

# Development Control Committee

**Tuesday, 30 June 2009**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Judith Boothman, Alistair Bradley, Mike Devaney, David Dickinson, Dennis Edgerley, Keith Iddon, Roy Lees, Adrian Lowe, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

**Officers:** Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic and Member Services Officer) and Nicola Hopkins (Principal Planning Officer)

## 09.DC.48 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Henry Counce.

## 09.DC.49 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 prejudicial interest in relation to the planning application listed below.

Councillor Harold Heaton – 09/00335/OUT

## 09.DC.50 MINUTES

**RESOLVED – That the minutes of the Development Control Committee meeting held on 26 May 2009 be held as a correct record for signing by the Chair.**

## 09.DC.51 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on three applications for planning permission 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) 09/00335/OUT - 57, Charter Lane, Charnock Richard, Chorley

(Councillor Harold Heaton declared a prejudicial interest and left the meeting)

Councillor Geoff Russell took the Chair

Application no: 09/00335/OUT  
Proposal: Outline application for new two storey dwelling (specifying access, appearance and layout)

Location: 57, Charter Lane, Charnock Richard, Chorley

Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant outline planning permission subject to a legal agreement and the following conditions:**

1. An application for approval of the reserved matters (namely the scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended 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 building(s) (notwithstanding any details shown on previously submitted plan(s) and specification), including samples to be used for the 600mm high new brick boundary wall to the front of the property, 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 of the Adopted Chorley Borough Local Plan Review.*

3. Notwithstanding the details of the submitted plans, the proposed driveway shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials and shall be retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No. GN5 and EP18 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 plan(s)) 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. Before the dwelling hereby permitted is occupied the telegraph pole shall be relocated to the position as shown on drawing 08/131/PO1 Rev A or another location as agreed to in writing by the Local Planning Authority.

*Reason: To ensure adequate parking, maneuvering and visibility for the dwelling hereby approved and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.*

6. Before the dwelling hereby permitted is first occupied, the car parking space shall be surfaced or paved, drained and marked out in accordance with the approved plan. The car parking space 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. TR8 of the Adopted Chorley Borough Local Plan Review.*

7. The development hereby permitted shall only be carried out in accordance with the details set out within the Design and Access Statement dated 5<sup>th</sup> May 2009.

*Reason: To provide a satisfactory form of development and in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission shall be inserted or constructed at any time in the north elevation of the dwelling hereby permitted.

*Reason: To protect the amenities of the property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.*

9. The window in the north elevation of the dwelling hereby permitted shall be fitted with acoustic double glazing and acoustic double glazing shall be maintained at all times thereafter, unless otherwise agreed to in writing by the Local Planning Authority.

*Reason: To protect the amenities of the property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.*

**(b) 09/00150/FUL - 605, Preston Road, Clayton-Le-Woods**

Councillor Harold Heaton back in the Chair

Application no: 09/00150/FUL  
Proposal: Amendment to previously approved layout (08/00203/FULMAJ) and erection of 7 detached houses/infrastructure on adjacent plot

Location: 605, Preston Road, Clayton-Le-Woods, Chorley

Decision:

It was considered there were insufficient grounds to depart from the Local Plan as the land had been previously identified as employment land and as such needed to be retained. There was also a discussion that the application was premature in light of the current employment land review being undertaken.

It was proposed by Councillor Michael Devaney, seconded by Councillor Ken Ball, and was subsequently **RESOLVED (13:3) to refuse planning permission and that consideration of these grounds and precise reason for refusal be delegated to the Corporate Director (Business) in consultation with the Chair of the Committee.**

**(c) 09/00108/FUL - 26A Lancaster Lane, Clayton-Le-Woods, Chorley**

Application no: 09/00108/FUL  
Proposal: Erection of 5 additional units at 26A Lancaster Lane and proposed amendments to previously approved layout (08/00787/FUL) 24, Lancaster Lane, including plot substitution of house type – plot 4 and amended position of plot 8

Location: 26A, Lancaster Lane, Clayton-Le-Woods, Leyland

Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor David Dickinson to approve the planning application.

A further motion was proposed to refuse planning permission on the grounds of overdevelopment of the area, upon being put to the vote the motion was lost (3:13) and so was subsequently **RESOLVED to grant planning permission subject to a legal agreement and 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 buildings (notwithstanding any details shown on the 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.*

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 No. GN5 of the Adopted Chorley Borough Local Plan Review.*

4. Prior to the commencement of demolition of the existing dwelling on the site an emergence survey shall be carried out as set out in recommendations paragraph 5 of the bat survey by the Environmental Research and Advisory Group accompanying the application.

*Reason: To safeguard protected species and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.*

5. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: In the interests of safety and in accordance with the guidance set out in PPS23 – Planning and Pollution Control 2004.*

6. This consent relates to the amended plan received on 16th June 2009 and the amended Sustainable Resources Document received on the 10<sup>th</sup> June 2009.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting the Order, there shall not at any time in connection with the development hereby permitted, be erected or planted, or allowed to remain, upon the land hereinafter defined, any building, wall, fence, hedge, tree, shrub or other device which will obstruct the view above a plane 1 metre above the crown level of the adjoining

highway. The piece of land affected by this condition shall be that part of the site in front of a line drawn from a point 2.4metres measured along the centre line of the access road from the carriageway of Lancaster Lane to points measured 43m in each direction along the nearer edge of the carriageway of Lancaster Lane from the intersection of the centre line of the access road.

*Reason: To ensure adequate visibility, in the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

8. 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.*

#### **09.DC.52 PLANNING APPEALS NOTIFICATION REPORT**

The Corporate Director (Business) submitted a report giving notification of one planning appeal that had been lodged against the refusal of planning permission and giving notification of four planning applications that had been granted by the County Planning Inspectorate.

**RESOLVED – That the report be noted.**

#### **09.DC.53 PLANNING APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE**

The Committee received for information, tables listing twelve applications for Category 'B' development proposals which had been determined by the Corporate Director (Business), the Chair and Vice Chair of the Committee at meetings held on 26 May, 10 June and 17 June 2009.

**RESOLVED – That the tables be noted.**

#### **09.DC.54 DELEGATED DECISIONS 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 14 May and 16 June 2009.

**RESOLVED – That the schedule be noted.**

Chair