

Development Control Committee

Tuesday, 11 December 2007

Present: Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair), Councillors Eric Bell, Alan Cain, Henry Counce, Michael Davies, Mike Devaney, Dennis Edgerley, Pat Haughton, Roy Lees, Adrian Lowe, June Molyneaux, Geoffrey Russell, Edward Smith and Ralph Snape

Officers: Jane Meek (Director of Development and Regeneration), Paul Whittingham (Development Control Manager), Claire Hallwood (Deputy Director of Legal Services), David Stirzaker (Planning Officer) and Tony Uren (Democrtic Services Officer)

Also in attendance: Councillor Doreen Dickinson

07.DC.128 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Ken Ball and Daniel Gee.

07.DC.129 COUNCILLOR KEN BALL

The Chair advised the Committee that Councillor Ken Ball had recently been taken into hospital and the Members asked that their best wishes for a speedy recovery be conveyed to Councillor Ball.

07.DC.130 MINUTES

RESOLVED – that the minutes of the meeting of the Development Control Committee held on 13 November 2007 be confirmed as a correct record for signature by the Chair.

07.DC.131 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 Members declared a prejudicial interest in relation to the planning applications and agenda item listed below:

Chair (Councillor Harold Heaton)	Enforcement Item – Stables on land opposite Tan House Farm, Charnock Richard (Minute 07.DC.133)
Councillor Pat Haughton	Planning Application 07/01140/FULMAJ
Councillor Ralph Snape	Planning Application 07/01140/FULMAJ

07.DC.132 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business), submitted reports on two 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 recorded below.

(a) A.1:07/01055/FULMAJ - Bishop Rawstone C of E International Language College, Out Lane, Croston

(The Committee received representations from a supporter of the proposal, a representative of the applicant and the Ward representative (Councillor Doreen Dickinson)).

Application No: 07/01055/FULMAJ
Proposal: Proposed construction of a new access road and car parking area and development of grazing agricultural land into a playing field.
Location: Bishop Rawstone C of E International Language College, Out Lane, Croston.
Decision:

It was proposed by Councillor Eric Bell, seconded by Councillor Adrian Lowe and subsequently **RESOLVED (15:0) 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. 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 hand landscaped; and detail any changes of ground level or landform. The scheme shall also include full details of the planting of the buffer strips to enhance biodiversity and a scheme for the subsequent management thereafter.

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.

3. 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 planning 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 marking out of the additional playing field area hereby permitted shall only be carried out in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority and all subsequent changes to the marking out of the field must also first be detailed on a plan and approved in writing by the Local Planning Authority before being changed.

Reason: In the interest of the amenities of nearby residents and in accordance with Policy No GN5 of the Chorley Borough Local Plan Review.

5. Prior to the commencement of development, details of the proposed surface water drainage arrangements for the new playing field shall be submitted to and approved in writing by the Local Planning Authority. If the drainage works are considered to result in substantial disturbance to the ground by the Council, a survey to establish whether or not Great Crested Newts are present in the field must be carried out and submitted to the Local Planning Authority for consideration following the submission of the drainage details and should include mitigation measures to protect Great Crested Newts during the course of the works to the field if the survey dictates they are necessary. The drainage scheme shall only be carried out in accordance with the approved details and the mitigation measures set out in the Great Crested Newt report, if the survey dictates they are necessary, must be implemented in full before and during the course of construction.

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.

6. Before the development hereby permitted is first commenced full details of existing and proposed ground 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.

7. Before the use of the new access to the school from Highfield Road hereby permitted is first commenced, the car parking spaces marked out on the area identified as number 4 on the attached Proposed Development Area plan (ref: Job No 206/5129 Dwg No 02) shall have been removed and the area made available as play space and the approved 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.

8. Prior to the first use of the new access to the school, the existing vehicular access from Out Lane shall have been permanently closed to all vehicular traffic, associated with the school and the community use of its facilities, in accordance with the scheme, which has first been submitted to and approved in writing by the Local Planning Authority. The access shall remain closed at all times thereafter to vehicular traffic associated with the school and the community use of its facilities.

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

9. Prior to the commencement of development, full details of all lighting (notwithstanding any details shown on the approved plans), which should be low level, shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include a full schedule of installation and equipment design, the position of the lighting within the site and calculations to determine glare, aim, intensity and spill.

Reason: To ensure a satisfactory form of development and in accordance with Policy Nos DC1 and GN5 of the Chorley Borough Local Plan Review.

10. Prior to the first use of the access hereby permitted, additional road safety marking and signage, funded by the applicant, adjacent to the access along Highfield Road shall have been implemented in full accordance with a scheme, which has first been submitted to and approved in writing by the Local Planning Authority in consultation with Lancashire County Council.

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

11. Within 6 months of the date of the first use of the new vehicular access from Highfield Road, the additional playing field facilitated by the change of use of the existing agricultural field shown on the approved site plan shall be made available as a playing field.

Reason: To ensure adequate play space is available and in accordance with Policy LT14 of the Chorley Borough Local Plan Review.

12. Prior to the first use of the new access and car park hereby permitted, a School Travel Plan, as defined by this permission, shall have been submitted to and approved in writing by the Local Planning Authority (in consultation with Lancashire County Council).

The Travel Plan shall provide details of the following:

- a) A summary of the schools particular transport and road safety issues;
- b) Evidence and results of consultation with pupils, staff, parents, the governing body and other interested parties;
- a) Targets and measures to minimise the impact of and a reduction in private car use for the journey to and from school by parents and staff;
- b) A summary of the schools current road safety policies and practices and details of any new and proposed initiatives including a planned timetable of introduction which should include a management plan for the school bus drop-off/pick-up point (ie a bus management strategy) and;
- c) Proposals for monitoring the progress of the School Travel Plan including a timetable for its implementation and review.

The Travel Plan shall be implemented within the timescales set out in the approved travel plan and shall be audited and updated, the details of which shall then be submitted for written approval to the Local Planning Authority (in consultation with Lancashire County Council) at intervals not greater than 18 months after the date of the written approval of the initial travel plan referred to above and prior to the 18 month anniversary of this date thereafter.

A Travel Plan is a document setting out a package of measures for reducing the number of car trips made to the development and promotion of alternative methods of travel.

Reason: To ensure the safe operation of the bus drop-off/pick-up point, to reduce dependence of private car journeys to and from school, in the interests of road safety and in accordance with Policy No TR4 of the Chorley Borough Local Plan Review and the Lancashire Parking Standards.

- (b) A.2:07/01140/FULMAJ - Land formerly DTC Cars, Westminster Road, Chorley

(Councillors Pat Haughton and Ralph Snape each declared a prejudicial interest in the application and left the meeting during the discussion and voting on the proposal)
(The Committee received representations from the applicant).

Application No: 07/01140/FULMAJ
Proposal: Proposed construction of 16 apartments and dwellings
Location: Land formerly DTC Cars, Westminster Road, Chorley
Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Eric Bell, and subsequently **RESOLVED (12:1) to grant planning permission, subject to (i) the prior completion of a Section 106 legal agreement to secure the making up of the highway in front of the development to an adopted standard; (ii) the deposit of a commuted sum to be used for the improvement of car parking facilities either at West Street or other identified location closer to the application site; and (iii) 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 external facing materials to the proposed buildings (notwithstanding any details shown on the previous submitted plans and specifications) 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 HS4 of the Adopted Chorley Borough Local Plan Review.

3. 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 Nos HS4 of the Adopted Chorley Borough Local Plan Review.

4. 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 appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

5. 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 of the Adopted Chorley Borough Local Plan Review.

6. 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 HS4 of the Adopted Chorley Borough Local Plan Review.

7. No development shall take place until:

- a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
- b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
- c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.

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 No EP16 of the Adopted Chorley Borough Local Plan Review.

8. Prior to the commencement of the development full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

07.DC.133 ENFORCEMENT REPORT - ERECTION OF STABLES, LAND OPPOSITE TAN HOUSE FARM, SOUTH SIDE OF DELPH LANE, CHARNOCK RICHARD

(The Chair (Councillor Harold Heaton) declared a prejudicial interest in the agenda item and left the meeting during the consideration and voting on the item. The Vice-Chair (Councillor David Dickinson) assumed the Chair during consideration of the item).

The Committee considered a report of the Corporate Director (Business) on the expediency of instigating enforcement action to secure the demolition of one of the stable blocks constructed on land opposite Tan House Farm, on the south side of Delph Lane, Charnock Richard.

The report recommended enforcement proceedings to secure the removal of a second stable block to accommodate a further 4 horses which had been erected on green belt land in contravention of the approved plans for the construction of a stable block and sand paddock on the site.

RESOLVED – (1) that it is expedient to instigate enforcement proceedings in respect of the breach of planning control entailing the erection, without planning permission, of a second stable block on land on the south side of Delph Lane, Charnock Richard.

(2) That an Enforcement Notice be issued in the following terms:

Remedy for Breach:

- (i) Demolish the stable block erected on the land.
- (ii) Remove from the land all material resultant from the above works.

Period for Compliance:

Three months.

Reason for issue of Enforcement Notice:

The stable block erected by virtue of its scale is contrary to the provisions of criteria (a) and (d) of Policy EP8 of the Adopted Chorley Borough Local Plan Review and Adopted Supplementary Planning Guidance 'Development involving Horses'.

07.DC.134 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Corporate Director (Business) giving notification of the lodging of an appeal against the proposed felling of a protected tree; the dismissal of a planning appeal; the allowance of three appeals against the refusal of planning permission; the allowance of an appeal against the service of an Enforcement Notice; and a planning permission granted by the Lancashire County Council.

RESOLVED – That the report be noted.

07.DC.135 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received, for information, tables listing 24 planning applications for Category 'B' development proposals which had, or were intended to be, determined by the Corporate Director (Business) under the adopted scheme of delegations, following consultation with the Chair and Vice-Chair of the Committee at meetings held on 13 and 28 November 2007.

RESOLVED – That the reports be noted.

07.DC.136 A LIST OF PLANNING APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS)

The Committee received, for information, a schedule listing the remainder of the planning applications that had been determined by the Corporate Director (Business) under delegated powers between 29 October and 26 November 2007.

RESOLVED – That the schedule be noted.

Chair