

REPORT OF THE DIRECTOR

Plan No: 10/15/1238

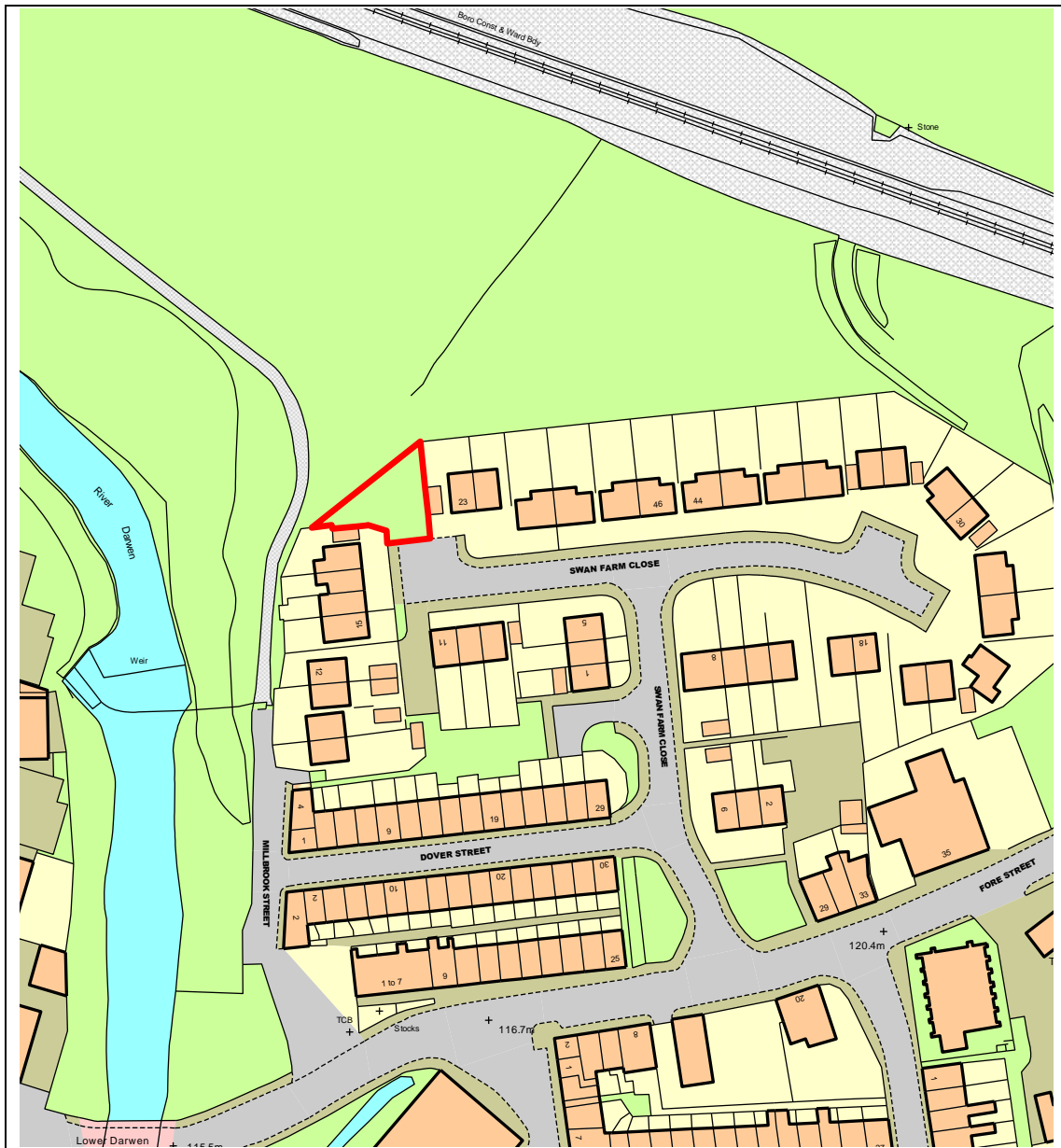
Proposed development: Outline Planning Application for Proposed construction of 1 no. detached dwelling.

Site address: Land between 21 & 23 Swan Farm Close, Lower Darwen, BB3 0QU

Applicant: Mr Joe Cooney

Ward: Fernhurst

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| Councillor Jacqueline Slater | |
| Councillor John Slater | |
| Councillor Denise Gee | |



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Approve, subject to conditions referred to in Section 4 of the previous Committee report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Members will recall this application being approved by Members of the February 2016 Planning and Highway's Committee. The approval was subject to the applicant entering into a Section 106 Legal Agreement requiring financial contributions toward the provision of affordable housing and enhancement of existing or new provision of public open space.
- 2.2 Revision to National Planning Policy Guidance now dictates that there are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28th November 2014. Particular to this proposal, these circumstances are that:

Contributions should not be sought from developments of 10 units or less, and which have a maximum combined floorspace of no more than 1000sqm.

- 2.3 Given this shift in policy, the applicant is not now obliged to enter into a Section 106 Legal Agreement and the application is therefore referred back to Committee with a revised recommendation removing this requirement.

3.0 RECOMMENDATION

Approve, subject to conditions as per paragraph 4.1 of the previous Committee report, namely:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
- Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Access.
 - b) Appearance.
 - c) Landscaping.
 - d) Layout – to include public footpath in accordance with amended site plan drawing number 1592-02 received on 7th January 2016.
 - e) Scale.
- submission and approval of construction materials.

- permitted development rights removal.
- replacement tree planting scheme.
- Foul and surface water drainage scheme.
- land contamination.
- wheel wash facility.
- scheme for protection of trees during construction.
- scheme of boundary treatment.
- works affecting nesting birds to be avoided between March – August, unless absence of nesting birds is confirmed by further survey work.
- All trenches dug in association with the development hereby approved should be covered at night, alternatively any open trenches must be left with a means of escape for wildlife (such as ramp or sloping side).
- a scheme for the removal of Himalayan Balsam from the site.
- construction hours restriction 08:00 – 1800 Monday to Friday, 09:00 – 13:00 Saturday, no work on Sundays or Bank Holidays.
- approved drawing numbers.

4.0 CONTACT OFFICER: Robert Buffham, Principal Planning Officer.

5.0 DATE PREPARED: 23rd June 2016.
