

Development Control Committee

Tuesday, 22 June 2010

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

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

Also in attendance: Councillors Kevin Joyce (Eccleston and Mawdesley) and Keith Iddon (Eccleston and Mawdesley)

10.DC.164 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.DC.165 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest declared.

10.DC.166 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 25 May 2010 be confirmed as a correct record and signed by the Chair.

10.DC.167 PLANNING APPLICATIONS AWAITING DECISION

The Director of Partnerships, Planning and Policy submitted reports on three applications for planning permissions to be determined by the Committee.

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

- (a) **10/00252/OUTMAJ - The Legacy Rainbow House, Salt Pit Lane, Mawdesley, Ormskirk**

Members received information on the addendum that the applicant had offered to amend the planning application. Following Members discussion it was proposed by Councillor Mick Muncaster, seconded by Councillor David Dickinson to defer the decision to allow for a site visit once the amended application had been received. Upon being put to vote the motion was lost.

(The Committee received representations from an objector to the proposals, the applicant's agent and Councillor Kevin Joyce, a Ward representative for Eccleston and Mawdesley)

The applicant's agent on a point of order contended that an amended application had been submitted. Following a short adjournment the Legal officer responded

that a valid amended application had not been received due to the lack of substantive plans in support and accordingly the planning application was considered.

The Director of Partnerships, Planning and Policy amended the recommendation in the report to the effect that Members' decision should be subject to further consultation between the Head of Governance, the Director of Partnerships, Planning and Policy and the Chair on the merits of the point of order raised by the applicant before a decision notice is issued; and that the application be referred back to the Committee if the advice to the Chair were that the point of order should be upheld.

Application no: 10/00252/OUTMAJ
Proposal: Outline application for the erection of an activity centre building for therapy and recreation. The erection of free standing lodges (11 No) for the provision of holidays, short breaks, respite for brain injured/disabled children and young people and their siblings. The erection of a unit for the rehabilitation of children and young people with acquired brain injuries. Relocation of the wheelchair park and associated infrastructure works including: - car parking and roadways, servicing, drainage and landscaping.
Locations: The Legacy Rainbow House, Salt Pit Lane, Mawdesley, Ormskirk
Decision:

It was proposed by Councillor Simon Moulton, seconded by Councillor Ralph Snape to refuse the planning application.

An amendment to the motion was proposed by Councillor David Dickinson, seconded by Councillor Mick Muncaster to defer the decision to allow Members of the Committee to visit the site of the proposed development, upon being put to the vote the motion was lost.

The original motion was then voted upon and was subsequently **RESOLVED (7:3) to refuse the outline planning permission in accordance with the officer recommendation above.**

(b) 10/00267/FULMAJ - 41 Church Lane, Charnock Richard, Chorley, PR7 5NH

Application no: 10/00267/FULMAJ
Proposal: Erection of a glass house, boiler house, machinery store/planting shed and water tank, creation of horticultural growing space and two new access all associated with Pole Green Nursery (opposite)
Locations: 41 Church Lane, Charnock Richard, Chorley, Lancashire, PR7 5NH
Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor Ralph Snape and subsequently **RESOLVED by a majority decision 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 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not become operational until the existing buildings/green houses as shown on drawing no. P.577/05 have been demolished. All materials resulting from the demolition shall be removed from the site.
Reason: Replacements for these buildings have been allowed to the north of the site. To allow both to be retained would substantially increase the size of the operation which would have a detrimental impact on parking and highway safety.
3. Before it is erected, details of the water storage tank shall be submitted to and approved in writing by the Local Planning Authority in accordance with the size parameters as specified in the planning application submission. The development shall only then be carried out in accordance with the approved details.
Reason: In the interests of the visual amenity of the Green Belt and in accordance with PPG2.
4. The development hereby permitted shall not commence until samples of all external facing materials to the planting shed/machinery store and boiler house (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials. The glass house shall be constructed of the materials specified in the planning application unless otherwise agreed to in writing.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with PPG2 and Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.
5. The development shall be carried out in accordance with the recommendations of the great crested newt survey report accompanying the application, unless otherwise agreed to in writing by the Local Planning Authority.
Reason: To ensure the protection of great crested newts and in accordance with PPS9.
6. 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. The scheme should also include details of a buffer zone of native planting between the built development/external growing area and the adjacent Biological Heritage Site.
Reason: In the interests of the amenity of the area and in accordance with PPG2 and Policy No. DC1 of the Adopted Chorley Borough Local Plan Review also, in order to provide long term protection to the adjacent Biological Heritage Site from colonisation by non-native

species, prevent impingement onto existing habitats likely to be used by great crested newts and other amphibians and to enhance the overall quantity and quality of biodiversity and habitat in accordance with PPS9.

7. No part of the development hereby permitted shall become operational until both means of vehicular access as shown on drawing no P.577/01 Rev C, have been constructed in accordance with the approved plans. The re-planting of the new hedgerow as shown on the approved drawing shall be carried out in the first planting season after implementation of the new access unless otherwise agree to in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policy No.TR4 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 hardsurfacing shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the site(rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to prevent flooding, in accordance with PPS25.
9. Before the boiler at the site is installed its full specification shall be submitted to and approved in writing by the Local Planning Authority. The boiler shall then only be installed in accordance with the approved specification.
Reason: In the interests of neighbour amenity and accordance with PPS23.
10. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul sewerage system.
Reason: To prevent foul flooding and pollution of the environment in accordance with PPS25 and Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.
11. Surface water must drain to a soakaway.
Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25 and Policy No. EP18 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. The site shall not become operational until all fences and walls shown in the approved details have been erected in conformity with the approved details.
Reason: To ensure a visually satisfactory form of development in the Green Belt in accordance with PPG2 and Policy No. DC1 of the Adopted Chorley Borough Local Plan Review.

13. 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 PPS9 and Policy No DC1 of the Adopted Chorley Borough Local Plan Review.

14. Before any lighting is implemented at the site, full details shall first be submitted to and approved in writing by the Local Planning Authority. This shall include details of any external lighting at the site and/or any internal lighting to the glasshouses hereby permitted. The lighting shall then only be implemented in accordance with the approved scheme.

Reason: To define the permission and in the interests of the visual amenities of the Green Belt in accordance with PPG2 and Policy DC1 of the Local Plan.

15. No materials or equipment (other than plants, shrubs or trees) shall be stored on the north part of the site (as defined by the area in pink on drawing no. P0577/01 Rev B) other than inside the buildings unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the Green Belt and in accordance with PPG2 Policy No. DC1 of the Adopted Chorley Borough Local Plan Review.

16. The part of the site to the north of Church Lane shall be for horticultural growing purposes only. There shall be no retail sales or visiting members of the public allowed in the north part of the site as defined by the area in pink on drawing no. P0577/01 Rev C. All retail sales shall take place on the south side of Church Lane.

Reason: Horticulture is an appropriate use in the Green Belt. Retail sales in inappropriate and therefore harmful to the Green Belt in accordance with PPG2.

(c) 10/00255/FUL - 1-3 Park Road, Chorley, PR7 1QS

(The Committee heard representations from the applicant's agent)

Application no: 10/00255/FUL
Proposal: Change of use of first and second floor of gymnasium to 4 no. one bedroom residential units with access from existing side door and internal alterations to existing gymnasium.
Locations: 1-3 Park Road, Chorley, Lancashire, PR7 1QS
Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Lees and subsequently **RESOLVED unanimously 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 51 of the Planning and Compulsory Purchase Act 2004.
2. Prior to the commencement of the development hereby permitted, a plan (notwithstanding the details shown on the approved plans) shall have been submitted to and approved in writing by the Local Planning Authority providing further details of the bin storage area. This shall be accompanied by a management plan detailing how the bin storage area will function and how collection days will be managed. The bin storage area shall be provided in accordance with the approved details prior to the first occupation of the apartments and shall be retained at all times thereafter.
Reason: To ensure a suitable bin storage area is provided and managed and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.
3. Before the works required for the conversion of the first and second floors of the gymnasium to apartments are first commenced, full details of a scheme of soundproofing between the proposed apartments and the gymnasium shall have been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved soundproofing scheme shall be completed before any flat is occupied or the extended gymnasium is first used.
Reason: In the interests of the amenity of future occupants of the proposed flats and occupants of adjoining property and in accordance with Policy No. EP20 of the Adopted Chorley Borough Local Plan Review.
4. The development hereby permitted shall not commence until a Noise Survey and mitigation measures (if deemed necessary as a result of the Noise Survey) has been carried out by a suitably qualified professional person and submitted to and approved in writing by the Local Planning Authority. The Noise Survey should look at the relationship between the apartments and the nightclub to the south and the potential for noise disturbance to potential occupiers of the apartments and whether or not the existing windows and wall construction are suitable to ensure noise levels are within acceptable levels. If the outcome of the Noise Survey is that noise levels would be unacceptable for occupiers of the apartments, mitigation measures should be proposed and implemented prior to the first occupation of the apartments and maintained as such at all times thereafter.
Reasons: To protect the amenities of the future occupiers of the apartments and in accordance with Policy Nos. EP20 and HS4 of the Chorley Borough Local Plan Review.
5. The proposed first and second floor windows in the west facing elevation of the existing building that will serve the bedrooms of the apartments on the first and second floor shall be fitted with Pilkington Privacy Level 3 obscure glazing (or a glass from an alternative manufacturer with the same level of obscurity) and shall be non-opening. Obscure glazed non-opening windows shall be retained and maintained as such at all times thereafter.
Reason: To ensure a suitable relationship is maintained between the apartments and the adjacent offices and in accordance with Policy No. EP20 of the Chorley Borough Local Plan Review.

10.DC.168 ENFORCEMENT REPORT - OPERATIONAL DEVELOPMENT LAND TO THE EAST OF 75 THE FARTHINGS, ASTLEY VILLAGE, CHORLEY

The Committee received a report of the Director of Partnerships, Planning and Policy asking Members to consider whether it was expedient to take enforcement action to secure the removal of the unauthorised development (metal container) from the land to the east of 75 The Farthings Astley Village Chorley. Planning permission exists for the use of the lad for caravan storage.

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

10.DC.169 OBJECTION TO TREE PRESERVATION ORDER NO.4 (WHITTLE-LE-WOODS) 2010

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instruction on whether to confirm Tree Preservation Order No.4 (Whittle-le-Woods) 2010, with or without modification, in light of receiving an objection.

An objection to the Order had been received from the owner of the petrol filling station which stated that the trees do not make a valuable visual amenity to the area and that they were not prominently situated.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Mike Devaney and subsequently **RESOLVED that the Tree Preservation Order No. 4 be confirmed.**

10.DC.170 PLANNING APPEALS NOTIFICATION REPORT

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

RESOLVED – That the report be noted.

10.DC.171 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received, for information, schedules listing six planning applications for Category 'B' development proposals which had been determined by the Director of Partnership, Planning and Policy in consultation with the Chair and Vice Chair of the Committee at meetings held on 25 May 2010 and 9 June 2010.

RESOLVED – That the schedules be noted.

10.DC.172 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY UNDER DELEGATED POWERS

The Committee received, for information, a schedule listing planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 13 May 2010 and 9 June 2010.

RESOLVED – That the schedule be noted.

Chair