

# Development Control Committee

**Tuesday, 11 January 2011**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Henry Counce, Alan Cullens, 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), Matthew Banks (Planning Assistant) and Cathryn Barrett (Democratic and Member Services Officer)

## 11.DC.01 APOLOGIES FOR ABSENCE

There were no apologies for absence.

## 11.DC.02 MINUTES

**RESOLVED – That the minutes of the Development Control Committee meeting held on 14 December 2010 be confirmed as a correct record and signed by the Chair.**

## 11.DC.03 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

## 11.DC.04 PLANNING APPLICATIONS TO BE DETERMINED

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) 10/00735/OUTMAJ - Land 110m West of Coppull Enterprise Centre, Mill Lane, Coppull, Chorley**

Application No: 10/00735/OUTMAJ  
Proposal: Outline planning application for the erection of a residential development with associated access arrangements:  
Location: Land 110m West of Coppull Enterprise Centre, Mill Lane, Copull, Chorley  
Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Mike Muncaster and subsequently unanimously **RESOLVED – To defer the decision to the next meeting on 8 February 2011 to allow the applicant time to submit a Noise Assessment.**

**(b) 10/00812/FULMAJ - White Bear Marina, Park Road, Adlington, Chorley**

Application No: 10/00812/FULMAJ  
Proposal: Change of use of existing leisure moorings to 48 residential moorings  
Location: White Bear Marina, Park Road, Adlington, Chorley  
Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Henry Counce and subsequently unanimously **RESOLVED – To grant 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. This consent relates to the following plans:**  
Plan Ref:                      Received On:                      Title:  
WBR/003 Rev C      10 December 2010      Proposed Site Plan  
*Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.*
- 3. The permanent residential moorings hereby granted shall only be occupied by canal boats up to 60 feet in length and by no other vessels.**  
*Reason: The permission was granted having regard to the special circumstances advanced in support of the application, however larger family boats would be inappropriate in this area without appropriate provision for contributions towards play space provision and the requirements of Policy EP21 of the Adopted Chorley Borough Local Plan Review.*
- 4. Notwithstanding the information shown on the approved drawings, full details of a design for the screening of the existing external bin store shall be submitted to and approved in writing by the Local Planning Authority. The agreed design shall then be implemented on site prior to the commencement of the use hereby approved and shall remain thereafter.**  
*Reason: In the interest of residential amenity of the future occupiers of the site and in accordance with Policy No HS4 of the Adopted Chorley Local Plan*
- 5. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.**  
*Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.*
- 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.

*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.*

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

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.*

9. Prior to the commencement of development a habitat creation/enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

*Reason: To ensure the protection of wildlife habitats and in accordance with guidance contained in PPS9.*

10. Within 6 months of the date of this permission, or other timeframe to be agreed, a programme for the establishment of the berths and a scheme identifying the specific location of those berths to be used as permanent moorings shall have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To define the consent and ensure all works are carried out in a satisfactory manner.*

- (c) 10/01015/FUL - Formerly Multipart Distribution Limited, Pilling Lane, Chorley

Application No: 10/001015/FUL  
Proposal: Application for plot substitution of plots R319, R320, R321, R322 and R323 previously approved as part of planning application 07/01228/REMMAJ  
Location: Formerly Multipart Distribution Limited, Pilling Lane, Chorley

Decision:

It was proposed by Councillor Ralph Snape, seconded by Councillor Christopher France and subsequently unanimously **RESOLVED – To grant full planning permission subject to a Section 106 Agreement, the following conditions and further consideration of any representations received. Consideration of any additional issues raised to be delegated to the Chair of Development Control Committee in consultation with the Head of Planning:**

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

*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.*

2. The approved plans are:

Plan Ref.	Received On:	Title:
4081-11-02-001 Rev S	16 November 2010	Planning Site Layout
4081/ENG010-3 Rev A	8 December 2010	External Works Layout SHT 3
Lex-11-02-003 Rev E	8 December 2010	Boundary Treatment Plan
4081-11-001-001 Rev D	16 November 2010	Material Schedule
C-SD0910	16 November 2010	Gate within Close Boarded Fence, 1.8m high
C-SD0806	16 November 2010	Free standing brick walls, 215mm wide
C-SD0900	16 November 2010	Post and Rail Fencing
C-SD0906	16 November 2010	Close Boarded Fencing, 1.8m High, Standard Effect
4081-11-02-003 Rev E	16 November 2010	Location Plan
C-SG01-1-001 Rev B	16 November 2010	Single Garage Type 1
C-DG01-1-001 Rev B	16 November 2010	Double Garage
C3H108	16 November 2010	The Kenilworth
Plan Ref.	Received On:	Title:
C4H134	16 November 2010	The York
C4H141	16 November 2010	The Canterbury
C4H141	16 November 2010	The Canterbury Floor Plans

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

3. 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.*

4. The external facing materials detailed on the approved plans shall be used and no others substituted. (Namely Ibstock New Sandhurst Stock bricks and Redland Duoplain roof tiles colour rustic brown)  
*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.*
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 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.*
8. 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.*
9. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.  
*Reason: To ensure the satisfactory management of the unadopted highways and public open space and in accordance with Policies TR4 and HS21 of the Adopted Chorley Borough Local Plan Review.*

10. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.  
*Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.*
11. The 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.*
12. Prior to the commencement of the development full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.  
*Reason: To ensure that the existing residents are fully aware of the progress of the development.*
13. The development hereby permitted shall be carried out in accordance with the measures set out within the action plan of the Residential Travel Plan dated April 2009 (submitted under application 09/00374/DIS).  
*Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.*
14. 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.DC.05 OBJECTION TO TREE PRESERVATION ORDER NO, 6 (WHITTLE-LE-WOODS) 2010**

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instructions on whether to confirm the Tree Preservation Order (TPO) No.6 (Whittle-le-Woods) 2010 with or without modifications in light of an objection being received.

The trees in question stand within the rear garden of a property known as Greenways which was vacant following the death of the owner. Given the potential threat to trees which contributed to the visual amenity of the area, it was considered expedient to make a tree preservation order.

One letter of objection had been received from the solicitors acting on behalf of the trustees of the property. The objection was made on the grounds that the protection of trees was not in the public interest because the surrounding land was in private control therefore the trees cannot be seen from land to which the public have access. In addition, that the trees do not have amenity value due to screening from surrounding trees.

Whilst the access road leading to the property was under private control there was a golf course to the rear of the property from which the trees could be seen. Although it was a private golf club, members and their guests are also members of the public and this would also extend to the occupiers of the neighbouring local residential properties. Longer distance views of the trees within the landscape could also be seen from the Buckshaw development.

Whilst there was significant tree cover in the area, and to a degree the trees were screened by others, their contribution added to the amenity of the woodland area.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor June Molyneaux, and subsequently unanimously **RESOLVED - that the Tree Preservation Order No. 6 (Whittle-le-Woods) 2010 be confirmed as there was evidence that the trees may be under threat of removal due to tree felling in the local area which would result in trees which have an amenity to value being lost.**

#### **11.DC.06 OBJECTION TO TREE PRESERVATION ORDER NO 10 (ABBAY VILLAGE) 2010**

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instructions on whether to confirm the Tree Preservation Order (TPO) No.10 (Abbey Village) 2010 with or without modifications in light of an objection being received.

The tree in question, a sycamore tree, stands in the side garden of 127 Bolton Road, Abbey Village within the Abbey Village Conservation Area. An application was received to fell the tree together with an ash tree which required consent due to the trees being within a conservation area. It was considered expedient to protect the sycamore tree but to allow the removal of the ash tree and an order on that basis was made.

A letter of objection had been received from the owner of the property citing the following reasons for the objection as follows:

- health and safety risk to users of the garden and public footpath
- could cause damage to property due to close proximity
- obscures light to property
- could be unsafe due to splitting of trunk

In response the Council's Arboricultural Officer advised the following:

- that the trunk of the ash was within a metre of the gable end of the public house next door and so was not considered worthy of retention due to the

inherent problems raised by this. The sycamore was more central between the properties and although the canopy was close to the property which could affect light levels, which was easily remedied with some minor pruning back.

- The sycamore was a mature specimen and was very prominent from the highway, giving it a correspondingly high amenity value. It had been pruned in the past and advice had been given that the TPO would not preclude any reasonable pruning works.
- The tree was mature but not senescent and could have many good years ahead of it. There was no sign of any major problems, no cavities or fungal fruiting bodies and the root plate showed no signs of movement.
- In regards to the reference that was made to splitting of the trunk rendering it unsafe, the Arboricultural Officer advised that he could see no evidence of this on his visit, although there was an inclusion of the two main stems that could be mistaken for a split.

In his conclusion the Arboricultural Officer found no reason for the removal of the tree.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Christopher France, and subsequently unanimously **RESOLVED - that the Tree Preservation Order No. 10 (Abbey Village) 2010 be confirmed as the intention was fell a healthy mature tree in a prominent position within the Abbey Village Conservation Area which had significant amenity value.**

#### **11.DC.07 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 ten planning application for Category 'B' development proposals and one listed building consent which had been determined by the Chair and Vice Chair of the Committee at meetings held on 14 December 2010 and 22 December 2010.

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

#### **11.DC.08 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 2 December 2010 and 24 December 2010.

The Committee were informed of an amendment to planning application 10/00834/FULMAJ in that the planning application had been withdrawn by the applicant.

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



**11.DC.09 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT**

The Chair wished Members of the Committee a Happy New Year.

Chair