have suggested conditions in respect of reducing the potential for flooding. It will be the developers responsibility to ensure the development is stable and does not impact on the stability of the neighbouring properties.

The concerns raised by neighbours are set out above and in the original report. The scheme was amended during the application process to ensure the neighbours amenities were retained in terms of levels of privacy and light. There are various designed properties within the area and it is considered that three storey properties can be accommodated on this site. The devaluation of properties is not a material planning consideration and various conditions have been attached to the recommendation in respect of flooding and contamination.

**ITEM A. 8: 07/00999/FULMAJ- Parcel 8 Land 50m South Of 1 Folly Wood Drive Chorley**

**Lancashire County Council (Planning)** have made the following comments:

- The development responds to a local affordable family housing need.
- The Council should decide whether the development meets an identified local need and makes an essential contribution to affordable housing in the District
- High accessibility for walking, cycling and public transport is required.
- The proposed car parking provision is in accordance with the JLSP ' Parking Standards'
- Parking for the mobility impaired, motorcycles and bicycles is required.
- Policy EM17 of the draft regional spatial strategy for the North West requires that all residential developments of 10 or more units should incorporate renewable energy production to provide at least 10% of the developments predicted energy requirements. It is considered that the 10% target should be met unless the applicant is able to demonstrate that this achievement is not possible
- It is considered that the proposal conforms with the Structure Plan

**Chorley Borough Council's Environmental Services** have made the following comments on the scheme:

- All development within 50m of the Lawnwood Tip requires gas protection measures.
- No development will be permitted within 10 metres of the former Lawnwood site.
- A comprehensive construction design will be required to prevent the ingress of landfill gas. Details of the gas control measures should be sent to the Local Authority for approval prior to commencement of the development.

**The Environment Agency** have made the following comments:

- No objection to the scheme subject to various conditions
- The condition relates to implementing a scheme of surface water regulation.
- The Environment Agency recommend that surface water attenuation should be dealt with by a system of SUDS and an informative is attached relating to the removal of contaminated soil.

Following the receipt of the Environment Agencies comments the following condition and informatives have been attached to the recommendation:

No development shall take place until a scheme for the provision and implementation of a surface water regulation has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the scheme has been implemented in accordance with the approved plans

Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25 Development and Flood Risk

PLEASE NOTE: It is advised that surface water attenuation should be by use of SUDS (Sustainable Drainage System) and in accordance with Annex F of PPS25 (Development and Flood Risk)

PLEASE NOTE: The following should be considered as part of the scheme:

- Water management in the development including dealing with grey water
- Use of sustainable forms of construction
- Energy efficient buildings.

PLEASE NOTE: Contaminated soil which is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Waste Management Licensing Regulations 1994 (as amended)
- Pollution prevention and control regulations (England and Wales) 2000
- Landfill (England and Wales) Regulations 2002

Recovery and disposal operations require a Waste Management Licence or Pollution Prevention and Control Permit.

**Lancashire County Council (Rights of Way)** have made the following comments:

- A public footpath is located close to the site and it is not clear how this will be affected by the development
- A public footpath must not be blocked during the development unless a temporary closure order has been granted.
- If the footpath requires diversion the appropriate Public Path Order must be made and agreed prior to the commencement of the development.
- If the surface of a public footpath will be altered permission if required from the Local Highways Authority

**ITEM B1: 07/00976/FUL- Regulation 3 Application for the formation of lighting scheme to recreation ground, including sports floodlighting for bowling greens and tennis courts.**

Representations

A further letter of objection has been received from a family on Windsor Road on the following grounds:

- It would change the nature of the park and it's surrounding area making it much less suburban and much more urban;
- It will cause additional light pollution and additional evening noise pollution from sport activities;
- It will waste energy and add to greenhouse gas emissions;
- It is unnecessary as bowls and tennis can take place in daylight hours (the park could be opened earlier if needed);
- In the early darkness hours the park is an important resource for young teenagers. It would be much better to spend the floodlighting money on plans that involve them in improving this resource for themselves such as painting a mural in the shelter and help them avoid littering.

Environmental Services

Confirm that they do not object to the application, however, request a condition requiring a full detailing lighting scheme to be submitted to and approved by them as part of any consent.

An additional condition is proposed:

Before the development hereby permitted is commenced a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority. This scheme should include the following information:

- Specific Site survey should be carried out and reported – including District Ambient Brightness Category;
- Calculations should be included in the report, these are required to determine Glare, Intensity and Spill. The report should then include any recommendations to control these factors;

- Schedule of installation and Equipment design – these must be identified & used to determine aim, glare and overspill.

MAPS (Community Safety Partnership)

In principal they have no objection to the proposal, however, ask that a condition of any approval would relate to restricting the illumination period. In particular they feel that it is imperative to consider the residents that border the recreation area.

They advise that the lighting of the sports area and periphery of the park be restricted by timer so that they are switched off at 10pm each evening. They also suggest that the main pathway that connects Devonshire Road and Ashfield Road be illuminated throughout the night.

They have interrogated the Police systems for the past twelve months and found that there have been 9 reported incidents emanating from the recreation ground. There is a CCTV camera situated near to the area on Devonshire Road at the current time the benefit of this for the users of the park is inhibited by a lack of lighting in the evening time, this encourages misuse.

Lighting itself is not a deterrent but rather it is what lighting achieves. Primarily this lies in diminishing the opportunities for crime and disorder. It is generally accepted that an inappropriately lit area can increase anti social acts and care must be taken when addressing this issue. Lighting is only effective if done in conjunction with other crime prevention measures and needs to be considered on a case-by-case basis.

In conclusion they believe that the appropriate lighting of the recreation ground will enhance the correct use of the facilities. It is often stated that young people congregate on the streets, which in turn leads to the harassment, alarm and distress of residents. By creating a more user friendly atmosphere on the recreation ground young people will have a safe controlled area to play and meet. Such a facility is sadly missing in this area of the town at the current time.