

Development Control Committee

Tuesday, 14 February 2006

Present: Councillor A Lowe (Chair), Councillor R Parr (Vice-Chair), Councillors T Bedford, E Bell, Brownlee, H Caunce, F Culshaw, D Dickinson, D Edgerley, D Gee, T Gray, H Heaton, P Malpas, Miss J Molyneaux, G Morgan, G Russell, S Smith, Mrs J Snape and A Whittaker

Officers: Claire Hallwood, Wendy Gudger, Julian Jackson and Dianne Scambler

Also in attendance: Councillors A Cullens and R Snape

06.DC.10 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Birchall, Brown, Davies, Mrs Iddon, R Lees, Livesey and Snow.

06.DC.11 DECLARATIONS OF ANY INTERESTS

No declarations were declared.

06.DC.12 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 17 January 2006 to be confirmed as a true record and signed by the Chair.

06.DC.13 DRAFT PLANNING POLICY STATEMENT 3 - HOUSING

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on a draft of the new Planning Policy Statement 3 (PPS3) on Housing.

Draft PPS3 is intended to make planning more responsive to housing need and demand. The implication of the guidance is that to meet housing demand and improve affordability, more land than previously will need to be allocated for housing. This is too simplistic a view of how housing markets operate. The focus on sub-regional housing markets will in our case require continued joint working with Preston City and South Ribble Councils and emphasises the importance of on-going monitoring of housing land and markets.

RESOLVED – That the report be noted and the consultation responses within, be forwarded to the Office of the Deputy Prime Minister.

06.DC.14 CONSULTATION ON PLANNING POLICY STATEMENT 25: DEVELOPMENT AND FLOOD RISK

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on a draft new Planning Policy Statement 25 (PPS25) on Development and Flood Risk.

Draft PPS25 is welcomed as it provides greater detail and clarity on planning and flood risk. The risk-based approach and Sequential Test are useful in avoiding and reducing the likelihood of flooding.

The proposals to extend the Environment Agency's statutory consultee role and for the Flooding Direction should also be welcomed as they will ensure that proposals for development in areas of flood risk will be subject to greater scrutiny and that decision making is informed by expert advice.

A Strategic Flood Assessment also needs to be completed once the Practice Guide is published in order to inform the relevant Local Development Framework Documents before work on them commences.

RESOLVED – That the report be noted and that comments supporting the proposals within the draft PPS25 are forwarded to the Office of the Deputy Prime Minister.

06.DC.15 PLANNING GAIN SUPPLEMENT: CONSULTATION PAPER

The Head of Development and Regeneration submitted a report to inform Members of a consultation paper on proposals for a planning-gain supplement.

This would partly replace the Section 106 Agreements with a taxation approach.

Proposals to improve the planning obligation system are welcome. However, this consultation paper on a proposed Planning Gain Supplement and scaled-back planning obligations lacks detail and it remains to be seen whether these proposals will be beneficial for the Borough.

The proposed Planning Gain Supplement highlights important issues over the funding of essential infrastructure and services. It has the potential to help fund a range of improved services and facilities in the Borough, provided a significant proportion of revenues are made available for local spending priorities. However critically no detail is given as to the amount of PGS that would be recycled to the local level and there is a danger that a significant amount of revenues would be used to fund regional infrastructure, of little or no benefit to the Borough. The proposed scaling back of planning obligations raises serious issues regarding the funding of other vital infrastructure and there is no certainty that this will be funded by Planning Gain Supplement or other methods.

Planning Gain Supplement is primarily designed to help deliver infrastructure improvements in growth areas rather than areas such as Chorley where current regional policies promote housing development restraint. If the housing provision figures for the Borough in the forthcoming Regional Spatial Strategy remain low, this would limit the potential for investment through Planning Gain Supplement in the Borough. The consultation paper lacks clarity in many areas and without this it remains unclear how beneficial Planning Gain Supplement could actually be for the Borough and how much, if any, extra funding could be made available to the Borough Council for spending priorities.

It was proposed by the Chair (Councillor A Lowe), seconded, and subsequently **RESOLVED – That comments outlining the concerns highlighted in the report and as set out in Appendix 1 be submitted to the HM Treasury and that a copy of our response be forwarded to our MP asking for his support on this matter.**

06.DC.16 HIGH HEDGES REPORT

The Head of Development and Regeneration submitted a report for Members information relating to the review of fees for dealing with High Hedges complaints.

Members considered a report in July 2005 relating to High Hedges, following the powers granted to district councils to deal with complaints about high hedges.

At the meeting the Development Control Committee had resolved that the fee for this service would be set at £500, but would be reviewed in six months in the light of the number of complaints processed.

Since the introduction of the High Hedges legislation no complaints have been made to the Council requesting the investigation of High Hedge Complaints.

It was proposed by Councillor Brownlee, seconded by Councillor A Lowe (Chair) and subsequently **RESOLVED that the fee would be reviewed in a further six months.**

06.DC.17 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Head of Development Regeneration giving notification of the lodging of appeals against the refusal of planning permission of three developments, one appeal that had been dismissed, one appeal that had been allowed by the planning inspectorate and the lodging of one appeal against an enforcement notice.

06.DC.18 PLANNING APPLICATIONS AWAITING DECISION

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

(a) A. 1 : 05/00392/FULMAJ/05/00393/FULMAJ - Land Between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley

Application No: 05/00392/FULMAJ
Proposal: Erection of two storey office unit with associated parking.
Application No: 05/00393/FULMAJ
Proposal: Erection of two single storey industrial units with associated service yards and car parking.
Location: Land between M61, Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley

Decision:
It was proposed by Councillor Edgerley, seconded by Councillor Heaton and subsequently **RESOLVED to grant full planning permission, subject to Section 106 Agreements and to fully investigate improvements being made to the highway at the junction of Blackburn Road with the A474.**

(b) A. 2 : 05/01167/REMMAJ - Land to the West of Central Avenue, Royal Ordnance Site including Land between Dawson Lane and Euxton Lane, Euxton

Application No: 05/01167/REMMAJ
Proposal: Erection of 29 no. dwellings consisting of 24 no. 3 storey flats and 5 no. houses together with associated parking.
Location: Land to the West of Central Avenue, Royal Ordnance Site, including Land between Dawson Lane and Euxton Lane, Euxton.

Decision:

It was proposed, seconded and subsequently RESOLVED to grant permission for the Approved Reserved Matters subject to the following conditions:

1. The Development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of the outline planning permission or this approval of reserved matters or unless otherwise first agreed to in writing by the Local Planning Authority.

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

2. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected (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.

3. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.

4. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.

5. 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.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.

7. The 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 Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

8. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5, DC8A, DC8B, HT2, HT3, HT7, HS4, HS9, EM3, EM4A and EM5 of the Adopted Chorley Borough Local Plan Review.

9. The development hereby permitted shall be carried out in accordance with the submitted application form and plans as subsequently amended by plans received on 2 February 2006.

Reason: To define the permission and in the interests of the proper development of the site in accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. The development hereby permitted shall not commence until full details of the height, width, depth and external appearance of the proposed cycle/motorcycle store have been submitted to and approved in writing by the Local Planning Authority. These details shall include colour, form and texture of all external materials and the development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policies GN5 and HS4 of the Adopted Chorley borough Local Plan Review.

(c) B. 1 : 05/00472/FUL - 299-305 Eaves Lane, Chorley

Application No:05/00472/FUL

Proposal: Alterations of first floor premises to provide 6 new flats, erection of ground floor rear extension with first floor balconies, formation of railings to rear and creation of 3 residents parking spaces.

Location: 299 – 305 Eaves Lane, Chorley, Lancashire PR6 0DR

Decision:

It was proposed by Councillor Edgerley and seconded by the (Chair) Councillor A Lowe to refuse planning permission due to the inadequate car parking facilities in the immediate area.

An amendment to the motion was proposed by Councillor Heaton, seconded by Councillor S Smith and subsequently **RESOLVED (10:6) that planning permission be granted, subject to a Section 106 Agreement.**

(d) B. 2 : 05/01152/FUL - Wheelton Boat Yard, Kenyon Lane, Heapey

Application No: 05/01152/FUL
Proposal: Change of use to car-parking and storage of between 2-4 boats.
Location: Wheelton Boat Yard, Kenyon Lane, Heapey
Decision:
It was proposed by Councillor S Smith and seconded by Councillor Bell to defer the decision to allow for a site visit by the Site Inspection Sub-Committee.

An amendment to the motion was proposed by the (Chair), Councillor A Lowe, seconded by Councillor David Dickinson and subsequently **RESOLVED (16:2) to grant the planning application 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.

2. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park, boat storage area 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 and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

3. Before the commencement of the development details of a scheme of boundary treatment for the south-eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented within 6 months of the date of the approval.
Reason: In the interest of the visual amenities of the area, in accordance with Policy EM5 of the Adopted Chorley Local Plan Review and PPG2: Green Belts.

(e) B. 3 : 05/01168/FUL - Little Acorns Nursery, 34, Sheep Hill Lane, Clayton-Le-Wood's

Application No: 05/01168/FUL
Proposal: Erection of single storey extensions to front and rear and single storey porch to side.
Location: Little acorns Nursery, 34 Sheep Hill Lane, Clayton-Le-Woods
Decision:
It was proposed by Councillor Edgerley, seconded by Councillor S Smith to refuse planning permission as the proposed development would be detrimental to the amenities which the occupiers of neighbouring property could reasonably expect to enjoy by reason of noise and disturbance from the nursery.

An amendment to the motion was proposed by Councillor Heaton, seconded by Councillor David Dickinson that the planning permission be granted. On being put to the vote, the amendment was lost (6:9).

The original motion was then put to the vote and it was subsequently **RESOLVED (9:4) that planning permission be refused for the following reasons:**

1. The proposed development would result in increased noise and disturbance within a residential area and this would be to the detriment of residential amenities which would be contrary to policy EP20 of the Adopted Chorley Borough Local Plan Review.

06.DC.19 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 following Category 'B' developments 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: 05/01202/FUL
Proposal: Formation of riding arena (40m X 20m)
Location: Land Adjacent Cross Keys Drive, Whittle-Le-Woods
Decision: Planning Permission Granted

Application No: 06/00004/FUL
Proposal: Retrospective application for the erection of replacement floodlights.
Location: Conservative Club Bowling Green, The Green, Eccleston
Decision: Planning Permission Granted.

Application No: 06/00014/TPO
Proposal: Removal of 4 trees, crown lifting of 2 trees and pruning of 2 trees covered by TPO 6 (Euxton) 1980
Location: Footpath Adjacent 89 Runshaw Lane, Euxton
Decision: Consent to Tree Works.

Application No: 06/00015/FUL
Proposal: Construction of 2 No of stables and formation of a wildlife pond.
Location: Brown House Farm, Copthurst Lane, Whittle-Le-Woods
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 5 January 2006 - 1 February 2006

The Head of Development and Regeneration presented, for Members information, a schedule listing the remainder of the planning applications that had been determined by the Chief Officer under delegated powers between 5 January 2006 and 1 February 2006.

RESOLVED – That the schedule be noted.

06.DC.20 ENFORCEMENT REPORT - PRESCOTT HOUSE, EUXTON

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action for the removal of vehicles at Prescott House, Runshaw Lane, 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:

- 1. Without planning permission the change of use from residential to a mixed use of residential and parking/storage of motor vehicles.**

Requirements of the Enforcement Notice:

Cease the use of the land for the parking/storage of motor vehicles and remove all motor vehicles being parked/stored on the land, other than those being parked/stored incidental to the enjoyment of the dwelling house.

Period for compliance

6 months

Reasons

The land is within the Green Belt as defined by the Adopted Chorley Borough Local Review. The development is not appropriate use within the Green Belt and is contrary to Policy DC1 of the Local Plan and Planning Policy Guidance Note 2 Green Belts, 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.

Chair