

Development Control Committee

Tuesday, 20 December 2005

Present: Councillor A Lowe (Chair), Councillor R Parr (Vice-Chair), Councillors K Ball, E Bell, T Brown, Brownlee, H Caunce, F Culshaw, M Davies, D Dickinson, D Edgerley, D Gee, T Gray, H Heaton, Miss I Iddon, R Lees, P Malpas, Miss J Molyneaux, G Morgan, G Russell and C Snow

Also in attendance: Councillors M Lowe

06.DC.58 SEASONS GREETINGS

The Chair wished the Committee Members, Officers and Members of the Public, Seasons Greetings and best wishes for 2006.

06.DC.59 APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillors Bedford, Birchall, Livesey, Mrs J Snape and Whittaker.

06.DC.60 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members Code of Conduct, the following Member declared an interest in relation to the Planning Applications listed below, which were included on the meetings agenda for determination.

Councillor Parr – Item 5, B1 Planning Application 05/00670/REM

06.DC.61 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 29 November 2005 to be confirmed as a true record and signed by the Chair subject to the correction of Minute 05.DC.52 in relation to Application 05/01042/FUL by the substitution of 'Councillor Whittaker' for 'Councillor Walker'.

06.DC.62 APPEALS REPORT

The Committee received a report of the Head of Development and Regeneration giving notification of the lodging of appeals against the refusal of planning permission for three developments and one application that had been approved by the Lancashire County Council.

RESOLVED – That the report be noted.

06.DC.63 PLANNING APPLICATIONS AWAITING DECISION

The Head of Development and Regeneration submitted reports on a number of planning applications to be determined by the Committee.

RESOLVED – That the planning applications, as now submitted be determined in accordance with the Committee’s decisions as recorded below.

Application No : 05/00969/OUTMAJ
Proposal : Modification of condition no.1 of Planning Permission 03/1017/FUL to extend the period for the submission of reserved matters until 3/11/2007,
Location : Gillibrand Hall Grounds Grosvenor Road Chorley Lancashire

Decision:
It was proposed, seconded and subsequently **RESOLVED to grant outline planning permission, subject to the prior completion of a Section 106 Legal Agreement and the following conditions:**

1. Application for approval of the reserved matters must be made to the Council as Local Planning Authority before the 3 November 2007 and the development hereby permitted must be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely means of access, siting, design, external appearance of buildings and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only.

3. The reserved matters for the means of access shall accord with the following. Means of vehicular access to the development, including all construction traffic but excepting emergency access, shall only be taken from the site referred to as HS1.6 in the Chorley Borough Local Plan Review and the Gillibrand Link Road as identified in Policy TR3.1 of the Chorley Borough Local Plan Review, in accordance with Policy HS2 of the Chorley Borough Local Plan Review. Details of the emergency access to the site shall include the measures to be implemented to ensure that this access is only available for use in an emergency. The approved measures shall be implemented in full prior to the occupation of any dwelling.

Reason: In the interests of highway safety on Rookery Close, Grosvenor Road and Thirlmere Road.

4. Prior to the submission for approval of the details of any reserved matters, there shall have been submitted to and approved in writing by the Local Planning Authority a Development Brief for the site. The Development Brief shall indicate the characteristics of the site and surrounding area which would influence the form, design and layout of the development and include an illustrative plan indicating how the site may be developed in accordance with the influencing factors identified. The reserved matters submitted thereafter shall have full regard to the influencing factors identified.

Reason: To ensure that an acceptable form of development for the site is achieved having regard to the characteristics of the site and its surroundings.

5. No development shall take place until:

- a) a scheme for monitoring landfill gas migration has been submitted to and approved in writing by the Local Planning Authority;
- b) all monitoring specified in the approved scheme (submitted under a) above), has been carried out and the results of the monitoring exercise, together with recommendations and specific proposals to render the site capable of development for housing have been submitted to the Local Planning Authority; and

- c) the Local Planning Authority has given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals submitted under b) above), and the carrying out of any required works in a manner and to a timetable to be agreed in writing with the Local Planning Authority. Upon completion of the works of remediation and treatment, a Validation Report shall be submitted to the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

7. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

8. The first application for approval of reserved matters shall be accompanied by a tree survey detailing the position, species, stature, health, branch spread and amenity value of all trees and hedgerows within the site and the proposals for their retention/treatment.

Reason: In the interests of the visual amenities of the area.

9. 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.

10. 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.

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 plan(s). 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.

12. 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.

13. 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 and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

14. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

15. No part of the development hereby permitted shall be occupied or used until a means of vehicular access 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.

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

17. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.

18. The reserved matters submission shall include provision that no less than 20% of the housing units to be built on the site shall be Affordable Housing, and shall include details of the time at which such Affordable Housing is to be provided (with reference to the development of the other parts of the site), the type of Affordable Housing to be provided and the means of ensuring that the benefits of the Affordable Housing shall be enjoyed by successive as well as initial occupiers of such Affordable Housing. The Affordable Housing shall be provided and subsequently retained as Affordable Housing in accordance with the details as approved in writing by the Local Planning Authority.

Reason: To ensure the provision of affordable housing to assist in meeting local housing needs.

19. No development shall take place until a woodland management Plan (comprising a scheme of works for the long term maintenance and management of the woodland areas) has been submitted to and approved in writing by the Local Planning Authority. The woodland areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and nature conservation.

Application No : 05/00970/OUTMAJ

Proposal : Modification of condition no.1 of Planning Permission 03/1017/FUL to extend the period for the submission of reserved matters until 3/11/2007 (Duplicate),

Location : Gillibrand Hall Grounds Grosvenor Road Chorley
Lancashire

Decision:

It was proposed, seconded and subsequently **RESOLVED** to grant Outline Planning Permission subject to the prior completion of a Section 106 Legal Agreement and the following conditions:

1. Application for approval of the reserved matters must be made to the Council as Local Planning Authority before the 3 November 2007 and the development hereby permitted must be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely means of access, siting, design, external appearance of buildings and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only.

3. The reserved matters for the means of access shall accord with the following. Means of vehicular access to the development, including all construction traffic but excepting emergency access, shall only be taken from the site referred to as HS1.6 in the Chorley Borough Local Plan Review and the Gillibrand Link Road as identified in Policy TR3.1 of the Chorley Borough Local Plan Review, in accordance with Policy HS2 of the Chorley Borough Local Plan Review. Details of the emergency access to the site shall include the measures to be implemented to ensure that this access is only available for use in an emergency. The approved measures shall be implemented in full prior to the occupation of any dwelling.

Reason: In the interests of highway safety on Rookery Close, Grosvenor Road and Thirlmere Road.

4. Prior to the submission for approval of the details of any reserved matters, there shall have been submitted to and approved in writing by the Local Planning Authority a Development Brief for the site. The Development Brief

shall indicate the characteristics of the site and surrounding area which would influence the form, design and layout of the development and include an illustrative plan indicating how the site may be developed in accordance with the influencing factors identified. The reserved matters submitted thereafter shall have full regard to the influencing factors identified.

Reason: To ensure that an acceptable form of development for the site is achieved having regard to the characteristics of the site and its surroundings.

5. No development shall take place until:

- d) a scheme for monitoring landfill gas migration has been submitted to and approved in writing by the Local Planning Authority;
- e) all monitoring specified in the approved scheme (submitted under a) above), has been carried out and the results of the monitoring exercise, together with recommendations and specific proposals to render the site capable of development for housing have been submitted to the Local Planning Authority; and
- f) the Local Planning Authority has given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals submitted under b) above), and the carrying out of any required works in a manner and to a timetable to be agreed in writing with the Local Planning Authority. Upon completion of the works of remediation and treatment, a Validation Report shall be submitted to the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

7. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.

8. The first application for approval of reserved matters shall be accompanied by a tree survey detailing the position, species, stature, health, branch spread and amenity value of all trees and hedgerows within the site and the proposals for their retention/treatment.

Reason: In the interests of the visual amenities of the area.

9. 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.

10. 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.

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 plan(s). 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.

12. 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.

13. 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 and to prevent flooding and in accordance with Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.

14. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

15. No part of the development hereby permitted shall be occupied or used until a means of vehicular access 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.

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

17. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.

18. The reserved matters submission shall include provision that no less than 20% of the housing units to be built on the site shall be Affordable Housing, and shall include details of the time at which such Affordable Housing is to be provided (with reference to the development of the other parts of the site), the type of Affordable Housing to be provided and the means of ensuring that the benefits of the Affordable Housing shall be enjoyed by successive as well as initial occupiers of such Affordable Housing. The Affordable Housing shall be provided and subsequently retained as Affordable Housing in accordance with the details as approved in writing by the Local Planning Authority.

Reason: To ensure the provision of affordable housing to assist in meeting local housing needs.

19. No development shall take place until a woodland management Plan (comprising a scheme of works for the long term maintenance and management of the woodland areas) has been submitted to and approved in writing by the Local Planning Authority. The woodland areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and nature conservation.

Application No : 05/00971/OUTMAJ

Proposal : Modification of condition no.1 of Planning Permission 03/00726/FULMAJ to extend the period for the submission of reserved matters until 3/11/2007,

Location : Land South Of Copper Works Wood West Of Gillibrand
North And West Of Southlands Clover Road Chorley
Lancashire

Decision:

It was proposed, seconded and subsequently **RESOLVED** to grant Outline Planning Permission subject to the following conditions:

1. Application for approval of the reserved matters must be made to the Council as Local Planning Authority before the 3 November 2007 and the development hereby permitted must be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Prior to the submission of approval of any reserved matters there shall have been submitted to and approved in writing by the Local Authority a Master Plan for the whole of the application site. The Master Plan shall incorporate the main principles for development of the site as outlined in the Site Development Brief

and the illustrative Layout Plan which accompanied the outline planning application. In particular, the Master Plan shall indicate the extent of each housing development parcel and the means of vehicular access thereto; the main internal road network; the areas to be reserved for a shop, primary school and community centre and the means of vehicular access thereto; the areas of playing fields, casual play space and ornamental open space; the general location of equipped play areas; and the main cycleway and footpath links between housing parcels, open space areas, community facilities, shop and land outside of the application site.

Reason: To ensure a comprehensive development of the site.

3. Before the erection of any building is first commenced, full details of all reserved matters (namely the siting, design, external appearance, the means of access to it and the landscaping of its site) relating to that building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only.

4. All applications for approval of reserved matters for the siting of buildings shall be accompanied by details of existing and proposed ground levels and proposed building slab levels (all relative to adjoining ground levels). The erection of any such buildings shall not commence until the levels have been approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: In the interests of the appearance of the locality and the amenities of local residents.

5. Prior to the submission of any reserved matters there shall have been submitted to and approved in writing by the Local Planning Authority a scheme those areas of landfill to be retained and those areas of landfill to be removed. Any removal of landfill material shall be completed prior to the commencement of any development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

6. Prior to the commencement of any development and in accordance with a scheme to be prior approved in writing by the Local Planning Authority, there shall have been constructed passive gas venting measures within and around the perimeter of areas of retained landfill and/or a gas migration barrier, except as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

7. All applications for approval of reserved matters for the siting of buildings shall be accompanied by details of the measures to be incorporated into the buildings to prevent the ingress of landfill gas. The erection of any such building shall not commence until the landfill gas ingression prevention measures have been approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: to protect occupiers from the ingress of landfill gas.

8. No dwellings shall be constructed or garden areas formed within 10 metres of any area of retained landfill.

Reason: In the interests of the safe occupancy of the development.

9. All underground services to be installed within 50 metres of the Lawnwood and Kingsley Wood landfill sites shall be sealed to prevent the migration of landfill gas.

Reason: In the interests of the safe occupancy of the development.

10. No application for approval of any reserved matter shall be made in relation to land within 50 metres of any area of retained landfill until:

- g) A scheme for monitoring landfill gas migration has been submitted to and approved in writing by the Local Planning Authority;
- h) All monitoring specified in the approved scheme (submitted under a) above), has been carried out and the results of the monitoring exercise, together with recommendations and specific proposals to render the site capable of development for housing have been submitted to the Local Planning Authority;
- i) The Local Planning Authority has given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals submitted under b) above, and the carrying out of any required works in a manner and to a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

11. No part of the site, other than that edged in green on the plan accompanying this notice, may have vehicular access served from Clover Road.

Reason: In the interests of highway safety.

12. Prior to the construction of the complete length of the Gillibrand Link Road, in accordance with planning permission 9/96/00034/CB3 dated 4th April 1996, no more than 400 dwellings may be occupied of which number no more than 200 dwellings may be occupied which are accessed off the southern roundabout access point to the application site.

Reason: In the interests of highway safety.

13. No more than 100 dwellings accessed by only one access point (other than the Gillibrand Link Road or a transitional road linked thereto) may be occupied without the provision of an approved means of emergency vehicular access and no more than 200 dwellings may be occupied without the provision of an approved loop distributor road.

Reason: In the interests of highway safety.

14. Within two years of the commencement of the development a surfaced joint cycleway/footpath link shall be provided between Troutbeck Road/Crook Street and Ennerdale Road and the application site in accordance with details to be agreed in writing with the Local Planning Authority, before the commencement of the development.

Reason: To ensure adequate means of cycle and pedestrian access to the development.

15. Before the commencement of any development there shall have been submitted to and approved in writing by the Local Planning Authority full details of a scheme for playing field provision for Southlands School, including compensatory provision for the loss of playing fields to the Gillibrand Link Road. The approved scheme shall have been implemented in full within one year of the commencement of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate playing field provision is maintained at Southlands School.

16. Before the commencement of any development an approval of all reserved matters for the community centre building shall have been granted by the Local Planning Authority. The community centre building shall have been erected and available for use prior to the occupation of 450 dwellings.

Reason: To ensure the availability of adequate community facilities to serve the development.

17. 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. All 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 and to provide reasonable standards of privacy to residents.

18. 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.

19. 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 details any changes of ground level or landform.

Reason: In the interests of the amenity of the area.

20. 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.

21. 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.

22. During the construction period, all trees to be retained shall be protected by a chestnut palisade fence of minimum height 1 metre placed at a distance from the tree trunk equivalent to the crown spread of the trees, or as may otherwise 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 area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained.

23. 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 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.

24. Free access to the development site at all reasonable times shall be afforded to any archaeologist nominated by the Local Planning Authority, such access to allow the nominated archaeologist to observe the excavations and record items of interest and finds.

Reason: The site is situated within an area of known archaeological interest.

25. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

Reason: To ensure adequate provision for public open space and play areas within the development.

26. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development.

27. Before the development hereby permitted is first commenced a scheme for the future management of all areas of public open space shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for public open space and play areas within the development

28. All applications for approval of reserved matters for the siting of buildings shall include full details of areas of public open space and play areas, including play and other equipment to be provided in accordance with Chorley Borough Plan Policy and NPFA requirements. The erection of any such buildings shall not commence until details of areas of public open space and play areas have been approved in writing by the Local Planning Authority. No dwelling, which has a curtilage bounding any area of public open space or play area shown on the approved plans, shall be occupied until that area of public open space or play area has been laid out and equipped in accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development.

29. Before any development of the shop or community centre is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

30. 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. The details of the proposed surface water drainage arrangements shall include the measures to attenuate the discharge of surface water to any watercourse.

Reason: To secure proper drainage and to prevent flooding.

31. 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 any dwelling hereby permitted standing within 50 metres of the Lawnwood and Kingsley Wood landfill sites and no

garage, shed or other outbuilding shall be erected (other than those expressly authorised by this permission) within 50 metres of the Lawnwood and Kingsley Wood landfill sites, without the prior grant of planning permission.

Reason: In the interests of safe occupancy of the development.

Application No : 05/00972/OUTMAJ
Proposal : Modification of condition no.1 of Planning Permission 03/00726/FULMAJ to extend the period for the submission of reserved matters until 3/11/2007 (Duplicate),
Location : Land South Of Copper Works Wood West Of Gillibrand North And West Of Southlands Clover Road Chorley Lancashire

Decision:

It was proposed, seconded and subsequently **RESOLVED** to grant Outline Planning Permission subject to the following conditions:

1. Application for approval of the reserved matters must be made to the Council as Local Planning Authority before the 3 November 2007 and the development hereby permitted must be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Prior to the submission of approval of any reserved matters there shall have been submitted to and approved in writing by the Local Authority a Master Plan for the whole of the application site. The Master Plan shall incorporate the main principles for development of the site as outlined in the Site Development Brief and the illustrative Layout Plan which accompanied the outline planning application. In particular, the Master Plan shall indicate the extent of each housing development parcel and the means of vehicular access thereto; the main internal road network; the areas to be reserved for a shop, primary school and community centre and the means of vehicular access thereto; the areas of playing fields, casual play space and ornamental open space; the general location of equipped play areas; and the main cycleway and footpath links between housing parcels, open space areas, community facilities, shop and land outside of the application site.

Reason: To ensure a comprehensive development of the site.

3. Before the erection of any building is first commenced, full details of all reserved matters (namely the siting, design, external appearance, the means of access to it and the landscaping of its site) relating to that building shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only.

4. All applications for approval of reserved matters for the siting of buildings shall be accompanied by details of existing and proposed ground levels and proposed building slab levels (all relative to adjoining ground levels). The erection of any such buildings shall not commence until the levels have been approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: In the interests of the appearance of the locality and the amenities of local residents.

5. Prior to the submission of any reserved matters there shall have been submitted to and approved in writing by the Local Planning Authority a scheme those areas of landfill to be retained and those areas of landfill to be removed. Any removal of landfill material shall be completed prior to the commencement of any development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

6. Prior to the commencement of any development and in accordance with a scheme to be prior approved in writing by the Local Planning Authority, there shall have been constructed passive gas venting measures within and around the perimeter of areas of retained landfill and/or a gas migration barrier, except as may otherwise be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

7. All applications for approval of reserved matters for the siting of buildings shall be accompanied by details of the measures to be incorporated into the buildings to prevent the ingress of landfill gas. The erection of any such building shall not commence until the landfill gas ingression prevention measures have been approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: to protect occupiers from the ingress of landfill gas.

8. No dwellings shall be constructed or garden areas formed within 10 metres of any area of retained landfill.

Reason: In the interests of the safe occupancy of the development.

9. All underground services to be installed within 50 metres of the Lawnwood and Kingsley Wood landfill sites shall be sealed to prevent the migration of landfill gas.

Reason: In the interests of the safe occupancy of the development.

10. No application for approval of any reserved matter shall be made in relation to land within 50 metres of any area of retained landfill until:

- j) A scheme for monitoring landfill gas migration has been submitted to and approved in writing by the Local Planning Authority;
- k) All monitoring specified in the approved scheme (submitted under a) above), has been carried out and the results of the monitoring exercise, together with recommendations and specific proposals to render the site capable of development for housing have been submitted to the Local Planning Authority;
- l) The Local Planning Authority has given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals submitted under b) above, and the carrying out of any required works in a manner and to a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safe occupancy of the development.

11. No part of the site, other than that edged in green on the plan accompanying this notice, may have vehicular access served from Clover Road.

Reason: In the interests of highway safety.

12. Prior to the construction of the complete length of the Gillibrand Link Road, in accordance with planning permission 9/96/00034/CB3 dated 4th April 1996, no more than 400 dwellings may be occupied of which number no more than 200 dwellings may be occupied which are accessed off the southern roundabout access point to the application site.

Reason: In the interests of highway safety.

13. No more than 100 dwellings accessed by only one access point (other than the Gillibrand Link Road or a transitional road linked thereto) may be occupied without the provision of an approved means of emergency vehicular access and no more than 200 dwellings may be occupied without the provision of an approved loop distributor road.

Reason: In the interests of highway safety.

14. Within two years of the commencement of the development a surfaced joint

cycleway/footpath link shall be provided between Troutbeck Road/Crook Street and Ennerdale Road and the application site in accordance with details to be agreed in writing with the Local Planning Authority, before the commencement of the development.

Reason: To ensure adequate means of cycle and pedestrian access to the development.

15. Before the commencement of any development there shall have been submitted to and approved in writing by the Local Planning Authority full details of a scheme for playing field provision for Southlands School, including compensatory provision for the loss of playing fields to the Gillibrand Link Road. The approved scheme shall have been implemented in full within one year of the commencement of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure adequate playing field provision is maintained at Southlands School.

16. Before the commencement of any development an approval of all reserved matters for the community centre building shall have been granted by the Local Planning Authority. The community centre building shall have been erected and available for use prior to the occupation of 450 dwellings.

Reason: To ensure the availability of adequate community facilities to serve the development.

17. 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. All 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 and to provide reasonable standards of privacy to residents.

18. 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.

19. 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 details any changes of ground level or landform.

Reason: In the interests of the amenity of the area.

20. 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.

21. 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.

22. During the construction period, all trees to be retained shall be protected by a chestnut palisade fence of minimum height 1 metre placed at a distance from the tree trunk equivalent to the crown spread of the trees, or as may otherwise 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 area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

Reason: To safeguard the trees to be retained.

23. 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 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.

24. Free access to the development site at all reasonable times shall be afforded to any archaeologist nominated by the Local Planning Authority, such access to allow the nominated archaeologist to observe the excavations and record items of interest and finds.

Reason: The site is situated within an area of known archaeological interest.

25. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

Reason: To ensure adequate provision for public open space and play areas within the development.

26. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas within the development.

27. Before the development hereby permitted is first commenced a scheme for the future management of all areas of public open space shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for public open space and play areas within the development

28. All applications for approval of reserved matters for the siting of buildings shall include full details of areas of public open space and play areas, including play and other equipment to be provided in accordance with Chorley Borough Plan Policy and NPFA requirements. The erection of any such buildings shall not commence until details of areas of public open space and play areas have been approved in writing by the Local Planning Authority. No dwelling, which has a curtilage bounding any area of public open space or play area shown on the approved plans, shall be occupied until that area of public open space or play area has been laid out and equipped in accordance with the approved details.

Reason: To ensure adequate provision for public open space and play areas

within the development.

29. Before any development of the shop or community centre is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas.

30. 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. The details of the proposed surface water drainage arrangements shall include the measures to attenuate the discharge of surface water to any watercourse.

Reason: To secure proper drainage and to prevent flooding.

31. 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 any dwelling hereby permitted standing within 50 metres of the Lawnwood and Kingsley Wood landfill sites and no garage, shed or other outbuilding shall be erected (other than those expressly authorised by this permission) within 50 metres of the Lawnwood and Kingsley Wood landfill sites, without the prior grant of planning permission.

Reason: In the interests of safe occupancy of the development.

Application No : 05/01002/OUTMAJ

Proposal : Proposed re-organisation of garden centre, including alterations to access, erection of horticultural shade house, and extension to existing building, with demolition of existing dwelling and propagation house,

Location : Wyevale Garden Centre 338 Southport Road Ulnes Walton
Lancashire PR26 8LQ

Decision:

It was proposed by Councillor Heaton, seconded by Councillor David Dickinson, and subsequently **RESOLVED** to grant **Outline Planning Permission**, subject to the following conditions:

1. (a) Before any development is commenced details of 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s) or the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.

(c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (1) of the (b) & (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990

2. Prior to the commencement of development plans and particulars showing the provision for the parking and manoeuvring of vehicles within the site shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the building to which it is related and thereafter retained unless express planning permission is first obtained.

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of vehicle parking.

3. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: In order that the Council may be satisfied with the details of the proposal and to avoid flooding.

4. Prior to the commencement of development Plans and particulars showing the alignment height and materials of all walls and fences and other means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as may be agreed shall be implemented in their entirety prior to the first occupation of the building to which these elements relate, maintained for a period of five years and any structural or decorative defect appearing during this period shall be rectified and the enclosure shall thereafter be retained. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order, or any subsequent re-enactment, no additional, gate, fence wall or other means of enclosure shall be constructed without express planning permission first being obtained.

Reason: In order that the Council may be satisfied with the enclosure details of the proposal and its implementation and retention and that no subsequent additional fencing is erected which would otherwise harm the character of the area or the openness and visual amenity of the Green Belt.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent re-enactment thereof, no structures, engineering operations, buildings shall be erected or other items placed on the land (with the exception of the area indicated for garden buildings and conservatories) unless agreed in writing by the Local Planning Authority or without express planning permission first being obtained.

Reason: In the interests of controlling matters which may be detrimental to the original visual concept to ensure that items are not erected on the land which might adversely affect the visual amenity of the area or the openness of the Green Belt.

6. Prior to the commencement of development, details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the external appearance of the building(s) is satisfactory.

7. The development hereby approved shall not commence unless and until the existing dwelling known as Ferndale (and its curtilage), the propagation house and store buildings shall have been demolished and all materials cleared from the site (including all associated structures and areas of hardstanding).

Reason: In order to ensure that the development complies with policies on development of land within the Green Belt.

8. Before the buildings hereby approved are brought into use, the alterations to the access indicated on the plans hereby approved shall be completed in their entirety in accordance with a scheme to be approved by the Local Planning Authority in conjunction with the Local Highways Authority. Furthermore the first 4.5 metres of the frontage shall be kept clear of all obstructions in excess of 500mm in height at all times

Reason: In order to ensure appropriate access and visibility is provided for vehicles using the site and in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

9. The premises shall be used only as a garden centre and for no other purpose whatsoever, (including any other purpose in Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal.

10. Details of any floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of the area in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.

11. The southern boundary with Southport Road shall be planted with a hedge/landscaping belt of species, stock size and planting distance to be agreed in writing with the Local Planning Authority within 9 months of the commencement of the development or such other period as shall be agreed in writing by the Local Planning Authority, and any plants which are found to be dead, damaged or dying during the first five years shall be duly replaced and the hedge / landscaping belt shall thereafter be retained.

Reason: In the interests of the amenity and the appearance of the locality and in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.

12. Upon approval of the landscaping details, including any screen walls or fences, pursuant to Condition 1 the new planting shall be carried out during the planting season October/March inclusive, (in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979)) immediately following commencement of the development. Any plants found damaged, dead or dying in the first five years are to be duly replaced and the scheme thereafter retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

13. The use of the extension to the garden centre, covered area and outdoor sales and display area hereby permitted shall be used solely for the sale of durable gardening requisites and plants together with associated ancillary products and not for the sale of convenience goods, including food, durables of a mass produced type purchased on a weekly basis, fashion clothing, shoes, books, stationery, general electronics, white goods, household electrical equipment, and toys.

Reason: In order to provide certainty over the retail activity in view of the location of the site away from existing centres where it would not be appropriate to allow an open retail use in accordance with policy SP1 of the Chorley Borough Local Plan Review 2003.

Application No : 05/01006/OUTMAJ
Proposal : Outline application for the redevelopment of a 670 metre section of former railway line to form a linear park/recreational walkway and the part filling of land to facilitate the erection of 4 detached dwellings and the construction of a new access road .
Location : Former Railway Cutting East Of Blackburn Brow Chorley Lancashire

Decision:

It was proposed by Councillor Edgerley, seconded by Councillor A Lowe (Chair), and subsequently **RESOLVED to refuse Outline Planning Application for the following reasons:**

1. The proposed development would conflict with the provisions of policy DC2 of the Adopted Chorley Borough Local Plan which considers development in areas of Other Open Countryside. It is considered that the erection of four detached dwellings would be contrary to the terms of that policy in that there is a policy presumption against development other than that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area. Furthermore, given the location of the site in the West Pennine Moors, the resultant built development in juxtaposition to the natural environment amidst which it is set would appear incongruous and out of character.

2. The proposed development when considered in the context of latest housing site monitoring information would contribute towards an inappropriate excess in housing supply provision. The proposal would therefore be contrary to:

- m) Approved Interim Supplementary Planning Guidance on Windfall Housing Developments, together with**
- n) the aims and objectives of the Joint Lancashire Structure Plan and Regional Planning guidance for the North West.**

Insufficient justification has been submitted to otherwise warrant the release of land for residential development as an exception to the normal presumption against development in an area of other open countryside.

(Councillor Parr declared an interest in the following application and left the meeting during the discussion and voting on the proposal).

Application No : 05/00670/REM
Proposal : Reserved Matters Application for formation of access road to serve parcel 8 and the Gillibrand Hall housing site, area of road 361m²
Location : Land South Of Copper Works Wood West Of Gillibrand North And West Of South Clover Road Chorley Lancashire

Decision:

It was moved by Councillor R Lees, seconded by Councillor Brownlee to defer the application to allow further talks with the developer with regards to possible alternative access to the site for construction traffic.

An amendment was moved by the Chair (Councillor A Lowe), and seconded by Councillor Edgerley, to approve the Reserved Matters Application and authorise the officers to consult with the developers on the most appropriate route for construction traffic. On being put to the vote the amendment was carried (16:3). It was subsequently **RESOLVED that the Reserved Matters, Application be approved, subject to the following conditions:**

1. The development must be commenced within five years of the date of this permission.

Reason: Required to be implemented pursuant to Section 92 of the Town and Country Planning Act 1990.

2. The redundant turning head adjoining plot 137 shall be removed and the land reinstated in accordance with a scheme to be submitted and approved by the Local Planning Authority. Such a scheme as approved shall be implemented in full within 6 months of the completion of the first dwelling on the Gillibrand Hall development or as otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of residential amenity and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan.

3. Before development commences details of the surfacing of the road shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in full either by completion of development on Parcel 8 or completion of the Gillibrand Hall development whichever is the sooner or unless otherwise agreed in writing with the Local Planning Authority..

Reason: In the interests of users of the highway and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan

Application No : 05/00876/FUL
Proposal : Retrospective application for the erection of link corridor between two buildings,
Location : Sitchcroft Farm Brown House Lane Wheelton Lancashire PR6 8HR

Decision:

It was proposed by Councillor Heaton, seconded and subsequently **RESOLVED** to refuse the Planning Application for the following reasons:

1. The link extension is located on a residential property located within the Green Belt as defined by the Joint Lancashire Structure Plan 2001 - 2016 and the Adopted Chorley Borough Local Plan Review. The link extension has resulted in the recently erected domestic outbuilding becoming an extension to the property, which has already been substantially extended. The resultant dwelling has a detrimental impact upon the open and rural character of the Green Belt. Accordingly, the link extension is contrary to Policy DC8A of the Chorley Borough Local Plan Review, the Council's approved House Extension Design Guidelines and PPG2, which all seek to resist major extensions to existing dwellings located in the Green Belt which significantly increase their impact on the open and rural character and appearance of the Green Belt.

Application No : 05/00921/FUL
Proposal : Erection of stables and siting of mobile home,
Location : Clayton Hall Stables Spring Meadow Clayton-Le-Woods Lancashire PR25 5SP
Decision: Application Withdrawn

Application No : 05/01003/OUT
Proposal : Re-location/replacement of existing dwelling,
Location : Wyevale Garden Centre 338 Southport Road Ulnes Walton Lancashire PR26 8LQ

Decision:

It was proposed by Councillor Heaton, seconded by Councillor David Dickinson, and subsequently **RESOLVED** to grant planning permission, subject to the following conditions:

1. (a) Before any development is commenced details of 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design or external appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s) or the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.

(c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (1) of the (b) & (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development plans and particulars showing the provision for the parking or garaging of cars and associated manoeuvring areas in order to allow vehicles to enter and leave the site in a forward gear in accordance with the Local Planning Authority's current standards, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the building to which it is related and thereafter retained unless express planning permission is first obtained.

Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.

3. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

Reason: In order that the Council may be satisfied with the details of the proposal and to avoid flooding.

4. Prior to the commencement of development Plans and particulars showing the alignment height and materials of all walls and fences and other means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as may be agreed shall be implemented in their entirety prior to the first occupation of the building to which these elements relate, maintained for a period of five years and any structural or decorative defect appearing during this period shall be rectified and the enclosure shall thereafter be retained. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order, or any subsequent re-enactment, no additional, gate, fence wall or other means of enclosure shall be constructed without express planning permission first being obtained.

Reason: In order that the Council may be satisfied with the enclosure details of the proposal and its implementation and retention and that no subsequent additional fencing is erected which would otherwise harm the character of the area or the openness and visual amenity of the Green Belt.

5. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent re-enactment thereof, no extension to the dwelling, outbuilding, or other works permitted by Class A, B, C, D, E, F, G and H shall be constructed or erected without express planning permission first being obtained.

Reason: In the interests of controlling matters which may be detrimental to the original visual concept and the balance of private space provision.

6. Prior to the commencement of development, details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure that the external appearance of the building(s) is satisfactory.

7. The development hereby approved shall not commence unless and until the existing dwelling known as Ferndale and its curtilage shall have been cleared of all structures, hardstanding and other development and the use reverted back to its previously authorised state. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no development shall take place on this land whatsoever unless express planning permission is first obtained.

Reason: In order to ensure that the development complies with policies on development of land within the Green Belt and the supply of new housing within the Borough.

8. Upon demolition of the existing property and the completion of the other works required by condition 7 above, and prior to the commencement of any construction works associated with the proposed replacement dwelling, the existing access to Ferndale shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular access shall be reinstated in accordance with the Lancashire County Council Specification for the Construction of Estate Roads.

Reason: In order to ensure that no additional accesses are constructed onto this busy main road in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

9. Before the access hereby approved is brought into use for vehicular purposes, the part of the access extending from the highway boundary to a minimum distance of 5 metres into the site shall be hardsurfaced with tarmac, concrete, block pavements or other approved materials. Any gates, gateposts, fence or other means of enclosure erected on the site shall be set back from the highway edge by 5 metres unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loose material being carried onto the public highway causing a danger to other road users in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

10. Before the access hereby approved is brought into use for vehicular purposes, a visibility splay equivalent to a 45 degree angle taken from point 5 metres into the site measured from the centre point of the access in each direction has been provided. Such a splay shall be kept clear of all obstruction over 300mm above the level of the verge at all times.

Reason: In order to ensure appropriate visibility is provided for vehicles using the accesses hereby permitted and in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

Application No : 05/01042/FUL
Proposal : Extension of existing 15m AGL Vodafone Ltd mobile phone mast to 18m to accommodate 6no antennas for use by O2 Ltd and the relocation of 6no antennas for use by Vodafone Ltd as well as 4no additional equipment cabinets for use by O2 Ltd and associated ancillary development within the existing compound

Location : DP Cold Planing Chapel Lane Coppull Lancashire PR7 4NB

Decision:

It was moved by Councillor Ball, seconded by Councillor Edgerley to refuse the planning application in consideration of the likely impact of the visual amenities of the area and the possible feasibility of the relocation of the facility.

An amendment to the motion was proposed by the Chair (Councillor A Lowe), seconded by Councillor Culshaw, to permit the planning application. On being put to the vote, the amendment was carried (12:6). It was subsequently **RESOLVED that planning permission be granted subject to the following condition:**

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 91 of the Town and Country Planning Act 1990.

Application No : 05/01058/FUL

Proposal : Rear single storey extension. (Re-submission of app no 05/00600).

Location : The Thyme And Plaice 37 Wigan Lane Coppull Lancashire PR7 4BN

Decision:

It was moved by Councillor Ball, seconded by Councillor Heaton, and subsequently **RESOLVED (17:0) to defer the application for a site visit by the Site Inspection Sub-Committee.**

Application No : 05/01073/FUL

Proposal : Erection of 17.3m high lattice tower, accomodating 3 panel antennas and single 600mm dish, along with 6 equipment cabinets and meter cabinet in fenced enclosure.

Location : Old Farm Pit Hall Lane Mawdesley Lancashire

Decision:

It was proposed, seconded and subsequently **RESOLVED to grant planning Permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

Application No : 05/01093/FUL

Proposal : Construction of new Access road on to land designated for future industrial use

Location : Land Adjacent Railway And Off Stump Lane Chorley Lancashire

Decision:

It was moved by the Chair, (Councillor A Lowe), seconded and subsequently **RESOLVED to grant Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the amended plan(s), received on 30 November 2005.

Reason: To define the permission and ensure a satisfactory form of development.

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 91 of the Town and Country Planning Act 1990.

3. The access hereby permitted shall only be carried out in conformity with the proposed levels shown on the approved plan(s) 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 TR4 of the Adopted Chorley Borough Local Plan Review.

4. The development hereby permitted shall not commence until a full technical and structural specification of the access and associated works has been submitted to and approved in writing by the Local Planning Authority. The technical specification shall include details of the retaining wall, safety barrier, the grading of the embankment, the materials used to build up the level of the access road and how they will be retained on the graded side, the fencing adjacent the footpath to the access road and Stump Lane bearing in mind the need for the visibility splay at the access junction, the facing materials to the retaining wall and graded embankment and the surfacing materials to the footpath and road. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

5. The development hereby permitted shall not commence until the visibility splay detailed on the approved plan has been provided. 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. For clarity, the piece of land affected by this condition shall be that part of the site in front of a line drawn from a point 4.5 metres measured along the centre line of the new access road from Stump Lane to a point measured 51 metres to the east along the furthest edge of the footpath to Stump Lane.

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.

06.DC.64 PLANNING APPLICATIONS DETERMINED BY DELEGATED POWERS

- (a) **A report of the Head of Development and Regeneration on selected cases determined following consultation with the Chair and Vice-Chairman of the Committee.**

The Committee received, for information, reports by the Head of Development and Regeneration on the former Category 'B' development proposals which had, or were intended to be, determined by the Chief Officer under the adopted scheme of delegations, following consultation with the Chair and Vice-Chairman of the Committee.

Application No: 05/00830/COU
Proposal: Additional dormer window on east elevation, enlarge box dormer window on west elevation. Change of use of dwelling to 7 bed home for children with learning difficulties incorporating conversion of garage to activity craft room.
Location: Daulby House Farm, Meadow Lane, Mawdesley.
Decision: Refused.

Application No: 05/00868/FUL
Proposal: Demolition of existing single storey rear extension, including staircase to first floor, erection of new single storey rear extension, including new staircase to first floor, and change of use to first floor.
Location: 254 The Green, Ecclestone.
Decision: Planning Permission granted.

Application No: 05/00987/TPO
Proposal: Felling of tree covered by TPO 1 (Euxton) 1996.
Location: Land Opposite 4 Wentworth Drive, Euxton
Decision: Consent for Tree Works

Application No: 05/01063/FUL
Proposal: Retrospective application for the demolition of the existing garage and construction of a staff room with a pitched roof.
Location: Lotus Garden Chinese Takeaway, 237, The Green, Ecclestone.
Decision: Planning Permission granted.

RESOLVED – That the reports be noted.

(b) A list of planning applications determined by the Chief Officer under delegated powers between 17 November and 7 December 2005

The Head of Development and Regeneration presented for Members' information, a schedule listing the remainder of the planning applications which had been determined by the Chief Officer under her delegated powers between 17 November and 7 December 2005.

RESOLVED – That the schedule be noted.

06.DC.65 PROPOSED ENFORCEMENT ACTION

(a) Clayton Hall Stables, Spring Meadow, Clayton-le-Woods

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action to remove a residential caravan at Clayton Hall Stables, Spring Meadow, Clayton-Le-Woods.

RESOLVED – That it is expedient to issue two Enforcement Notices in respect of the following breaches of planning control:

1. Without planning permission the change in use of the land from livery use to a mixed use of livery and for the siting of a mobile home for residential purposes.

Remedy for Breach

Remove the mobile home from the land edged in Red on the attached plan, plan SA/1, and to cease use of that land for the siting of a mobile home for residential purposes.

Period for Compliance

Nine months

Reason

The development is contrary to Policies DC1 of the Adopted Chorley Borough Local Plan Review, Planning Policy Guidance Note 2, Planning Policy Statement 7, in that the development is inappropriate and harmful to the character and appearance of the Green Belt. There is no justification or no special circumstances to justify an exception in this case to the presumption against inappropriate development in the Green Belt

The development is contrary to Policy HT11 of the Adopted Chorley Borough Local Plan Review in that the mixed use of land for livery and the siting of a mobile home for residential purposes is likely to have a detrimental effect on the site or setting of the Ancient Monument of Clayton Hall, Clayton-Le-Woods.

2. Without planning permission the carrying out of operational development on land showed Red on attached plan. That operational development being; the formation of a hard surfaced area, the erecting of two wooden sheds and a dog kennel, and the erection of two wooden balustrades.

Remedy for Breach

Remove from the land the materials that form the hard standing from the land and return that land to grass sward by re seeding that land. The two wooden sheds and balustrades, the stairs and dog kennel all marked on the attached plans.

Period of compliance

Three months

Reasons

The operational development is contrary to Policies DC1 of the Adopted Chorley Borough Local Plan Review, Planning Policy Statement 7, in that the development is inappropriate and harmful to the character and appearance of the Green Belt. There is no justification or no very special circumstances to justify an exception in this case to the presumption against inappropriate development in the Green Belt.

The development is contrary to Policy HT11 of the Adopted Chorley Borough Local Plan Review in that the nature of the operational development carried out is likely to have a detrimental effect on the site or setting of the Scheduled Ancient Monument of Clayton Hall, Clayton-Le-Woods.

(b) 40 Hawkshead Avenue, Euxton

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action to reduce the height of a brick wall 0.9M in height and brick pillars 2.1M in height adjacent to highway used by motor vehicles – 40 Hawkshead Avenue, Euxton.

RESOLVED:

That it is expedient to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control – without planning permission the erection of brick pillars adjacent to the highway used by vehicular traffic that are over 1 metre in height.

Remedy for Breach

1. Reduce the heights of the brick pillars between points A and B, as shown on the attached plan, to a height of 1 metre when measured from ground level, thereby benefiting as permitted development granted by virtue of, Schedule 2, Part 2, Class A, The Town and Country Planning (General Permitted Development) Order 1995.
2. Remove all materials resultant from the works carried out in under 9 (ai) of the report from the land.

Period for compliance

56 days

Reason

The height of the brick pillars would be visually obtrusive and detrimental to both the appearance and character of the street and the amenity of the area. This development is inappropriate, as it does not relate well to the immediate surroundings, which reflect more open and sylvan character with softer boundary treatments. The proposal is therefore contrary to policies GN1 & GN5 of the Adopted Chorley Borough Local Plan Review.

(c) Dalbank, Ulmes Walton Lane, Ulmes Walton

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action for the demolition of a Steel framed building at Dalbank, Ulmes Walton Lane, Ulmes Walton.

RESOLVED:

That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control – without planning permission, the erection of a steel framed building.

Remedy for Breach

Demolish the building and remove the materials from the land.

Period for compliance

Six months.

Reason

The development is contrary to policy DC1 of the Adopted Chorley Borough Local Plan Review and Planning Policy Guidance Note 2, being inappropriate development and harmful to the character and appearance of the Green Belt. There are no special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.

06.DC.66 SITHCROFT FARM, BROWN HOUSE LANE, WHEELTON

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action for the demolition of a link extension between the existing house and a recently permitted domestic outbuilding (03/00896/FUL) at Sitchcroft Farm, Brown House Lane, Wheelton.

RESOLVED:

That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 in respect of the following breach of planning control – without planning permission a link extension has been erected joining the main dwelling to an adjacent building.

Remedy for Breach

Demolish the link extension, make good the areas of the house and outbuilding to which it adjoins and remove all the materials from the site.

Period for compliance

2 months

Reason

The link extension is located on a residential property located within the Green Belt as defined by the Joint Lancashire Structure Plan 2001 – 2016 and the Adopted Chorley Borough Local Plan Review. The link extension has resulted in the recently erected domestic outbuilding becoming an extension to the property, which has already been substantially extended. The resultant dwelling has a detrimental impact on the open and rural character of the Green Belt. Accordingly, the link extension is contrary to Policy DC8A of the Chorley Borough Local Plan Review, the Council's approved House Extension Design Guidelines and PPG2, which all seek to resist major extensions to existing dwellings located in Green Belt which significantly increase their impact on the open and rural character of the Green Belt.

06.DC.67 OBJECTION TO TPO 4 (ANDERTON) 2005

The Head of Development and Regeneration submitted a report seeking the Committee's instructions on whether to confirm the Tree Preservation Order (TPO) No 4 (Anderton) 2005 in light of receiving an objection.

The trees in question total five in number and are situated on the eastern boundary of Briarfield and on the left hand side of an access track that serves a field and stables to the north.

It was brought to the Council's attention that extensive pruning works had been undertaken to a tract of trees adjacent to the trees referred to. Upon visiting the site with the Council's Arboricultural Officer it was considered that the trees were healthy and made a significant contribution to the visual amenities of the locality. The five trees were accordingly made the subject of a TPO.

One letter of objection has been received from the owner of the field to the north of the access against which the trees abut, citing the following grounds of objection:

- Uncontrolled growth of the trees would prevent access to the field.
- Agricultural equipment would not be able to pass along the access track if the trees are allowed to remain and the trunks and roots continue to expand into the track undamaged.
- The trees in question are inappropriately planted.
- The trees have blocked a land drain running under the track.

RESOLVED

That the order be confirmed.

Chair