

Development Control Committee

Tuesday, 11 September 2007

Present: Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair), Councillors Ken Ball, Eric Bell, Alan Cain, Henry Caunce, Michael Davies, Mike Devaney, Dennis Edgerley, Daniel Gee, Pat Haughton, Roy Lees, June Molyneaux, Geoffrey Russell and Ralph Snape

Officers: Jane Meek (Director of Development and Regeneration), Claire Hallwood (Deputy Director of Legal Services), Mark Moore (Principal Planning Officer), Dianne Scambler (Trainee Democratic Services Officer) and Paul Whittingham (Development Control Manager)

Also in attendance: Councillors Judith Boothman (Clayton-Le-Woods West and Cuerden), Keith Iddon (Ecclestone and Mawdesley), Kevin Joyce (Ecclestone and Mawdesley) and Mick Muncaster (Clayton-Le-Woods West and Cuerden)

07.DC.101 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Edward Smith and Councillor Adrian Lowe who could not attend as he was on Mayoral duty.

07.DC.102 WELCOME TO OFFICER

The Chair introduced Paul Whittingham the new Development Control Manager who was attending his first meeting of the Development Control Committee.

07.DC.103 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 a personal interest in relation to the planning application listed below, which was included on the meetings agenda for determination.

Councillor Pat Haughton – Planning Application 07/00568/FULMAJ

07.DC.104 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 14 August 2007 be held as a correct record for signing by the Chair.

07.DC.105 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, be determined in accordance with the Committee's decisions and recorded below:

- (a) **A1:07/00568/FULMAJ - Cliffs Farm, Wood Lane, Mawdesley**

(Councillor Pat Haughton declared an interest in the following application and left the meeting during the discussion and voting on the proposal)

(The Committee received representations from two objectors, a supporter to the proposals and the applicant)

(The Committee also received representations from Ward representative's Councillor Keith Iddon and Councillor Kevin Joyce)

Application No: 07/00568/FULMAJ
Proposal: Erection of 3 No. wind turbines
Location: Cliffs Farm, wood Lane, Mawdesley, Ormskirk
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Danny Gee, to grant full planning permission of the development.

An amendment to the motion was proposed by Councillor Ken Ball, seconded by Councillor Eric Bell, and was subsequently **RESOLVED (8:4) to refuse planning permission for the reasons:**

1. **The proposed wind turbines would harm the open character of the Green Belt by reason of their siting, height and overall scale and would constitute inappropriate development for which no very special circumstances have been adequately demonstrated thereby conflicting with PPG2 'Green Belts' and Policy DC1 'Development in the Green Belt' of the Chorley Borough Local Plan and PPG24 'Planning and Noise'.**

2. **The applicant has failed to submit adequate information to enable the local planning authority to assess the potential impact of noise from the proposed wind turbines and the possible affect upon residential amenity and the surrounding environment contrary to Policy EP20 'Noise' of the Chorley Borough Local Plan and PPG24 'Planning and Noise'**

Informative

The applicant has failed to resolve issues relating to microwave radio links and interference with radar installations prior to submission of this application in accordance with Sn 25 of PPS22 'Renewable Energy'.

(b) B2:07/00685/FUL - 54, Lancaster Lane, Clayton-Le-Woods

(The Committee received representations from an objector to the proposals, the applicant and the Ward representatives Councillor Judith Boothman and Councillor Mick Muncaster)

Application No: 07/00685/FUL
Proposal: Demolition of existing dwelling and erection of 5 detached houses and bungalows
Location: 54, Lancaster Lane, Clayton-Le-Woods, Leyland
Decision:

It was proposed by Councillor Ken Ball, seconded by Councillor Danny Gee, and subsequently **RESOLVED (13:0) to refuse planning permission for the following reason:**

The proposal would constitute over development of the site and would be out of character with the surrounding area. In particular the surrounding area is characterised by residential properties with large garden areas. As such the proposal is considered to be contrary to Policy HS4 of the Adopted Chorley

Borough Local Plan Review and Government advice contained in PPS3: Housing.

(c) A2:07/00683/FULMAJ - Tootles Farm, Bentley Lane, Mawdesley

Application No: 07/00683/FULMAJ
Proposal: Proposed erection of two agricultural buildings
Location: Tootles Farm, Bentley Lane, Mawdesley, Ormskirk
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Eric Bell, and subsequently **RESOLVED (14:0) to grant outline 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 51 of the Planning and Compulsory Purchase Act 2004.

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 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.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and EP7 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 Nos. GN5 and EP7 of the Adopted Chorley Borough Local Plan Review.

4. 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 which may have previously been submitted. The scheme 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.

5. 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.

6. The building hereby permitted shall be used only for those purposes reasonably necessary for the purposes of agriculture within the unit, and where such use ceases for a period exceeding 6 months within 10 years of the date of this permission, the building shall be removed from the site and the land restored to its original condition prior to development.

Reason: To protect the character and appearance of the area, and avoid the proliferation of buildings in a countryside area for which there is not a continuing need, and in accordance with PPG2 and Policy Nos. DC1 and EP7 of the Adopted Chorley Borough Local Plan Review.

(d) A3:07/00713/OUTMAJ - 2, Nursery Close, Charnock Richard

Application No: 07/00713/OUTMAJ
Proposal: Outline Application for demolition of property and erection of 10 dwellings with associated garages, access roads and services.
Location: 2, Nursery Close, Charnock Richard, Chorley
Decision:
Application withdrawn

(e) A4:07/00759/REMMAJ - Parcel J, Buckshaw Avenue, Buckshaw Village

Application No: 07/00759/REMMAJ
Proposal: Construction of 71 no. houses with associated works
Location: Parcel J, Buckshaw avenue, Buckshaw Village, Lancashire
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Danny Gee, and subsequently **RESOLVED (14:0) to grant the reserved matters application 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 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 previously submitted 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans 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.

4. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning

Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

5. 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 which may have previously been submitted. The scheme 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.

6. 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.

7. 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 previously submitted plans and specification) 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

8. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.

9. 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.

10. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

11. 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 in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (other than those expressly authorised by this permission).

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

13. During the development if contamination, which has not previously been identified, is found to be present at the site no further development shall be carried out until an addendum to the Method Statement has been submitted to and approved in writing by the Local Planning Authority. The addendum will be required to detail how this unsuspected contamination will be dealt with.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy EP16 of the Adopted Chorley Borough Local Plan Review.

(f) **B1:06/00908/OUT - Land South of Copper Works, Wood West of Gillibrand North and West of South Clover Road, Chorley**

Application No: 06/00908/OUT
Proposal: Outline application for enhancement of shopping area to include classes A1, A2, A3 and A5
Location: Land South of Copper Works, Wood West of Gillibrand North and West of South Clover Road, Chorley

Decision:
It was proposed by Councillor Ken Ball, seconded by Councillor David Dickinson, and subsequently **RESOLVED (14:0) to grant 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development hereby permitted is first commenced, full details of the following reserved matters design, external appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5, HS4, EM2 and TR4 of the Adopted Chorley Borough Local Plan Review.

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on 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, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

4. 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 previously submitted plans and specification) 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 Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

5. Before the development hereby permitted is first commenced, full details of the measures to be incorporated into the development to prevent the ingress of landfill gas shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved scheme of landfill gas ingress prevention measures.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with Policy No. EP16 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 which may have previously been submitted. The scheme 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. The larger retail unit shown on the submitted plans shall only be used as a shop and for no other purpose within Class A1 of the Town and Country Planning Uses Order 1987.

Reason: The use of that unit for any other purpose may not be appropriate and the Local Planning Authority requires the opportunity to consider any changes in use.

(g) B3:07/00715/CB3 - Copper Works Wood, Stanstead Road, Chorley

Application No: 07/00715/CB3
Proposal: New spillway and blocking up of existing weir, lowering of embankment walls, capping of 5 mineshafts, 500 cubic metres silt removal from reservoir (to be stored temporarily on site, before removal off site and/or use near mineshaft No. 4 at quarry end), and closure of damaged culvert.
Location: Copper Works Wood, Stanstead Road, Chorley

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Edgerley, and subsequently **RESOLVED (14:0) 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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not commence until samples of all visible external facing materials to the new spillway (notwithstanding any details shown on 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 materials.

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. Within 28 days of the completion of the desilting of the lake, the stored silt shall be removed from the approved storage area as detailed on drawing no. CBC/05, unless otherwise agreed in writing with the Local Planning Authority..

Reason: In the interests of neighbour amenity.

4. Before the development hereby permitted is commenced a survey to establish the presence/absence of bat roosts shall be submitted to and agreed in writing by the Local Planning Authority. If bats are found then a method statement shall be submitted to the Local Planning Authority and approved in writing detailing how detrimental impact on the conservation status of the bat population will be avoided during and after the development. Any necessary mitigation measures to protect the species shall be implemented in accordance with the agreed scheme.

Reason: To protect the bat population and in accordance with policy EP4 of the Adopted Chorley Borough Local Plan

5. Before development commences, details of the routes to be used to access the site to carry out the works shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out using the agreed routes.

Reason: To establish routes of least impact into the site in accordance with policy EP4 of the Adopted Chorley Borough Local Plan Review.

6. Before development commences the applicant shall submit to the Local Planning Authority and have agreed in writing a scheme for the translocation of vegetation from access routes and working areas. The development shall then be carried out in accordance with this scheme.

Reason: In accordance with policy EP2 of the Adopted Chorley Borough Local Plan Review.

7. Access to one of the mine shafts will require a stream crossing, which needs to be designed to avoid fragmentation of habitats. The crossing design should be submitted for to and approved in writing by the Local Planning Authority and then implemented in accordance with this scheme.

Reason: In accordance with policy EP2 of the Adopted Chorley Borough Local Plan Review.

(h) B4:07/00854/FUL - Brinscall Public Baths, Lodge Bank, Brinscall, Chorley

Application No: 07/00854/FUL
Proposal: Internal alterations – provision of accessible lift and toilet/shower

Location: Brinscall Public Baths, Lodge Bank Brinscall, Chorley

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Danny Gee to defer the decision to allow the Members of the Development Control Committee to visit the site of the proposed development.

An amendment to the motion was proposed by Councillor Eric Bell, seconded by Councillor Alan Cain, and subsequently **RESOLVED (7:7) with the Chair using his casting vote to grant 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 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development commences, full details of the treatment of the entrance door shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the fixing details (including cross sections and the recess of the roller shutter doors) and details of the proposed roller shutter box including the method to screen the box.

Reason : In the interests of the character and appearance of the building and the area as a whole and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

07.DC.106 GUIDANCE FOR MEMBER SITE VISITS

The Director of Customer, Democratic and Legal submitted a report that introduced a set of guidelines to assist the Chair and Members of the Committee in the conduct of site visits.

RESOLVED – That the report be noted.

07.DC.107 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Director of Development and Regeneration giving notification of the lodging of three appeals against the refusal of planning permission, one appeal that had been dismissed and one Enforcement appeal that had been dismissed.

RESOLVED – That the report be noted.

07.DC.108 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF DEVELOPMENT AND REGENERATION, THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, a table listing a number of planning applications for 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.

RESOLVED – That the report be noted.

07.DC.109 A LIST OF PLANNING APPLICATIONS DETERMINED BY THE CHIEF OFFICER UNDER DELEGATED POWERS BETWEEN 1 AUGUST AND 28 AUGUST 2007

The Committee received for information a schedule listing the remainder of the planning applications that had been determined by the Director of Development and Regeneration under delegated powers between 1 August and 28 August 2007.

RESOLVED – That the report be noted.

07.DC.110 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

Chair