

Development Control Committee

Tuesday, 24 April 2007

Present: Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair), Councillors Thomas Bedford, Eric Bell, Francis Culshaw, Alan Cain, Henry Counce, Dennis Edgerley, Daniel Gee, Roy Lees, Adrian Lowe, Geoffrey Russell and Ralph Snape

Officers: Jane Meek (Director of Development and Regeneration), Wendy Gudger (Development Control Manager) and Dianne Scambler (Trainee Democratic Services Officer)

Also in attendance: Councillors Edward Smith (Chisnall)

07.DC.49 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors June Molyneaux, Shaun Smith and Chris Snow.

07.DC.50 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 3 April 2007 be confirmed as a correct record and signed by the Chair.

07.DC.51 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, the following Member declared an interest in relation to the Planning Application listed below, which was included on the meetings agenda.

Councillor Dennis Edgerley – Item 8, Planning Application 07/00231/ADV
Councillor Alan Cain – Item 8, Planning Application 07/00231/ADV

07.DC.52 PLANNING APPLICATIONS AWAITING DECISION

The Director of Development and Regeneration submitted reports on a number of planning applications to be determined by the Committee.

RESOLVED – That the planning applications, as now submitted, under item 4, be determined in accordance with the Committee's decisions as recorded below.

(a) B2:07/00178/COU - Land, 20M North East of 21, Gorse Lane, Mawdesley

(The Committee received representations from an objector and supporter of the application).

Application No: 07/00178/COU

Proposal: Change of use of an existing building to stables (retrospective), offices and the storage of horseboxes and carriages.

Location: Land 20m North East of 21, Gorse Lane, Mawdesley

Decision:

It was proposed by Councillor Francis Culshaw, seconded by Councillor Dennis Edgerley, and subsequently **RESOLVED (11:0) to defer the decision to allow the Site Inspection Sub-Committee to visit the site of the development and make a recommendation to this Committee.**

(b) B3:07/00203/FUL - Millennium Green, Hurst Green, Mawdesley

The Committee received representations from an objector and supporter of the application).

Application No: 07/00203/FUL

Proposal: Formation of skateboarding, roller-blading and stunt-bike facility, and widening of path by 1m (part-retrospective)

Location: Millennium Green, Hurst Green, Mawdesley, Ormskirk

Decision:

It was proposed by Councillor Francis Culshaw, seconded by Councillor Alan Cain, and subsequently **RESOLVED (10:0) to grant full planning permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved for the skateboarding, roller-blading and stunt-bike facility shall be carried out in accordance with the plan and dimensional details received on the 3rd April 2007.

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

3. Before the development commences, full details of the colour and finish of the concrete surface and the skateboarding, roller-blading and stunt-bike equipment shall have been submitted to and been approved in writing by the Local Planning Authority. The development shall hereafter be retained in accordance with these approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interests of the character and appearance of the area and in accordance with Policy No. DC1 and LT14 of the Adopted Chorley Borough Local Plan Review.

4. Before the ash tree is felled full details (including species, stature and location) of a replacement tree to be planted shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. DC1 and EP9 of the Adopted Chorley Borough Local Plan Review.

(c) B4:07/00247/FUL - Land North of 26, Chorley Lane, Charnock Richard

(The Committee received representations from an objector to the proposal).

Application No: 07/00247/FUL

Proposal: Erection of 2 no. detached dwellings, one with integral garage and one with detached single garage.

Location: Land North of 26, Chorley Lane, Charnock Richard

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Dennis Edgerley, and subsequently **RESOLVED (11:0) to defer the decision to allow the Site**

Inspection Sub-Committee to visit the site of the development and make a recommendation to this Committee.

- (d) **A1:07/00062/FULMAJ - Land bounded by the M61, A674 Blackburn Road and Leeds and Liverpool Canal, including Canal Mill, Botany Bay, Chorley**

Application No: 07/00062/FULMAJ

Proposal: The erection of 3no office blocks with non-infrastructure roadway, car parking and landscaping.

Location: Land bounded by the M61, A674 Blackburn Road, Leeds – Liverpool Canal and including Canal Mill, Botany Bay, Chorley

Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Danny Gee, and subsequently **RESOLVED (8:0) to grant full planning permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings and details of windows (frames/finish/fixing details) (notwithstanding any details shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials and window details.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on the approved plans) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans. The scheme shall cover the whole of the site including the upgrading of the Canal Towpath and shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

8. Before the development hereby permitted is first occupied, facilities for cycle parking, in accordance with details to be first submitted to and agreed in writing with the Local Planning Authority, shall have been provided and retained at all times thereafter.

Reason: To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.

9. Before the development hereby permitted is first commenced, full details of a scheme to prevent all vehicular access/egress from/to the south (via Botany Bay/Botany Brow/Blackburn Brow), except for public transport vehicles, emergency vehicles and cyclists, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation of the development, the approved scheme shall have been implemented in full and thereafter shall be kept in operation at all times except in so far as any variation of the scheme is agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No. TR4 of the Chorley Borough Local Plan Review and Policy No. 7 of the Joint Lancashire Structure Plan.

10. Prior to the commencement of development, a further method statement (notwithstanding that already submitted) shall be submitted to and approved in writing by the Local Planning Authority detailing how Japanese Knotweed will be eradicated from the site taking into account the comments of LCC (Ecology), a copy of which is enclosed. The Japanese Knotweed on the site shall only be eradicated in accordance with the approved method statement.

Reason: To prevent the spread of and eradicate Japanese Knotweed from the site.

11. The development hereby permitted shall not commence until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include details of how the landscaping will be managed and by whom all management of the landscaping shall be carried out in full accordance with the approved plan.

Reason: In the interests of the long term management of the site and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

12. Before the development hereby permitted is first commenced, a scheme detailing mitigation measures to protect water voles and their habitats shall have been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the recommendations of the approved water vole mitigation scheme.

Reason: To ensure the protection of Water Voles and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.

13. No development hereby permitted shall commence until a scheme detailing the enhancement of the area alongside the drain at the northern end of the site for water voles has been submitted to and approved in writing by the Local Planning Authority (see The Water Vole Conservation Handbook, Second Edition (Strachan & Moorhouse, 2006) for further details). If water voles, or signs of water voles are found along the drain at the northern end of the site at any time during construction, a method statement shall be submitted to and approved in writing detailing how impacts on water voles and their habitats will be avoided. The works must only thereafter continue in accordance with the recommendations of the method statement.

Reason: To mitigate against harm to protected species and in accordance with Policy No. EP4 of the Adopted Chorley Borough Local Plan Review.

14. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

15. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

16. No development approved by this permission shall be commenced until:

- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
- b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site.
- c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
- d) A Method Statement and remediation strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a

timescale agreed in writing by the Local Planning Authority: unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

A) To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors.

B) To enable:

- **A risk assessment to be undertaken**
- **Refinement of the conceptual model, and**
- **The development of a Method Statement and Remediation Strategy**

C) & D) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall only be completed in accordance with the approved plans prior to first occupation of the office blocks.

Reason: To reduce the increased risk of flooding and in accordance with Policy No. EP19 of the Chorley Borough Local Plan Review.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from the car parking areas shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the River Chor and in accordance with Policy No. EP18 of the Chorley Borough Local Plan Review.

19. Notwithstanding the details shown on the approved plans, all fascias, soffits and gutters shall be colour finished black unless an alternative is otherwise first agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

20. Within 6 months of the substantial completion of the new access road through the northern site area for which outline planning permission has been granted (ref no. 05/00394/OUTMAJ), the new section of road linking this road to the upgraded existing road running adjacent to the canal towpath shall be fully completed in accordance with the amended plan dated 12th April 2007 (ref no. VAI 369/024 Rev D) and the redundant section of temporary road shall be removed and the land restored to its former condition.

Reason: To ensure a satisfactory vehicular access to the site and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

21. Notwithstanding the details shown on the approved plans, the development hereby permitted shall not commence until full details of the tower feature to the southeastern elevation of Unit 5 have been submitted to and approved in writing by the Local Planning Authority. The tower feature to Unit 5 shall only be constructed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

22. The approved plans are:

Plan Ref.	Received On:	Title:
FIRM1001	22 nd January 2007	Site Location Plan
VA1369/024 Rev D	12 th April 2007	Site Plan & Car Parking
VA1369/103 Rev C	12 th April 2007	Unit 1 Proposed
Elevations		

VA1369/116 Rev A Landscape Layout	30 th March 2007	Proposed	Soft
VA1369/050 Proposed Plans & Section	22 nd January 2007	Unit	1
VA1369/051 Section	22 nd January 2007	Unit 2	Proposed Plans &
VA1369/052 Proposed Plans & Section	22 nd January 2007	Unit	5
VA1369/54 Elevations	22 nd January 2007	Unit 2	Proposed
VA1369/55 Elevations	22 nd January 2007	Unit 5	Proposed

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

23. The gates between the canal towpath and the site shall remain locked at all times when the offices are not in use.

Reason: *To maintain site security and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

(e) B1:07/00127/COU - 22, Derwent Road, Chorley

Application No: 07/00127/COU

Proposal: Change of use from former children's home to residential dwelling.

Location: 22, Derwent Road, Chorley

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Dennis Edgerley, and subsequently **RESOLVED to grant planning permission subject to a Section 106 Agreement and the following condition:**

The proposed development must be begun not later than three years from the date of this permission.

Reason: *Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*

(f) B5:07/00177/FUL - Land rear of 209 - 213, Preston Road, Whittle-Le-Woods, Chorley

Application No: 07/00177/FUL

Proposal: Erection of detached dwelling and garage

Location: Land rear of 209 to 213 Preston Road, Whittle-Le-Woods, Chorley

Decision:

It was proposed by Councillor Adrian, seconded by Councillor Eric Bell, and subsequently **RESOLVED (11:0) to grant full planning permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: *Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. All planting, seeding or turfing comprised in the approved details of landscaping (as shown on drawing no 07/002/P01) shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

4. The submitted fencing and access gate details under the scope of the approved plans identified shall be implemented prior to the first occupation of the approved dwelling; the fencing shall be stained or painted in accordance with a scheme to be agreed with the Local Planning Authority upon its erection.

Reason: In the interests of visual and residential amenity in the locality and to accord with the provision of policies GN5 of the Adopted Chorley Borough Local Plan Review.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and the amenities of adjoining neighbours and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

07.DC.53 OBJECTION TO TREE PRESERVATION ORDER NO.7 (ADLINGTON) 2006

The Director of Development and Regeneration submitted a report seeking the Committee's instructions as to whether to confirm Tree Preservation Order No. 7 (Adlington) 2006 in light of receiving an objection.

The trees fronted onto Railway Road and formed an attractive frontage that added significantly to the visual amenities of the locality. The trees covered by the Tree Preservation Order are on land allocated in the Local Plan Review for employment development under policy EM1.2 and as a site for a Railway Station/Park and Ride Site under policy TR13.

The trees comprised a variety of different species and stature. The Council's Arboricultural Officer carried out a survey of the site to establish which of the trees were worthy of protection. It was considered that a tract of trees fronting Railway Road should be protected given that they have significant amenity value and would also provide an effective screen to the site if it were developed in the future.

One letter of objection had been received, the contents of which are summarised as follows:

- The area of trees covered by the TPO is considered to be excessive
- The majority of trees are self seeded saplings of no particular value apart from forming a screen between Railway Road and the land to the south east
- Only a 5m strip of trees should be retained as most of the mature trees are contained within this tract.

It was proposed by Councillor Danny Gee, seconded by Councillor Adrian Lowe, and subsequently **RESOLVED that the order be confirmed.**

07.DC.54 OBJECTION TO TREE PRESERVATION ORDER NO.8 (CHORLEY) 2006

The Director of Development and Regeneration submitted a report seeking the Committee's instructions as to whether to confirm the Tree Preservation Order no. 8 Chorley 2006 in light of receiving an objection.

The trees extend to a large area of land, the western boundary of which abuts the canal. The land is allocated in the Local Plan Review for employment development. In light of the policy allocation, it was expedient to assess the amenity value of the trees on the site so as where necessary they can be retained.

The trees comprise a variety of different types from mature trees, mixture of trees and hedgerows. The Council's Arboricultural Officer carried out a survey on the site and considered that the trees should be made the subject of a Tree Preservation Order and be retained when the site is developed to enhance the site and mitigate some of the impact of the built development.

One letter of objection had been received, which can be summarised as follows:

- Some trees are within hedgerows, which will obstruct development.
- The site had been the subject of pre-application discussions and the Tree Preservation Order will only discourage development of the site.
- Some of the trees are in positions that would prevent the laying of roads and access ways.
- The new bridge from the access road will fall directly in line with trees identified.
- It is incongruous and incomprehensible for the Council to promote the development of land for employment use and then impose a Tree Preservation Order of this extent, which can only frustrate and discourage companies willing to invest in the area.

It was proposed by Councillor Danny Gee, seconded by Councillor Adrian Lowe and subsequently **RESOLVED to confirm the order.**

07.DC.55 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Director of Development and Regeneration giving notification of the lodging of two planning appeals, one appeal that had partly been allowed and one enforcement appeal that had been allowed.

RESOLVED – That the report be noted.

07.DC.56 SELECTED PLANNING APPLICATIONS THAT HAVE BEEN DETERMINED, BY THE DIRECTOR OF DEVELOPMENT AND REGENERATION FOLLOWING CONSULTATION WITH THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information a table showing the decisions made on the category 'B' development proposals, which had, or were intended to be, determined by the Chief Officer under the adopted scheme of delegations, following consultation with the Chair and Vice-Chair of the Committee.

The Director of Development and Regeneration advised the Committee that in light of receiving some additional information, application no: 0700187/FUL had not yet been decided upon and would be determined in the next few weeks by delegated powers or brought to the next meeting of this Committee for a decision.

RESOLVED – That the report be noted.

07.DC.57 A LIST OF PLANNING APPLICATIONS DETERMINED BY THE CHIEF OFFICER UNDER DELEGATED POWERS BETWEEN 21 MARCH AND 11 APRIL 2007

The Director of Development and Regeneration presented for Members information, a schedule listing the remainder of the applications that had been determined by the Chief Officer under delegated powers between 21 March and 11 April 2007.

RESOLVED – That the schedule be noted.

07.DC.58 RETIRED COUNCILLORS

The Chair on behalf of the Committee thanked Councillors Thomas Bedford and Francis Culshaw for their contribution to the Development Control Committee over the years and wished them all the best following their retirement from the Council.

Chair