

# Development Control Committee

**Tuesday, 25 May 2010**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Henry Counce, Mike Devaney, David Dickinson, Dennis Edgerley, Christopher France, Roy Lees, Simon Moulton, Mick Muncaster and Ralph Snape

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

**Also in attendance:** Councillor Alistair Bradley (Chorley South East)

## 10.DC.155 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor June Molyneux.

## 10.DC.156 DECLARATIONS OF ANY INTERESTS

There were no declaration of interest declared.

## 10.DC.157 MINUTES

**RESOLVED – That the minutes of the Development Control Committee meeting held on 20 April 2010 be confirmed as a correct record and signed by the Chair.**

## 10.DC.158 PLANNING APPLICATIONS AWAITING DECISION

The Director of Partnerships, Planning and Policy submitted report on two 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 as recorded below.**

### (a) 10/00273/OUT - 81A Pall Mall, Chorley, Lancashire PR7 3LT

Application no: 10/00273/OUT  
Proposal: Outline application for the erection of 7 dwellings and associated works  
Location: Pall Mall Garages and Sheds 81A Pall Mall, Chorley, PR7 1JU  
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor David Dickinson and subsequently **RESOLVED to grant outline planning permission subject to the following conditions and the prior completion of a revised or supplemental section 106 agreement in relation to public open space:**

1. No development approved by this permission shall be commenced until details of the means of foul sewage and a surface water drainage strategy (including attenuation surface discharges from the development to existing rates or less) has been submitted to and approved by the Local Planning Authority. The schemes shall be constructed and completed in accordance with the approved details  
*Reason: to reduce the risk of flooding and ensure a satisfactory means of drainage and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*
  
2. There is a potential for ground contamination at this site. Due to the size of development and sensitive end-use, no development shall take place until:  
a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - 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 any remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority. Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals 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, in accordance with PPS23.*
  
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 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 the proposal does not give rise to an undue increase in surface water run off and in accordance with Policy Nos. GN5, EP18 and HS4 of the Adopted Chorley Borough Local Plan Review.*

6. 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.*

7. An application for approval of the reserved matters (namely the appearance, 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.*

8. 1. Each and every application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change, for example, amongst other things through the use of passive solar design. No phase or sub-phase shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

2. No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1 January 2010 will be required to meet Code Level 3, all dwellings commenced after 1 January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1 January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits

within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

3. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved 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.*

9. No development shall take place until a scheme detailing the treatment of the south facing elevations of no. 73 Pall Mall and No. 18 File Street have been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of the visual amenity of the area and in accordance with policy no. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

10. The approved plans are:

Plan Ref.	Received On:	Title:
C2904	7 April 2010	Block Plan
C2904	7 April 2010	Location
Plan		
7593 PO1B	20 May 2010	Site Plan

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

11. In accordance with the recommendations set out in section 8 (Advice and Recommendations) of the Bat survey Results dated September 2009, removal of the roof structure on the larger building shall be done carefully 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*

12. Notwithstanding the details on the approved plans none of the dwellings hereby permitted shall have more than three bedrooms. In order to ensure that a satisfactory layout and adequate amount of off street parking can be provided and in accordance with Policy No. HS4 and TR4 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 to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

**(b) 10/00202/FULMAJ - 9 Queens Road, Chorley, Lancashire, PR7 1JU**

Application No: 10/00202/FULMAJ  
Proposals: Demolition of existing redundant building and construction of mixed use scheme including commercial use of ground floor and basement levels and 10 residential apartments on 3 upper floors (extension to the time limit for implementing planning approval reference 04/00937/FULMAJ)  
Location: Garside & Son Plumbers, 5-9 Queens Road, Chorley, PR7 1JU  
Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Dennis Edgerley and subsequently **RESOLVED to grant planning permission subject to the following conditions and the prior completion of a section 106 agreement in relation to public open space:**

1. The development hereby permitted shall be carried out in accordance with the amended plan(s), received on 27 January 2005.  
*Reason: To define the permission and ensure a satisfactory form of development.*
2. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.  
*Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
3. No development approved by this planning permission shall be commenced until: a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced. b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority .d) A Method Statement and remediation strategy, based on the information obtained from (c) above, has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved method statement and remediation strategy referred to in (d) above, and to a timescale agreed in writing by the local planning authority, unless otherwise agreed in writing by the local planning authority.  
*Reason: To identify all previous site uses, potential contaminants that might reasonably be expected given those uses and the source of contamination, pathways and receptors; to enable a risk assessment to be undertaken,*

*refinement of the conceptual model and the development of a Method Statement and Remediation Strategy and to ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, in accordance with Policy EP16 of the Adopted Chorley Borough Local Plan Review.*

4. 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 GN5 of the Adopted Chorley Borough Local Plan Review.*
5. Before the works required for the creation of the residential use are first commenced, full details of a scheme of soundproofing between the proposed flats and adjoining property shall have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved soundproofing scheme shall be completed before any flat is occupied.  
*Reason: In the interests of the amenity of future occupants of the proposed flats and occupants of adjoining property and in accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.*
6. The proposed development must be begun not later than three years from the date of this permission.  
*Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.*
7. The ground floor and basement of the premises shall be used for purposes within Class A1, Class A2, or Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose.  
*Reason: To protect the amenities of local residents and in accordance with Policies HS4 and EM6 of the Adopted Chorley Borough Local Plan Review.*
8. Notwithstanding the details shown on the submitted plans, a full specification of the windows, frames and guard rails shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved specification.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
9. Notwithstanding the detail shown on the front elevation plans, the proposed treatment around the apartment doorway and any signage for the apartments shall be submitted to and approved in writing by the Local Planning Authority in writing before construction commences.  
*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*
10. Notwithstanding the notional detail shown on the plans, all proposals for external lighting shall be submitted to and approved in writing by the Local Planning Authority in writing before construction commences.  
*Reason: To ensure that the materials used are visually appropriate to the*

*locality and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

11. The cycle store shall be kept freely available for the storage of cycles at all times and shall not be used for any other purpose.  
*Reason: To ensure adequate provision is made and maintained for the parking of cycles in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*

#### **10.DC.159 ENFORCEMENT REPORT - SPRINGFIELDS, SANDY LANE, MAWDESLEY**

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 in respect of an operational development consisting of the erecting of a wall brick pillars/electronic gated, the formation of hard standings and kerbing on land at Springfields, Sandy Lane, Mawdesley and charge of use of land for the storage of plant machinery and associated equipment.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor David Dickinson, and was subsequently **RESOLVED that is was considered expedient to pursue enforcement action.**

#### **10.DC.160 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 6, ADLINGTON PUBLIC PATH DIVERSION ORDER**

The Director of Transformation submitted a report asking Members to consider confirmation of a Public Footpath Diversion Order, in respect of Public Footpath No. 6, Adlington, in order to facilitate the development of an affordable housing scheme.

The proposal to effect the diversion in respect of Public Footpath No. 6, Adlington was approved by the Committee on 12 January 2010, and no objections were received following publication of the proposal in the press and posting of notices on site.

It was proposed by Councillor Dennis Edgerley, and seconded by Councillor David Dickinson, and subsequently **RESOLVED that the Director of Transformation be authorised to confirm as an unopposed order The Chorley Borough Council (Public Footpath No. 6, Adlington) Public Path Diversion Order 2010, made pursuant to Section 257 of the Town and Country Planning Act 1990, formally authorising the diversion of Public Footpath No. 6, Adlington, in order to permit development to be carried out in accordance with the granting of planning permission, namely the construction of affordable housing.**

#### **10.DC.161 PLANNING APPEALS AND DECISIONS - NOTIFICATION**

The Director of Partnership, Planning and Policy submitted a report giving notification of two appeals that had been lodged against the refusal of planning permission, two planning applications that had been dismissed and one appeal that had been allowed.

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

**10.DC.162 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIP, PLANNING AND POLICY IN CONSULTATION WITH CHAIR AND VICE-CHAIR OF THE COMMITTEE**

The Committee received, for information, schedules listing five planning applications for Category 'B' development proposals which had been determined by the Director of Partnership, Planning and Policy in consultation with the Chair and Vice Chair of the Committee at meetings held on 20 April 2010 and 12 May 2010.

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

**10.DC.163 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY UNDER DELEGATED POWERS**

The Committee received, for information, a schedule listing planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 31 March 2010 and 12 May 2010.

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

Chair