

Development Control Committee

Tuesday, 8 December 2009

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Judith Boothman, Alistair Bradley, Henry Caunce, Mike Devaney, David Dickinson, Dennis Edgerley, Christopher France, Keith Iddon, Roy Lees, 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.98 APOLOGIES FOR ABSENCE

No apologies for absence were received.

09.DC.99 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members of Code of Conduct, the following Member declared a prejudicial interest in relation to the planning application listed below:

Councillor Mike Devaney – 09/00749/FULMAJ

09.DC.100 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 10 November 2009 be held as a correct record for signing by the Chair.

09.DC.101 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on eight 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) 09/00873/FUL - Orcheton House Farm, Wood Lane, Heskin, Lancashire, PR7 5PA

Application no: 09/00873/FUL
Proposal: Replacement of agricultural workers dwelling, re-use and relocation of former dwelling as fishing training centre (re-submission of planning application 09/00678/FUL)
Location: Orcheton House Farm, Wood Lane, Heskin
Decision:
Application withdrawn from this agenda.

(b) 09/00714/FULMAJ - Land adjacent to Fairview Farm (including land bounded by Chorley Road, Eller Brook and railway), Chorley Road, Adlington

Application no: 09/00714/FULMAJ
Proposal: Erection of 37 affordable dwellings with external amenity space and off street parking at Fairview Farm, Adlington
Location: Land adjacent Fairview Farm (including Land Bounded by Chorley Road, Eller Brook and Railway) Chorley Road, Adlington
Decision: Application withdrawn from this agenda

(c) 09/00640/FUL - 4, Ewell Close, Chorley

The Committee received representations from the applicant's agent)

Application no: 09/00640/FUL
Proposal: Demolition of existing bungalow and erection of 7 two storey detached dwellings with associated garages and infrastructure (re-submission of application 09/0054/FUL)
Location: 4 Ewell Close, Chorley
Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Keith Iddon, and was subsequently **RESOLVED to grant planning permission subject to a Legal Agreement and the following conditions:**

1. 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

2. 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, to ensure that there is not an undue increase in surface water run-off and in accordance with Policy Nos. GN5, HS4 and EP18 of the Adopted Chorley Borough Local Plan Review.

3. 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.

4. In accordance with the recommendations set out in the Conclusions and Recommendations of the Bat survey Results dated 31st August 2009, any loose roofing tiles and wooden hanging tiles should be dismantled by hand.

Reasons: In the interests of species protection and in accordance with Policy EP4 of the adopted Chorley Borough Local Plan Review and PPG9

5. No development shall take place until a scheme for the installation of bat and bird boxes on the site (as required in the recommendations contained in paragraph 4.6 of the Ecological Survey and Assessment) has been submitted to an approved in writing by the Local Planning Authority.

Reasons: In the interests of species protection and in accordance with PPG9 and policy EP4 of the Adopted Chorley Borough Local Plan Review.

6. 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.

7. No development shall take place until a scheme detailing the on-site measures to be installed and implemented so as to reduce carbon emissions, by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot, by means of low carbon sources has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall also include full details of the predicted energy use of the development expressed in terms of carbon emissions (If no data specific to the application is available benchmark data will be acceptable) and how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

8. No development shall take place until a scheme to demonstrate and provide full details of how the design and layout of the buildings will withstand climate change has been submitted to an approved on writing by the Local Planning Authority. The details shall include details of the proposed Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6 of the Codes for Sustainable Homes. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

(d) 09/00708/FUL - Land 15m West of 176A Wood Lane, Heskin, Lancashire

(The Committee received representations from an objector to the proposals and the Applicant's Agent)

Application no: 09/00708/FUL
Proposal: Erection of a detached bungalow (resubmission of application 09/00708/FUL)

Location: Land 15m West of 176A Wood Lane, Heskin

Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to refuse planning permission for the following reason:**

The proposed development by reason of its size, siting and the restricted plot dimensions, would result in an unsatisfactory, cramped form of development, out of character with the surrounding area. As such the proposal is considered to be contrary to Government advice contained in PPS1, PPS3 and Policy HS4 of the Adopted Chorley Borough Local Plan Review.

(e) 09/00780/FUL - Land 50m South of 54 to 64 Lancaster Lane, Clayton-le-Woods, Lancashire

Application no: 09/00780/FUL

Proposal: Erection of 3 detached dwellings and associated infrastructure on land to rear of 54 to 64 Lancaster Lane (extension previously permitted scheme, utilising access road approved by 09/00354/FULMAJ)

Location: Land 50m South of 54 to 64, Lancaster Lane, Clayton-Le-Woods

Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor Dennis Edgerley, and was subsequently **RESOLVED (10:6) to grant planning permission, with Councillors Henry Counce, Mike Devaney, Dennis Edgerley, Harold Heaton, Keith Iddon, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Geoff Russell voting for the proposal and Councillors Julia Berry, Judith Boothman, Alistair Bradley, David Dickinson, Chris France and Ralph Snape voting against the proposal, (Councillor Ken Ball abstained from the vote) 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. 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.

3. 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: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review

4. The development shall be carried out in accordance with the ground investigation report Ref 06203 and its associated addendum report.

Reason: In the interests of safety and in accordance with PPS23.

5. No dwelling hereby permitted shall be occupied until that part of the road which provides access to it from the public highway has been constructed in accordance with the approved plans and the approved planning application reference 07/00685/FUL.

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

6. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to an approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document.

7. No dwelling hereby permitted shall be occupied until the cycle/storage (garden sheds) as shown on drawing no AL007 Rev D stamp dated 23rd November 2009 have been provided for each of the properties.

Reason: The garages are smaller than would normally be provided and therefore to ensure sufficient storage/cycle storage is provided at the properties in accordance with Manual for Streets.

8. 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 of the Adopted Chorley Borough Local Plan Review.

9. 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.

10. 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.

11. 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.

(f) 09/00850/FUL - Formerly Multipart Distribution Limited, Pilling Lane, Chorley

Application no: 09/00850/FUL
Proposal: Re-plan of part of the site including the construction of 8 dwellings, parking court and associated garages (amendment to reserved matters approval 07/01226/REMMAJ), including the erection of 1 additional dwelling.

Location: Formerly Multipart Distribution Limited, Pilling Lane, Chorley

Decision: It was proposed by Councillor Alistair Bradley, seconded by Councillor Dennis Edgerley, and 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 only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans 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

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. 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.

5. The external facing materials detailed on plan reference 400/PM01 Rev A, received 23rd November 2009, shall be used and no others substituted without the prior written approval of the Local Planning Authority.

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

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. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

7. 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.

8. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.

9. The site shall be remediated in accordance with BAE Environmental Remediation Strategy Report (Reference: A0356-02-R1-1). Upon completion of the remediation works a verification/ completion report containing any validation sample results shall be 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 Government advice contained in PPS23: Planning and Pollution Control

10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.

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

11. 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

12. Prior to the commencement of the development full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.

Reason: To ensure that the existing residents are fully aware of the progress of the development.

13. 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.

14. The development hereby permitted shall be carried out in accordance with the measures set out within the action plan of the Residential Travel Plan dated April 2009 (submitted under application 09/00374/DIS).

Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

15. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

16. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

17. Prior to the commencement of the development a schedule for the phased repair/ replacement of the boundary walls shall be submitted to and approved in writing by the Local Planning Authority. The information shall include a structural report of the walls/boundary treatment and details of any retaining structures. The development shall be carried out in accordance with the approved schedule of works.

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

18. Prior to the commencement of the development full details of the gate treatment, to secure the alleyway between plots B84-B123 and plots B82-B83, shall be submitted to an approved in writing by the Local Planning Authority. The gates shall thereafter be retained in perpetuity with access limited to the occupants of plots B84, B123, B82 and B83.

Reason: In the interests of the visual amenities of the area and to reduce any potential security issues. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

19. Before the development hereby permitted is first commenced full details of lighting proposals for the proposed parking court 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, to prevent light pollution, in the interests of public safety and crime prevention and in accordance with Policy Nos. GN5 and EP21A of the Adopted Chorley Borough Local Plan Review.

(g) 09/00745/FULMAJ - Quarry Road Industrial Estate, Quarry Road, Chorley

Application no: 09/00745/FULMAJ
Proposal: Proposed residential development. Erection of 66 dwellings and associated infrastructure
Location: Quarry Road Industrial Estate, Quarry Road, Chorley
Decision:

It was proposed by Councillor Mike Devaney, seconded by Councillor Dennis Edgerley and 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. 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.

5. 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.

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. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

7. Japanese Knotweed is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Japanese Knotweed to grow in the wild. Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The programme shall accord with Environment Agency Guidelines.

Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended).

8. No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show on-site measures to be installed and implemented so as to produce a minimum of 10% or locally set targets whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement : Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Adopted Sustainable Resources DPD.

9. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil,

rubbish, vehicles or equipment shall be stored or tipped within the areas so fenced. All excavations within the area so fenced shall be carried out by hand.
Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

10. No development shall take place until:

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 types, nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

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;

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 the guidance in PPS23 – Planning and Pollution

(h) 09/00749/FULMAJ - Land between From Street and Crosse Hall Lane, Chorley

(Councillor Mike Devaney declared a personal interest but stayed in the meeting)

Application no: 09/00749/FULMAJ
Proposal: Erection of 37 dwellings (amendment to layout, design, landscaping and external appearance approval as part of planning approval 02/00680/REMMAJ)
Location: Land between From Street and Crosse Hall Lane, Chorley

Decision:

It was proposed by Councillor Devaney, seconded by Councillor David Dickinson and 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. All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

3. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.

4. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority a method statement for providing protection to protected species during the course of the development and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways. Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

Reason: In the interests of the visual amenities of the development, the amenities of future residents and nature conservation and in accordance with Policies GN5 and EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.

5. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.

Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.

6. The development hereby permitted shall be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.

Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.

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 Government advice contained in PPS23: Planning and Pollution Control

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall 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 Government advice contained in PPS23: Planning and Pollution Control

9. 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.

10. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans 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.

11. 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 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.

12. 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.

13. 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.

14. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been

submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document

15. Prior to the commencement of the development details of appropriate mitigation measures to prevent pollution of the waterway during and after the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details.

Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site. In accordance with Policy EP5 of the Adopted Chorley Borough Local Plan Review.

16. 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.

17. 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.

18. 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, to prevent flooding and to prevent pollution to the waterway. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk

09.DC.102 PLANNING APPEALS NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of one planning appeal against the refusal of planning permission that had been dismissed by the Planning Inspectorate and one appeal that had been withdrawn.

RESOLVED – That the report be noted.

09.DC.103 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF COMMITTEE

The Committee received for information, tables listing seven applications for Category 'B' development proposals which had been determined by the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee at meetings held on 10, 20, 24 and 25 November 2009.

RESOLVED – That the tables be noted.

09.DC.104 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS)

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Corporate Director (Business) under delegated powers between 29 October and 25 November 2009.

RESOLVED – That the schedule be noted.

09.DC.105 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257 PUBLIC PATH DIVERSION ORDER - PART OF PUBLIC FOOTPATH NO. 6, ADLINGTON

RESOLVED – That this item be deferred.

09.DC.106 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDERS

The Corporate Director (Business) submitted a report for Members to consider a formal confirmation of two Tree Preservation Orders. No objections had been received in response to the making of the orders and it was subsequently **RESOLVED to confirm the following Tree Preservation Orders without modification:**

- (1) **The Chorley Borough Council Tree Preservation Order No.1 (Eccleston) 2009;**
- (2) **The Chorley Borough Council Tree Preservation Order No.2 (Euxton) 2009**

09.DC.107 MERRY CHRISTMAS

The Chair wished the Members of the Committee a Merry Christmas and a Happy New Year.

Chair