

Development Control Committee

Tuesday, 16 November 2010

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Alistair Bradley, Henry Counce, Alan Cullens, David Dickinson, 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), Nicola Hopkins (Principal Planning Officer (Major Projects)) and Cathryn Barrett (Democratic and Member Services Officer)

Also in attendance: Councillor Greg Morgan

10.DC.209 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.DC.210 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 3 November 2010 be confirmed as a correct record and signed by the Chair.

10.DC.211 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 Members declared a prejudicial interest in respect of the planning application indicated:

10/00770/FUL – Councillor Alan Cullens
10/00770/FUL – Councillor Christopher France

10.DC.212 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on nine 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) 10/00131/FULMAJ - Land 400m East of 41 Wigan Lane, Coppull, Lancashire

Application No: 10/00131/FULMAJ
Proposal: Retrospective application for continued use of land for recreational paintball games, retention of ancillary structures and car parking (resubmission of withdrawn application 09/00525/FUL)
Location: Land 400m East of 41 Wigan Lane, Coppull, Lancashire
Decision:

It was proposed by Councillor Simon Moulton, seconded by Councillor June Molyneaux and subsequently unanimously **RESOLVED – To defer the decision to allow the Members of the Committee to visit the site of the development.**

(b) 10/00456/OUTMAJ - Euxton Mill, Dawbers Lane, Euxton, Chorley

Application No: 10/00456/OUTMAJ
Proposal: Demolition of the redundant Mill building and construction of 58 apartments and communal facilities together with the erection of 7 two storey cottages and associated surface car parking (retirement living)
Location: Euxton Mill, Dawbers Lane, Euxton, Chorley, PR7 6EB
Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Mick Muncaster and subsequently unanimously **RESOLVED – To defer the decision to allow officers time to assess the Transport Assessment.**

(c) 10/00518/OUT - Back Lane Reservoir, Back Lane, Clayton-le-Woods

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

(The Committee received representations from the applicant's agent in support of the proposals)

Application No: 10/00518/OUT
Proposal: Outline application for residential development with all matters reserved, except for access
Location: Back Lane Reservoir, Back Lane, Clayton-le-Woods
Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor David Dickinson and subsequently **RESOLVED (9:1) – To permit outline planning permission subject to a Section 106 Agreement and the following conditions:**

- 1. All details in relation to the works for highway safety, as specified in the CBRE CB Richard Ellis Letter dated 22 September 2010, para c) on Neighbour responses, and as specified on plan no. 599007 Rev A shall be carried out prior the occupation of the proposed development.**
Reason: In the interests of highway safety and to comply with Policy GN5.
- 2. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the building(s), 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 and in accordance with Policy Nos. GN5 and HS4, of the Adopted Chorley Borough Local Plan Review.
- 4. 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.

5. No development shall take place until :
 - a) a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
 - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
 - c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.
6. There shall be no tree felling or vegetation works that may effect nest birds carried out between March and August (inclusive) unless an absence of birds has been confirmed by surveys.
Reason: To ensure the protection of nesting birds and to comply with Policy EP4 of the Chorley Local Plan Review.
7. 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.
8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the 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 and in accordance with Policy Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.
9. Prior to the commencement of development a method statement shall be provided to show how the removal of the trees and any works around the trees is to be carried out. This shall be agreed in writing by the Local Planning Authority.
Reason: To safeguard the visual amenity of the area and the safeguard the appearance and health of the trees.
10. There shall be no vegetation clearance, site preparation or any other development work carried out until a detailed habitat creation/enhancement

scheme and management plan is provided and agreed in writing by the Local Planning Authority. The management plan shall show that 0.1 ha of the acid grassland can be retained on site or relocated off site, within the vicinity of the application. The development shall not be occupied until such a scheme has been implemented and thereafter the acid grassland shall be maintained in accordance with the habitat management plan.

Reason: To ensure that it can be demonstrated that sufficient habitat will be retained and/or re-established to ensure that there is no loss in biodiversity value and to comply with Policy EP4 of the Chorley Local Plan Review'

11. 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.

12. 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 and HE12 of PPS5.

(d) **10/00740/FUL - 605 Preston Road, Clayton-le-Woods, Chorley**

(Councillor Christopher France entered the room)

Application No: 10/00740/FUL
Proposal: Application for 4 No. dwellings amendment to previously approved layout (10/00418/FULMAJ)
Location: 605 Preston Road, Clayton-le-Woods, Chorley, PR6 7EB
Decision:

The application was reported to be an invalid application and could not be determined.

(e) **10/00768/FUL - 77 Preston Road, Chorley, Lancashire**

Application No: 10/00768/FUL
Proposal: Proposed fencing above existing wall and retention of gate and gate poses (resubmission of 10/00213/FUL)
Location: 77 Preston Road, Chorley, Lancashire
Decision:

It was recommended by Councillor Ralph Snape, seconded by Councillor Mick Muncaster and subsequently unanimously **RESOLVED – To permit full planning permission subject to the following conditions:**

1. **The approved plans are:**

Plan Ref.	Received On:	Title:
TL.01	2 September 2010	Location Plan
UY/45/87/73300D	2 September 2010	Proposed Boundary Wall

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

2. **The fence hereby permitted shall only be positioned in the centre of the wall and retained as such at all times thereafter.**

Reasons: For the avoidance of doubt, to ensure the fence is not positioned flush with the front of the wall and in accordance with Policy No. GN5 of the Chorley Borough Local Plan Review.

3. Within 3 months of the date of the permission hereby granted, the existing brick pillars, gate posts and gates shall have been reduced in height in strict accordance with the approved plan date stamped 2 September 2010 and the wall made good and retained as such at all times thereafter.

Reasons: To define the permission, in the interests of the visual amenities of the locality and in accordance with Policy Nos. DC1 and GN5 of the Chorley Borough Local Plan Review.

- (f) **10/00770/FUL - Land bounded by Park Road and 1 Acresfield, Adlington, Lancashire**

Councillor Alan Cullens and Councillor Christopher France declared a prejudicial interest and left the meeting for the duration of this item.

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

(The Committee received representations from the applicant's agent in support the proposals)

Application No: 10/00770/FUL

Proposal: Erection of five 3-bedroom houses and four 2-bedroom apartments and associated works

Location: Land bounded by Park Road and 1 Acresfield, Adlington

Decision:

It was proposed by Councillor David Dickinson to permit full planning permission.

It was proposed by Councillor June Molyneaux, seconded by Councillor Roy Lees and subsequently **RESOLVED (9:1) – To defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

- (g) **10/00792/FULMAJ - Parcel L Buckshaw Avenue, Buckshaw Village, Lancashire**

Application No: 10/00792/FULMAJ

Proposal: Erection of 42 No. 2 and 2½ storey dwellings

Location: Parcel L Buckshaw Avenue, Buckshaw Village, Lancashire

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Simon Moulton and subsequently unanimously **RESOLVED – To permit full 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 be carried out in accordance with the following approved plans:**

Drawing Number:	Stamp Dated:	Title:
410/SL01	1 November 2010	Site Location Plan
410/PL 01	1 November 2010	Planning Layout
293/10/ED/11	1 November 2010	Development Plan
410/RSL 01	1 November 2010	Refuse Strategy Layout
410/BTL 01	1 November 2010	Boundary Treatments Layout
410/ML 01	1 November 2010	Materials Layout

410/T/MAL/01	2 September 2010	Malvern Plans and Elevations
410/T/KNI/01	2 September 2010	Knightsbridge Plans and Elevations
410/T/HAR/01	2 September 2010	Harrow Plans and Elevations
410/T/LYM/01	2 September 2010	Lymington Plans and Elevations
410/T/RAV/01	2 September 2010	Ravenfield Plans and Elevations
410/T/ASC/01	2 September 2010	Ascot Plans and Elevations
410/T/ALD/01	2 September 2010	Alderney (brick option) Plans and Elevations
410/T/ALD/02	2 September 2010	Alderney (render option) Plans and Elevations
WF01 Rev A	2 September 2010	Walls and Fences
H5463-G01	1 November 2010	Triple Detached Garage – Typical Elevations
H5463-G01	1 November 2010	Triple Detached Garage – Typical Plans, Elevations & Roof Plan
H5463-G01	1 November 2010	Single Detached Garage – Typical Plans, Elevations & Roof Plan
H5463-G03	1 November 2010	Double Detached Garage – Typical Plans, Elevations & Roof Plan
H5463-G02	1 November 2010	Twin Detached Garage - Typical Plans, Elevations & Roof Plan
H5463/G05	1 November 2010	Site Specific Garage Details – Typical Plans & Elevations
H5463/G04	1 November 2010	Twin Double Garage – Typical Plans & Elevations
H5463/G06	1 November 2010	Site Specific Garage Details – Typical Plans & Elevations

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on approved plan Drawing Number 293/10/ED/11.
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 HS4 of the Adopted Chorley Borough Local Plan Review.
4. 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.
5. 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.
6. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
7. 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.

8. During the development, if contamination which has not previously been identified, is found to be present at the site no further development shall be carried out until a Method Statement has been submitted to and approved in writing by the Local Planning Authority detailing how this unsuspected contamination will be dealt with. The development shall then only be carried out in accordance with the Method Statement.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with PPS23.

9. The external facing materials detailed on the approved plan drawing number 410/ML 01 shall be used and no others substituted without the prior written approval of the Local Planning Authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, GN2 and HS4 of the Adopted Chorley Borough Local Plan Review.

10. Before the properties hereby permitted are first occupied, the car parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. 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. TR4 of the Adopted Chorley Borough Local Plan Review.

11. Prior to the occupation of plots 24 and 25, the access road through to the remaining part of parcel L to the south shall have been constructed up to the application boundary in accordance with the approved plans.

Reason: To ensure access to the parcel from the south is secured and in accordance with Policies GN2 and TR3 of the Adopted Chorley Borough Local Plan Review.

12. 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.

13. The integral garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

(h) **10/00820/FULMAJ - Land between Froom Street and Crosse Hall Lane, Chorley**

Application No: 10/00820/FULMAJ
Proposal: Amendment to siting, design, landscaping and external appearance of planning consents 09/00749/FULMAJ and 02/00680/REMMAJ for residential development of site
Location: Land between Froom Street and Crosse Hall Lane, Chorley
Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor Christopher France and subsequently unanimously **RESOLVED - To permit full planning permission subject to a Section 106 Agreement and 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 be carried out in accordance with the approved details of the measures to be taken, during the period of construction, to prevent mud and other debris being carried onto the public highway by vehicles leaving the site. The agreed measures shall be implemented in full before commencement of the development and retained in operation until such time as the development is complete.**
Reasons: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
3. **All vehicles entering and leaving the site in connection with the construction of the development hereby permitted shall only do so via the new access road and canal bridge permitted under planning permission 9/98/00208/FUL, unless otherwise agreed in writing by the Local Planning Authority.**
Reason: In the interests of highway safety and the amenities of local residents and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.
4. **The site shall be remediated fully in accordance with recommendations made in the Ground Investigation and Remediation Statement Ref: 588/02 Chorley, Crosse Hall Mill Farm (May 2004) by Woodford Consulting Engineers Ltd.**
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control
5. **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**
Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use and in accordance with Government advice contained in PPS23: Planning and Pollution Control.
6. **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 the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).**
Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

7. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plans 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 HS4 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 external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
9. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.
Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
10. 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 plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.
Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.
11. Prior to the commencement of the development details of appropriate mitigation measures to prevent pollution of the waterway during and after the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in accordance with the approved details.
Reason: In order to avoid contamination of the waterway and ground water from wind blow, seepage or spillage at the site. In accordance with Policy EP5 of the Adopted Chorley Borough Local Plan Review.
12. 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.

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 Policy No GN5 of the Adopted Chorley Borough Local Plan Review.
14. 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, to prevent flooding and to prevent pollution to the waterway. In accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk
15. Before any development hereby permitted is first commenced the temporary protective metal fencing along the full length and both sides of Black Brook shall have been erected in accordance with the approved details. The fencing, thereafter, shall remain in place at all times during the course of the permitted development being carried out, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To protect the watercourse and prevent debris and construction material from encroaching into this area and in accordance with Policy EP17 of the Adopted Chorley Borough Local Plan Review.
16. The development hereby permitted shall be carried out in accordance with the approved scheme for the provision and implementation of a surface water regulation system to limit surface water run off from the completed development to existing rates.
Reason: To reduce the increased risk of flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.
17. Prior to the commencement of the development full details of the predicted energy use of the development expressed in terms of carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions in accordance with policy SR1 of the Sustainable Resources DPD. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD and Supplementary Planning Document
18. Before the development hereby permitted is first commenced there shall have been submitted to and approved in writing by the Local Planning Authority, a method statement for providing protection to protected species during the course of the development and a ten year plan (including provision for protecting all protected species and their habitats) for the maintenance and management of all areas other than garden curtilages and highways.

Thereafter, the approved method statement and ten year maintenance and management plan shall be fully complied with and implemented in full.

Reason: *In the interests of the visual amenities of the development, the amenities of future residents and nature conservation and in accordance with Policies GN5 and EP4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS9.*

(i) **10/00823/FULMAJ - 202 Chorley Old Road, Whittle-le-Woods, Lancashire**

(The Committee received representation from Ward Councillor Greg Morgan on the proposals)

Application No: 10/00823/FULMAJ
Proposal: Erection of 13 dwellings and associated infrastructure following the demolition of no. 202 Chorley Old Road (resubmission of previous application 10/00417/FULMAJ)
Location: 202 Chorley Old Road, Whittle-le-Woods, Lancashire, PR6 7NA
Decisions:

It was proposed by Councillor Roy Lees, seconded by Councillor David Dickinson and subsequently **RESOLVED (5:4) – To permit full planning permission subject to the following conditions:**

1. **The approved plans are:**

Stamp-dated on:	DWG No:	Title:
13 September 2010	1000	
13 September 2010	1100	
13 September 2010	1101	
13 September 2010	1010	
13 September 2010	SF/01	
13 September 2010	SF/03	
13 September 2010	GA-02	
13 September 2010	4.203/P/B/L	
13 September 2010	4.309/P/B/L	
13 September 2010	4.208/P/B/L	
13 September 2010	4.212/P/B/L	
13 September 2010	5.133/P/B/L	
13 September 2010	4.134/P/B/L	
13 September 2010	3.311/P/B/L	
13 September 2010	S09/116	
13 September 2010		Richmond Sheet 1 Of 2
13 September 2010		Double Garage (Gable Roof) Plan and Elevations

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, a scheme (including plans) shall be submitted to make good the gable end of No. 200 Chorley Old Road following the demolition of No. 202 Chorley Old Road (notwithstanding any such detail shown on previously submitted plan(s)). No development shall commence until such a scheme is approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.**

Reason: *To ensure a visually satisfactory form of development and to protect the amenities of the occupiers of nearby properties and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

3. **The integral/attached garage shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.**

Reason: To ensure adequate off street parking provision is maintained and thereby avoid hazards caused by on-street parking and to ensure a high quality visual environment is maintained and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

4. No development shall take place until:
- a) a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;
 - b) all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;
 - c) the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use, in accordance with PPS23 given the size and sensitive end-use of the proposed development, and the potential for ground contamination to exist as a result of past processes and activities adjacent to the above site.

5. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. 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 PPS25 and Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

6. 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.*

7. Before the dwellings hereby permitted are first occupied, the driveways as shown on the approved plans shall be provided for the use of the properties.
Reason: *To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with North West Plan Partial Review (NWPPR) to Policy RT2 of the Regional Spatial Strategy and Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
8. 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
9. 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 Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (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 the dwellings hereby permitted on plots 1, 2, 5, 11 and 12, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).
Reason: *To protect the amenities of the surrounding properties on Chorley Old Road and St Helens Road and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*
11. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).
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 HS4 of the Adopted Chorley Borough Local Plan Review.*
12. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the 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 and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

13. The development shall not commence until a Design Stage/Interim Code Certificate is submitted to the Local Planning Authority demonstrating that the proposed development will achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 10%. To demonstrate that this has been achieved, the Design Stage/Interim Code Certificate must show that the proposed development will achieve 1 credit within Issue Ene7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policies EM16 and EM17 of the North West Regional Spatial Strategy and Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.
14. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property 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 property (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 Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.
15. All windows in the first floor of the north elevation of the Stephenson house type hereby permitted on Plot 5 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority
Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the north elevation of the of the Stephenson house on Plot 5 type hereby permitted.
Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.
17. All windows in the first floor of the south elevation of the Montgomery house type hereby permitted on Plot 11 shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the local planning authority
Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly

authorised by this permission, shall be inserted or constructed at any time at first floor level or above in the south elevation of the of the Montgomery house on Plot 11 type hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.

19. Before the dwellings hereby permitted are first occupied, the properties hereby permitted on plots 5,6,7,8 and 9 shall incorporate the following specifications of 'Secured by Design':

- All windows at ground floor level shall conform to the 'improved security' window standard BS7950 and shall be fitted with double glazed panels with laminated glass to the exterior set in BS7950 Secured by Design certified frames;
- The ground floor entrance doors shall comprise 'Secured by Design' enhanced security doors BSI PAS 24-1999;
- Security lights shall be fitted to the front entrance door and on the rear of these properties.

Reason: To reduce crime and make the properties a safer place to live in.

20. Before the dwellings hereby permitted are first occupied, all properties shall be fitted with an intruder alarm with PIR covering the ground floor to comply with BS4737 of 'Secured by Design' guidelines.

Reasons: To reduce crime and make the properties a safer place to live in.

21. 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.

22. 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 this permission 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

23. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 & HS4 of the Adopted Chorley Borough Local Plan Review.

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

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

10.DC.213 TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PUBLIC FOOTPATH NO 4 AND PUBLIC FOOTPATH NO 19 CHORLEY PUBLIC PATH DIVERSION ORDER 2010

The Director of Transformation submitted a report asking Members of the Committee to consider the confirmation of a Public Footpath Diversion Order, in respect of Public Footpath No. 4, and Public Footpath No. 19 Chorley in order to facilitate the development of a residential housing estate.

The proposal to effect the diversion in respect of Public Footpath No. 4 and No. 19 Chorley was approved by the Committee on 30 March 2010. The Order was first made on 8 July 2010 with advertisement in local press, notices posted on site and statutory consultation. A local resident brought to officers' attention a mistake in the route of the diversion as shown on the Order Map compared with the path as laid out within the development. The Order was remade with corrections to the Order Map on 14 September 2010 and no objections were received following publication of the amended proposal in the press and posting of notices on site.

It was proposed by Councillor Christopher France, and seconded by Councillor David Dickinson, and subsequently unanimously **RESOLVED – That the Director of Transformation be authorised to confirm as an unopposed Order the Chorley Borough Council Public Footpath No. 4 and Public Footpath No. 19 Chorley Public Path Diversion Order 2010, made pursuant to Section 257 of the Town and Country Planning Act 1990, formally authorising the diversion of Public Footpaths No. 4 and No. 19 Chorley in order to permit development to be carried out in accordance with the grant of planning permission, namely the construction of residential housing.**

10.DC.214 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER NO. 2 (WHEELTON) 2010 WITH MODIFICATION

The Director of Transformation submitted a report seeking the Committee's formal confirmation of Tree Preservation Order No. 2 (Wheelton) 2010 with modifications.

The order was made on 14 June 2010 and served along with the statutory notice prescribed in regulation on all those with an interest in the land on which the beech tree is situated on 14 June 2010. The same documents were also served to the owner/occupiers of adjacent properties.

The order was made because the Council's Tree Officer's assessment stated the tree made a valuable contribution to the visual amenity of the area, being prominently situated and clearly visible to the public and that the removal would have a significant impact on the environment and its enjoyment by the public.

No objections had been received in response to the making of the Order.

An error in the postal description of the land on which the single protected beech tree is situated was identified after the Order was made. The Schedule in the Order has been corrected to replace the words 'Southern boundary of 1 Victoria Street, Wheelton' with the words 'Southern boundary of 1 St Paul's Close Wheelton'.

It was proposed by Councillor Ralph Snape, seconded by Councillor Simon Moulton and subsequently unanimously **RESOLVED – That the Tree Preservation Order No 2. (Wheelton) 2010 be confirmed with modification.**

10.DC.215 PLANNING APPEALS NOTIFICATION REPORT

The Director of Partnerships, Planning and Policy submitted a report giving notification of one appeal lodged for the Council's failure to issue a decision within eight weeks, two appeals that had been lodged against the refusal of planning permissions, one planning appeal that had been dismissed, two appeals allowed, six enforcement appeals lodged, and two planning applications being granted by Lancashire County Council.

RESOLVED – That the report be noted.

10.DC.216 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION BY THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information schedules listing seven planning applications for Category 'B' development proposals and one consent for tree works which had been determined by the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair of the Committee at meetings held on 13 October 2010 and 3 November 2010.

RESOLVED – That the schedules be noted.

10.DC.217 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 29 September 2010 and 2 November 2010.

RESOLVED – That the schedule be noted.

Chair