

Development Control Committee

Tuesday, 9 March 2010

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, Christopher France, Keith Iddon, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

Officers: Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Dianne Scambler (Democratic and Member Services Officer), Andy Wiggett (Principal Planning Officer) and Alex Jackson (Senior Lawyer)

Also in attendance: Councillors John Walker and Greg Morgan (Clayton-Le-Woods and Whittle-Le-woods)

10.DC.126 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Henry Caunce and Roy Lees.

10.DC.127 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 Simon Moulton – planning application 10/00006/FUL

10.DC.128 MINUTES

RESOLVED – That subject to the amendment of the following minute:

10.DC.122 It was proposed by Councillor Keith Iddon, seconded by Councillor Mike Devaney to approve the application.

the minutes of the Development Control Committee meeting held on 9 February 2010 be held as a correct record for signing by the Chair.

10.DC.129 PLANNING APPLICATIONS AWAITING DECISION

The Director of Partnerships, Planning and Policy submitted reports on five 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.

(a) 10/00006/FUL - Land on side of Sidegate Cottage, Pompian Brow, Bretherton

(Councillor Simon Moulton spoke to the Committee as a ward representative, and then left the meeting; he took no part in the debate or voting)

(The Committee also heard representations from an objector to the proposals)

Application no: 10/00006/FUL
Proposal: Erection of single detached two storey dwelling (first floor accommodation to be provided in roof space), with an integral garage and new access.
Location: Land on side of Sidegate Cottage, Pompian Brow, Bretherton, Leyland

Decision:
It was proposed by Councillor Mick Muncaster, seconded by Councillor Dennis Edgerley, and was subsequently **RESOLVED to defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(Councillor Simon Moulton returned to the meeting)

(b) 10/00101/FUL - The Royal and The Coppice, Shaw Hill, Whittle-Le-Woods

(The Committee received representations from an objector to the proposals and Councillors Greg Morgan and John Walker both ward representatives for Clayton-Le-Woods and Whittle-Woods)

Application no: 10/00101/FUL
Proposal: Erection of 7 detached dwellings, garages and associated infrastructure following demolition of existing buildings.
Location: The Royal and The Coppice, Shaw Hill, Whittle-Le-Woods, Chorley

Decision:
It was proposed by Councillor Ken Ball, seconded by Councillor Dennis Edgerley, and was subsequently **RESOLVED to defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(Councillor Alistair Bradley left the meeting)

(c) 10/00079/FUL - Pennines, 2 Crosse Hall Lane, Chorley

(The Committee heard representations from an objector to the proposals)

(Councillor Alistair Bradley returned to the meeting)

Application no: 10/00079/FUL
Proposal: Demolition of detached bungalow and erection of 8 affordable houses with ancillary parking and enclosures
Location: Pennines, 2 Crosse Hall Lane, Chorley

Decision:
It was proposed by Councillor Ken Ball, seconded by Councillor Alistair Bradley, to defer the decision.

An amendment to the motion was proposed by Councillor Harold Heaton, seconded by Councillor Geoff Russell, to grant planning permission, upon being put to the vote, the motion was lost (2-13).

The original motion was then voted upon and was subsequently **RESOLVED (9:0) to defer the decision to request a more comprehensive highways report to be done on the proposals.**

(d) 09/00998/FULMAJ - St Mary's Church Hall, Lawrence Lane, Eccleston, Chorley

Application no: 09/00998/FULMAJ

Proposal: Erection of 10 dwellings and associated infrastructure, including demolition of existing buildings
Location: St Mary's Church Hall, Lawrence Lane, Ecclestone, Chorley
Decision:
It was proposed by Councillor Mike Devaney, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant planning permission subject to a Legal Agreement and the following conditions:**

1. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected, specifically to include a 14m high fence along The Croft, (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.

2. 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.

3. 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.

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 and HS4 of the Adopted Chorley Borough Local Plan Review.

5. During the construction period, all trees and hedges 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.

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 recommendations set out in Part 6 of the report prepared by ADK Environmental Management Ltd received 14th December 2009 on bats shall be carried out as specified and the results submitted to and confirmed in writing by the Local Planning Authority.

Reason: To facilitate the survival of the individual species identified in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

8. This consent relates to the amended plan, received on 26th January 2010.

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

9. The approved plans are:

Plan Ref.	Received On:	Title:
RO46/1	26.01.2010	Planning Layout
5536/01	14.12.2009	Topographic Survey
RO46-100	14.12.2009	House Types
RO46-101		
RO46-102		
RO46-103		
RO46-105		
RO46-106		Garage Details
RO46-107		Fence/wall Details
RO46-108		Streetscenes

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

10. 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.

11. No development shall take place until:

a) the Local Planning Authority has given written approval to the remediation proposals set out in the report prepared by LK Consult and received on the 3rd February, 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 set in PPS23 – Planning and Pollution Control

(e) 10/00027/REM - St James C of E Primary School, Devonport Way, Chorley

Application: 10/00027/REM
Proposal: Erection of 9 dwellings with new access, road driveway and parking court (Reserved Matters application 08/00100/OUT)
Location: St James C of E Primary School, Devonport Way, Chorley
Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Ken Ball and was subsequently **RESOLVED (11:2) to approve the reserved matters application subject to the following conditions:**

1. Before development of the site hereby permitted commences, a survey of the retaining walls around the site shall be carried out by a suitably qualified person of their stability and capability of accommodating the development proposed without affecting neighbouring land. The report shall be submitted to and agreed by the Local Planning Authority and recommendations to show how any instability might be overcome shall be implemented in accordance with the assessment.

Reason: The Local Planning Authority has reason to believe that the land and walls may be unstable or likely to become so and is adopting the precautionary principle to development as advised in PPG 14 Development on Unstable Land and on accordance with the provisions of Policy EP15 of the Adopted Chorley Borough Local Plan Review.

2. Notwithstanding the submitted plans a gate shall be provided, before occupation of the dwellings, at the south east corner of plot 5 on the access footpath to the rear of plots 5 – 7.

Reason: to assist in the prevention of crime and to promote community safety in accordance with the provisions of Policy HS4 of the Adopted Chorley Borough Local Plan Review.

3. 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 the guidance set out in PPS23:
Planning and Pollution Control***

10.DC.130 ENFORCEMENT REPORT - 7 WELL LANE, BRINSCALL, CHORLEY

The Committee received a report of the Director of Partnerships, Planning and Policy asking Members to consider whether it was expedient to take enforcement action to secure cessation of the use of land adjacent to 7, Well Lane, Brinscall, Chorley as a residential cartilage.

Based on site visits, information from the landowner and complainants, plans attached to conveyance documents and Ariel photographs, Members considered that on the balance of probabilities the land had been used as residential cartilage for a period in excess of ten years and that there had been no different intervening uses.

It was proposed by Councillor Ken Ball, seconded by Councillor David Dickinson, and was subsequently **RESOLVED that it was not expedient to pursue enforcement action.**

10.DC.131 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information tables listing eight applications for Category 'B' development proposals which had been determined by the Director of Partnerships, Planning in consultation with the Chair and Vice Chair of the Committee at meetings held on 9 February and 24 February 2010.

RESOLVED – That the tables be noted.

10.DC.132 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Director of Partnerships, Planning and policy under delegated powers between 27 January and 24 February 2010.

RESOLVED – That the schedule be noted.

10.DC.133 BEST WISHES

The Chair announced that Principal Planning Officer, Andy Wiggett was retiring from the Council and on behalf of himself and the Committee, wished him all the best for the future.

Chair