

Development Control Committee

Tuesday, 22 August 2006

Present: Councillor Harold Heaton (Chair), Councillors Thomas Bedford, Eric Bell, Francis Culshaw, Alan Cain, Henry Caunce, Daniel Gee, Adrian Lowe, Geoffrey Russell, Ralph Snape and Christopher Snow

Officers: Jane Meek (Director of Development and Regeneration), Neil Higson (Principal Planning Officer), Rosaleen Brown (Senior Solicitor), Dianne Scambler (Trainee Democratic Services Officer) and Nicola Hopkins (Planning Officer)

06.DC.42 APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillors D Dickinson (Vice-Chair), Ball, Edgerley, R Lees, Molyneaux and S Smith.

06.DC.43 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 Member declared an interest in relation to the Planning Applications listed below, which were included on the meetings agenda for determination.

Councillor Heaton – Item 6j, Planning Application B4 : 06/00819/FUL
Councillor Cain – Item 10, Objection to TPO No.2 (Chorley) 2006

06.DC.44 GET WELL WISHES

The Chair on the behalf of the Committee requested that a Get Well card be sent to the Vice-Chair, Councillor David Dickinson to extending their best wishes.

06.DC.45 MINUTES OF MEETING TUESDAY, 25TH JULY 2006 OF DEVELOPMENT CONTROL COMMITTEE

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 25 July 2006 be confirmed as a correct record and signed by the Chair.

06.DC.46 APPOINTMENT OF STAND-IN VICE-CHAIR FOR APPLICATION B4: 06/00819/FUL

The Chair advised the Committee that he would be declaring an interest in one of the applications on the agenda. In the absence of the Vice-Chair, there was a need to appoint somebody to stand-in for the Chair for this item.

It was proposed by Councillor Heaton, seconded by Councillor A Lowe, and subsequently **RESOLVED (9:0) to appoint Councillor Bell to Vice-Chair for the meeting.**

06.DC.47 PLANNING APPEAL - TALBOT MILL, FROM STREET, CHORLEY

The Director of Development and Regeneration presented a report to inform Members of a change in circumstances with respect to the planning appeal in relation to the Talbot Mill, Froom Street, Chorley.

In June 2005 the Development Control Committee considered an application at the Talbot Mills site 05/00344/FULMAJ for the erection of 164 dwellings, which was refused. The application was subsequently appealed in January 2006 and is due to be heard at Public Inquiry on 26 September 2006.

As is good practice the appellants have been liaising with officers to resolve the reasons for refusal and managed to resolve two of the issues.

Issues that related to the impact of protected species and landscaping proposals will be addressed at the Inquiry with a Statement of Common Ground.

The appellants have now agreed to pay a commuted sum of money for the provision of low cost housing within the Borough. In accordance with Policy HS5 of the Local Plan this will be achieved through a Section 106 Agreement.

The outstanding reason for refusal was contrary to Policy 12 of the Joint Lancashire Structural Plan. Lancashire County Council objected to the application and had commented that any recommendation by the Council to permit would result in County seeking a call in by the Secretary of State. It would appear now though that the provision of the payment of a commuted amount of money is seen as exception to Policy 12 and for this reason the County Council no longer wish to defend their reason for refusal and withdrew their objection to the development.

The Council needs to ensure that the Section 106 Agreement be signed before Proofs of Evidence are required to be submitted to the Planning Inspectorate on 25 August 2006. This will reduce the potential for a claim against the Council and would give the Council the appropriate defence against any potential application for award of costs by the appellant.

- RESOLVED – 1. That the report be noted.**
2. That the appellants prepare a Section 106 Agreement to be signed by both parties before 25 August 2006.
3. That the Director of Development and Regeneration write a letter to Lancashire County Council on behalf of the Members to voice their concerns as to the way in which County have handled this application.

06.DC.48 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Director of Development and Regeneration giving notification of two appeals that had been lodged against the refusal of planning permission, two appeals that had been dismissed, one appeal that had been allowed by the Planning Inspectorate and the lodging of one enforcement notice appeal.

RESOLVED – That the report be noted.

06.DC.49 PLANNING APPLICATIONS AWAITING DECISION

The Director of Development and Regeneration submitted reports on a number of planning applications to be determined by the Committee.

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

(a) **A1: 06/00640/FULMAJ - Rectory Farm, Town Road, Croston**

Application No: 06/00640/FULMAJ

Proposal: Proposed redevelopment of Rectory Farm creating 6 no. four bedroom dwellings, conversion of existing barn to create 3 no. three bedroom apartments and 1 no. two bedroom apartment with associated garage space and visitor parking. Also erection of rear extension to Croston Trinity Methodist Church to create Sunday school/community facilities with associated car parking.

Location: Rectory Farm, Town Road, Croston, Leyland

Decision:

Application withdrawn

(b) **A2: 06/00658/FULMAJ - Part Parcel F, Main Street, BUckshaw Village, Whittle-Le-Woods**

Application No: 06/00658/FULMAJ

Proposal: Residential development comprising of 125 dwellings together with associated infrastructure.

Location: Part Parcel F, Main Street, Buckshaw Village, Whittle-Le-Woods

Decision:

Application withdrawn

(c) **A3: 06/00676/REMMAJ - Parcel H7, Buckshaw Village, Euxton Lane, Euxton**

Application No: 06/00676/REMMAJ

Proposal: Erection of 106 dwellings with associated landscaping, parking, bin stores, roads and sewers.

Location: Parcel H7 Buckshaw Village, Euxton Lane, Euxton

Decision:

It was proposed by Councillor A Lowe, seconded by Councillor D Gee, and subsequently **RESOLVED to grant the reserved matters application subject to the following conditions:**

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

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

2. Before the development hereby permitted is first commenced full details of 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.

3. 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 in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.

4. 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.

5. 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.

6. 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.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class A to D) or any Order revoking or re-enacting the Order, no alterations or extensions shall be undertaken to any dwelling hereby permitted.

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 2, Class A) (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwelling hereby permitted (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.

10. No development shall take place until:

- a) The Local Planning Authority have given written approval to the development proceeding having regard to the results of the monitoring exercise and the recommendations and proposals as specified in the ENCIA report 2306/11/KL dated 31st January 2006 and report 2306/11/RGA dated 26th June 2006 (gas appraisal and revised gas appraisal, respectively). This includes the incorporation of a comprehensive construction design, to prevent the ingress of ground gas. Details of the proposed gas control measures should be sent to the Local Planning Authority for approval prior to the commencement of the development.
- b) With respect to the above condition this proposed development requires a plot specific gas risk assessment, which should be submitted to the Local Planning Authority in accordance with recommendations made in the revised gas appraisal report. This risk assessment shall include risk, and risk reduction where required, due to gas from any potential sources discovered through Encia's gas appraisal. No buildings or building infrastructure works shall be started on site until this plot by plot risk assessment has been received and approved by the Local Planning Authority. All precautionary measures recommended in the consultant's report shall be carried out in the course of the development unless agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the adopted Chorley Borough Local Plan Review.

11. The approved plans are:

Plan Ref.	Received On:	Title:
BV-H7-11-02-002	03 August 2006	Site Layout
205629/206	03 August 2006	Large Refuse Vehicle Swept Path
Design Statement	14 August	Design Statement Buckshaw Parcel H7

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

- (d) **A4: 06/00678/REMMAJ - Land, Parcel H6A, Lancashire Drive, Buckshaw Village, Whittle-Le-Woods**

Application No:06/00678/REMMAJ

Proposal: Erection of 54 No. apartments and 8 No. houses with associated garages, parking, bin stores and sewer works.

Location: Land Parcel H6A Lancashire Drive, Buckshaw Village, Whittle-Le-Woods

Decision:

Application withdrawn

- (e) **A5: 06/00666/OUTMAJ - St. Mary's Church Hall, Lawrence Lane, Eccleston, Chorley**

Application No:06/00666/OUTMAJ

Proposal: Outline application for the demolition of redundant church hall and erection of 55 bed nursing/care home (Use Class C2).

Location: St Marys Church Hall, Lawrence Lane, Eccleston

Decision:

Application withdrawn

- (f) **B1: 06/00716/FUL - Land 260m South West of Gardeners Cottage, 83, Rawlinson Lane, Heath Charnock**

Application No:06/00716/FUL

Proposal: Retrospective application for erection of agricultural building.

Location: Land 260m South West of Gardeners Cottage, 83, Rawlinson Lane, Heath Charnock

Decision:

It was proposed by Councillor A Lowe, seconded by Councillor Culshaw, and subsequently **RESOLVED (7:1) to refuse full planning permission of the retrospective planning application for the following reasons:**

1. The proposed agricultural building would constitute inappropriate development in the Green Belt, on the basis that there is no justified agricultural need for development of that scale. Furthermore, the development is harmful to the visual amenity of the Green Belt by reason of its design, scale, external appearance and siting. The proposal is therefore contrary to the policy DC1 and EP7 of the Adopted Chorley Borough Local Plan Review.

(g) B2: 06/00758/FUL - Little Acorns Nursery, 34, Sheep Hill Lane, Clayton-Le-Wood's, Chorley

Application No:06/00758/FUL

Proposal: Single storey extensions to the front and the rear porch, to the side and a replacement boundary fence.

Location: Little Acorns Nursery, 34, Sheep Hill Lane, Clayton-Le-Woods, Chorley

Decision:

It was proposed by Councillor Bell, seconded by Councillor Cain, and subsequently **RESOLVED (10:1) 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 91 of the Town and Country Planning Act 1990.

2. All external facing materials shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. Before the commencement of the development a Travel Plan in connection with the business shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include data on travel origins and behaviour, measures, supported by staff, that will enhance accessibility by non-car modes, short and medium term targets for different modes, a scheme of monitoring and enforcement measures if targets are not met. The measures identified shall be implemented within a period of two years from the commencement of the development.

Reason: To reduce the need for car travel and to promote alternative modes of transport, In accordance with Policy 7 of the Joint Lancashire Structure Plan.

(h) B3: 06/00794/COU - 305, The Green, Eccleston, Lancashire

Application No:06/00794/COU

Proposal: Change of use of a wool shop to residential dwelling and alterations to the exterior.

Location: 305, The Green, Eccleston, Lancashire

Decision:

It was proposed by Councillor Culshaw, seconded by Councillor Caunce to defer the decision to allow the Site Inspection Sub-Committee to visit the site of the proposed development.

An amendment to the motion was proposed by Councillor A Lowe, seconded by Councillor Snow, to refuse planning permission in line with the recommendations set out in the Officers report.

A further amendment was proposed by Councillor Culshaw, seconded by Councillor Caunce to grant full planning permission, upon being put to the vote the motion was lost (5:6) with the Chair using his casting vote against.

The previous motion was then voted on and it was subsequently **RESOLVED (6:5) with the Chair using his casting vote for, to refuse full planning permission for the following reasons.**

1. The application property lies within a local shopping centre within the rural settlement of Ecclestone, as defined in the Adopted Chorley Borough Local Plan review wherein the loss of such facilities will not be allowed unless it can be demonstrated that there is no demand for such a facility. The applicant has failed to adequately demonstrate that the facility is no longer required, no longer economical viable and that all reasonable efforts have been made to sell or let the property at a realistic price. The proposal is therefore contrary to policies SP6 and DC10 of the Adopted Chorley Borough Local Plan Review and Supplementary Planning Guidance on The Protection of Community Facilities in Rural Areas.

(i) B4: 06/00819/FUL - Charnock Richard Golf Club, Preston Road, Charnock Richard

(Councillor Heaton declared an interest in the following application and left the meeting during the discussion and voting on the proposal)

Application No:06/00819/FUL

Proposal: Erection of new entrance to club house, extension to pro-shop and new lobby to rear of pro-shop.

Location: Charnock Richard Golf Club, Preston Road, Charnock Richard, Lancashire

Decision:

It was proposed by Councillor Culshaw, seconded by Councillor D Gee, and subsequently **RESOLVED to grant full planning permission subject to the following conditions:**

1. All external facing materials shall match in colour, form and texture those on the existing building.

Reason: In the interests of the visual amenity of the area in general and the existing building in particular and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

06.DC.50 REPORTS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION ON SELECTED CASES DETERMINED FOLLOWING CONSULTATION WITH THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information, reports by the Director of Development and Regeneration on the following category 'B' development proposals which had, or were intended to be, determined by the Chief Officer under the adopted scheme of delegations, following consultation with the Chair and Vice-Chair of the Committee.

Application No:06/00715/COU

Proposal: Proposed change of use to hot food takeaway with extraction vent to rear.

Location: 72, Pall Mall, Chorley

Decision: Planning permission granted.

Application No: 06/00800/FUL
Proposal: Single storey rear extension to existing office building.
Location: Millennium House, Euxton Lane, Euxton, Lancashire
Decision: Planning permission granted.

RESOLVED – That the reports be noted.

06.DC.51 A LIST OF PLANNING APPLICATIONS DETERMINED BY THE CHIEF OFFICER UNDER DELEGATED POWERS BETWEEN 10 JULY 2006 AND 4 AUGUST 2006

The Director of Development and Regeneration presented, for Members information, a schedule listing the remainder of the planning applications that had been determined by the Chief Officer under delegated powers between 10 July 2006 and 4 August 2006.

RESOLVED – That the schedule be noted.

06.DC.52 ENFORCEMENT REPORT - ERECTION OF AGRICULTURAL BUILDING - LAND 260M SOUTH WEST OF GARDENERS COTTAGE, 83, RAWLINSON LANE, HEATH CHARNOCK

The Committee considered a report of the Director of Development and Regeneration on the expediency of taking enforcement action to demolish an agricultural building on land 260m south west of Gardeners Cottage, 83, Rawlinson Lane, Heath Charnock.

RESOLVED – That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control – without planning permission the erection of an agricultural building.

Requirements of the enforcement notice:

- 1. Demolish the building**
- 2. Remove all material resultant from the works carried out under 7(ai) of the report from the land.**

Period for compliance:

6 months

Reason

The proposed agricultural building would constitute inappropriate development in the Green Belt, on the basis that there is no justified agricultural need for development of that scale. Furthermore, the development is harmful to the visual amenity of the Green Belt by reason of its design, scale, external appearance and siting. The proposal is therefore contrary to policies DC1 and EP7 of the Adopted Chorley Borough Local Plan Review and PPG2 Green Belts.

06.DC.53 OBJECTION TO TREE PRESERVATION ORDER NO. 2 (CHORLEY) 2006

(Councillor Cain declared an interest in the following order and left the meeting during the discussion and voting on the proposal).

The Director of Development and Regeneration submitted a report seeking the Committee's instructions on whether to confirm the Tree Preservation Order (TPO) No 2 (Chorley) 2006 in light of receiving an objection.

The tree in question is sited within the curtilage of no. 12 Park Road, on the northern boundary between no's 12 and 14, within St Laurence's Conservation Area. The tree is within a group of three trees, which resembles a multi stemmed silver birch tree.

An application was submitted to remove the tree, along with the removal of a horse chestnut in the front garden and conifers along the rear boundary, and crown thinning of two rowan trees. Works to the other trees were given consent, although the Council's Arboricultural Officer stated that the birch tree was in good condition and there was no reason to fell the tree. It was considered that the tree made a significant contribution to the visual amenities of the locality and was accordingly made the subject of a TPO.

One letter of objection has been received from the landowner of no. 12 Park Road, citing the following grounds of objection:

- The tree leans towards no's 12 and 14 Park Road and overhangs the boundary fence/wall of both properties
- The objector and the owner of no. 14 are concerned that the top of the tree may cause damage to the properties (Grade II Listed Buildings) and/or persons.
- An assessment has been submitted on the level of risk of nuisance and damage.

It was proposed by Councillor A Lowe, seconded by Councillor Snow, and subsequently **RESOLVED (6:1) to deny confirmation of Tree Preservation Order No. 2 (Chorley) 2006, subject to the planting of a suitable tree in its place.**

06.DC.54 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDERS

The Committee were requested to confirm five Tree Preservation Orders in respect of which no objections had been lodged.

RESOLVED – That the following Tree Preservation Orders be confirmed, without modification, as an unopposed order.

**TPO No. 5 (Eccleston) 2005
TPO No. 6 (Clayton-Le-Woods) 2005
TPO No. 7 (White Coppice) 2006
TPO No. 1 (white Coppice) 2006
TPO No. 3 (Withnell) 2006**

Chair