

Development Control Committee

Wednesday, 3 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), Matthew Birkinshaw (Planning Officer), Alex Jackson (Senior Lawyer) and Cathryn Barrett (Democratic and Member Services Officer)

Also in attendance: Councillors Judith Boothman, Greg Morgan and John Walker

10.DC.205 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.DC.206 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

10.DC.207 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 12 October 2010 be confirmed as a correct record and signed by the Chair subject to the following amendment:

Minute 10.DC.201 (b)

It was proposed by Councillor Roy Lees, seconded by Councillor Simon Moulton to refuse full planning permission for the reasons given at the meeting. The Chair asked Councillor Lees for planning reasons to support his objection to the application. As no substantive reasons for refusal were proposed the motion was not accepted.

10.DC.208 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on eight applications for planning permission 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) 10/00436/FUL - 96 Lancaster Lane, Clayton-le-Woods, Leyland

Application No: 10/00436/FUL
Proposal: Erection of 9 dwellings and associated infrastructure
Location: 96 Lancaster Lane Clayton-le-Woods, Leyland PR25 5SP

Decision:

The application was withdrawn by the applicant prior to the Committee meeting.

(b) 10/00432/FUL - The Royle and The Coppice, Shaw Hill, Whittle-le-Woods, Chorley

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

(The Committee received representation from Ward Councillor Greg Morgan and Ward Councillor John Walker)

Application No: 10/00432/FUL

Proposal: Erection of 6 dwellings

Location: The Royle and The Coppice, Shaw Hill Whittle-le-Woods
Chorley PR6 7PP

Decision:

Members of the Committee were reminded that the applicant had appealed to the Planning Inspectorate against non-determination of the application as the Council had not made a decision on the application within the 8 week statutory period.

It was proposed by Councillor Ralph Snape, seconded by Councillor Simon Moulton and subsequently unanimously **RESOLVED – Members of the Committee were minded to refuse full planning permission for the following reasons:**

- 1. Part of the proposed development (the 4 dwellings backing onto Shaw Hill Drive) is on land which is presently garden land not allocated for housing in the Chorley Borough Local Plan Review. In response to recent changes to Planning Policy Statement 3 (PPS3), the Council has prepared an Interim Policy on Private Residential Garden Development which seeks to resist residential development taking place on private garden land unless certain criteria area met or there are exceptional circumstances. In this case, the proposed dwelling does not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weight in favour of approving the development.**
- 2. The Shaw Hill area is made up of large individually designed detached properties on generously proportioned plots. The individual nature of the properties and the size of the plots mean that the character of the area has its own local distinctiveness which is dominated by landscaping. The provision of large detached dwellings that have not been designed in response to the local character results in a development that would erode this local distinctiveness whilst the density of the development, being higher than that of Shaw Hill, results in dwellings on smaller plots. The smaller plot sizes result in less space between the dwellings and less space for landscaping. The development would therefore be harmful to the local character and distinctiveness of Shaw Hill contrary to Policy GN5 and criteria (b) of Policy HS4 of the Chorley Borough Local Plan Review and Planning Policy Statement 1 (PPS1) and Planning Policy Statement 3 (PPS3).**
- 3. Part of the development (the 4 dwellings backing onto Shaw Hill Drive) is on a site within the settlement boundary of Whittle-Le-Woods on an unallocated and un-developed 'Greenfield' garden land site. It has not**

been demonstrated that there are no other suitable allocated or previously developed sites available within the settlement and as such the proposal is contrary to criteria (f) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3: Housing.

(c) 10/00517/FUL - Rodger Bank, Gough Lane, Clayton Brook, Bamber Bridge

Application No: 10/00517/FUL
Proposal: Proposed development of 6 No. 2 1/2 storey dwellings and 1 No. 2 1/2 storey apartment block (comprising 2 No. 2 bedrooms and 1 No. 1 bedroom apartments) and provision for 15 car parking spaces.
Location: Rodger Bank, Gough Lane, Clayton Brook, Bamber Bridge, Preston
Decision:

The application was withdrawn by the applicant prior to the Committee meeting.

(d) 10/00522/FUL - 89 Lancaster Lane, Clayton-le-Woods

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

(The Committee received representation from Ward Councillor Judith Boothman on the proposals)

Application No: 10/00522/FUL
Proposal: Erection of 3 dwellings
Location: 89 Lancaster Lane Clayton-le-Woods Leyland PR25 5SP
Decision:

It was proposed by Councillor Mick Muncaster, seconded by Councillor Christopher France and subsequently unanimously **RESOLVED – To refuse full Planning Permission for the following reason:**

- 1. The proposed dwelling is on land which is presently garden land not allocated for housing in the Chorley Borough Local Plan Review. In response to recent changes to Planning Policy Statement 3 (PPS3), the Council has prepared an Interim Policy on Private Residential Garden Development which seeks to resist residential development taking place on private garden land unless certain criteria area met or there are exceptional circumstances. In this case, the proposed dwelling does not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weight in favour of approving the development.**
- 2. The proposed development is within the settlement boundary of Clayton-le-Woods on an unallocated and un-developed ‘Greenfield’ site. It has not been demonstrated that there are no suitable allocated or previously developed sites available within the settlement and as such the proposal is contrary to criteria (f) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3: Housing.**

3. The first floor windows in the rear elevation of the proposed dwelling would be sited less than 10m from the boundary they face and as a result of this, the proposed dwelling would allow detrimental overlooking and therefore have a detrimental impact on the amenities which the occupiers and future occupiers of the adjacent property can reasonably expect to enjoy contrary to Policy HS4 (c) and Policy HS6 (c) and (d) of the Chorley Borough Local Plan Review.

(e) 10/00703/FUL - 5-7 Chorley Old Road, Whittle-le-Woods, Lancashire, PR6 7LB

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

Application No: 10/00703/FUL
Proposal: Demolition of existing dwelling (No 7 Chorley Old Road) and various outbuildings and the erection of 8 No detached dwellings (some with detached garages)
Location: 5-7 Chorley Old Road, Whittle-le-Woods, Lancashire PR6 7LB
Decision:

Members of the Committee were reminded that the applicant had appealed to the Planning Inspectorate against non-determination of the application as the Council had not made a decision on the application within the 8 week statutory period.

It was proposed by Councillor Mick Muncaster, seconded by Councillor Roy Lees and subsequently unanimously **RESOLVED – That Members of the Committee were minded to refuse full planning permission for the following reasons:**

1. The proposed development is within the settlement boundary of whittle-le-Woods on an unallocated and un-developed ‘Greenfield’ site. It has not been demonstrated that there are no suitable allocated or previously developed sites available within the settlement and as such the proposal is contrary to criteria (f) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3: Housing.
2. The proposed junction with Chorley Old Road does not provide the necessary visibility splays required for a 30mph road as set out in Manual for Streets and it has not been suitably demonstrated to the Council why a reduction in the visibility splay requirements in Manual for Streets should be accepted for this site. Also, the internal layout of the site does not provide suitable design features to cater for pedestrians. The development proposed would therefore result in detrimental harm to highway and pedestrian safety contrary to Manual for Streets and Policy TR4 and HS4 (d) of the Chorley Borough Local Plan Review.
3. The development would have a detrimental impact on the amenities of the occupiers of the adjacent property on Langdale Grove. In particular, due to the difference between the proposed slab level of the dwelling proposed on plot no. 5 and the level of the garden of 30 Langdale Grove and the proximity of this dwelling to the garden boundary of this property, the views attainable from the first floor windows of the properties on this plot would unacceptably overlook the garden of this property. The proposed development is therefore contrary to Policy Nos. HS4 (c) and HS6 (C) & (d).

4. The intervening land between the application site and Chorley Old Road to the south slopes steeply, thus elevating the site from Chorley Old Road at its junction with Town Lane. The development, by virtue of its proximity to the southern boundary of the site, would appear substantially elevated above Chorley Old Road, particularly plots 3 and 4, during periods of the year when the mature trees on the intervening land no longer have leaf cover. The elevated nature of the development adjacent to the southern boundary, particularly in the autumn and winter months, means it would tower over Chorley Old Road and would appear incongruous in the streetscene thus resulting in detrimental harm to its character and appearance. The proposed development is therefore contrary to Policy Nos. GN5, HS4 and HS6 of the Chorley Borough Local Plan Review.

(f) **10/00739/FUL - 26 Lancaster Lane, Clayton-le-Woods**

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

(The Committee received representation from Ward Councillor Judith Boothman on the proposals)

Application No: 10/00739/FUL
Proposal: Erection of two storey detached dwelling
Location: 26 Lancaster Lane Clayton-Le-Woods Leyland
PR25 5SN

Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Mick Muncaster and subsequently unanimously **RESOLVED – To refuse full planning permission for the following reasons:**

1. The proposed dwelling is on land which is presently garden land not allocated for housing in the Chorley Borough Local Plan Review. In response to recent changes to Planning Policy Statement 3 (PPS3), the Council has prepared an Interim Policy on Private Residential Garden Development which seeks to resist residential development taking place on private garden land unless certain criteria area met or there are exceptional circumstances. In this case, the proposed dwelling does not meet one of the three criteria listed in the Policy nor are there considered to be exceptional circumstances that weight in favour of approving the development.
2. The first floor windows in the front elevation of the proposed dwelling would be sited less than 10m from the boundary they face and as a result of this, the proposed dwelling would allow detrimental overlooking and therefore have a detrimental impact on the amenities which the occupiers and future occupiers of the adjacent property can reasonably expect to enjoy contrary to Policy HS4 (c) and Policy HS6 (c) and (d) of the Chorley Borough Local Plan Review.

(g) **10/00682/OUT - Fairview, Runshaw Lane, Euxton, Chorley, PR7 6EX**

Application No: 10/00682/OUT

Proposal: Erection of detached bungalow
Location: Fairview Runshaw Lane Euxton Chorley PR7 6EX
Decision:

It was proposed by Councillor Alistair Bradley, seconded by Councillor David Dickinson and subsequently unanimously **RESOLVED – To refuse outline planning permission as the proposals did not accord with Policy DC4 of the Local Plan Review and did not represent a rural infill plot in the Green Belt for the following reason:**

1. **The proposed bungalow would be located within the Green Belt as defined by the Chorley Borough Local Plan Review. For a new dwelling to be acceptable in the Green Belt, the site upon which it is proposed must constitute a 'rural infill' plot. In this case, the site on which the bungalow is proposed does not constitute a single plot within an existing substantial built up frontage hence the proposed bungalow is contrary to Policy No. DC4 of the Chorley Borough Local Plan Review and PPG2.**

(h) 10/00743/FUL - The Dog Inn, Chorley Old Road, Clayton-le-Woods, Chorley, Lancashire

Application No: 10/00743/FUL
Proposal: Erection of 3 no. detached dwellings on land to the side of the Dog Inn Public House including associated infrastructure and new access road (resubmission of previously withdrawn application 09/00986/FUL)
Location: The Dog Inn Chorley Old Road Clayton-Le-Woods Chorley, Lancashire
Decision :

It was proposed by Councillor Simon Moulton, seconded by Councillor David Dickinson and subsequently unanimously **RESOLVED – To permit full planning permission subject to a Section 106 Legal Agreement and the following conditions:**

1. **Due to the size of development and sensitive end-use, the development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures.**

The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures.

The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with PPS23.

2. **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.

3. 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.

4. 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 also have been erected in conformity with the approved details prior to occupation 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. 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. This shall include details of how these hard surfaces will drain, such as permeable materials or soakaways. 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.

6. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1 January 2016).

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

7. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref.	Received On:	Title:
09/1229/02 Rev C	18 October 2010	Proposed Site Layout and Levels
09-1229/03 Rev A	18 October 2010	Proposed Elevations and Floor Plans – Plot 1
09-1229/04	19 August 2010	Proposed Elevations and Floor Plan – Plots 2 & 3

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

8. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a Final Code Certificate has been issued certifying that the required Code Level has been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

9. Before the properties hereby permitted are first occupied, the driveways and parking spaces shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The driveways 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.

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 secure proper drainage and in accordance with Policy Nos. EP17 and EM2 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. 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.

13. 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 and HS4 of the Adopted Chorley Borough Local Plan Review.

14. No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

Chair