

# Development Control Committee

**Tuesday, 13 March 2007**

**Present:** Councillor Harold Heaton (Chair), Councillor David Dickinson (Vice-Chair), Councillors Francis Culshaw, Alan Cain, Henry Caunce, Dennis Edgerley, Daniel Gee, Adrian Lowe, Miss June Molyneaux, Geoffrey Russell and Shaun Smith

**Officers:** Wendy Gudger (Development Control Manager), Caron Taylor (Planning Officer), Rosaleen Brown (Senior Solicitor) and Dianne Scambler (Trainee Democratic Services Officer)

**Also in attendance:** Councillor Thomas McGowan (Chorley South East)

## **07.DC.24 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Thomas Bedford, Eric Bell, Roy Lees, Chris Snow and Ralph Snape

## **07.DC.25 MINUTES**

**RESOLVED – That the minutes of the meeting of the Development Control Committee held on 13 February 2007 be confirmed as a correct record and signed by the Chair.**

## **07.DC.26 DECLARATIONS OF ANY INTERESTS**

No declarations of interest were declared.

## **07.DC.27 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, under item 4, be determined in accordance with the Committee's decisions as recorded below.**

### **(a) B4:07/00088/COU - 85, Bolton Street, Chorley**

(The Committee received representations from an objector and a supporter of the application).

Application No: 07/00088/COU  
Proposal: Proposed change of use from retail to hot food takeaway  
Location: 85, Bolton Street, Chorley  
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Adrian Lowe, and subsequently **RESOLVED (6:2) to refuse planning permission for the following reason:**

**1. The proposed development by virtue of its location in close proximity to residential properties in particular Beacon Street is likely to result in noise and disturbance to such a degree that it would be detrimental to nearby residential**

amenity and this is contrary to policy EP20 of the Adopted Chorley Borough Local Plan Review.

**(b) B3:07/00085/FUL - Heapey & Wheelton Village Hall, West View, Wheelton**

(The Committee received representations from an objector and a supporter of the application).

Application No: 07/0085/FUL  
Proposal: Removal of planning condition no 2 (app 9/83/00453) "The building will not be used between the hours of 11.00pm and 8.00am"  
Location: Heapey and Wheelton Village Hall, West View, Wheelton  
Decision:  
It was proposed by Councillor Edgerley, seconded by Councillor June Molyneaux, and subsequently **RESOLVED (8:1) to defer the decision to allow further dialogue to take place.**

**(c) A1:05/00394/OUTMAJ - Land between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley**

Application No: 05/00394/OUTMAJ  
Proposal: Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes.  
Location: Land between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley  
Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Danny Gee, and subsequently **RESOLVED (9:0) to grant planning permission subject to a Section 106 Agreement and the following conditions:**

**1. (a) Before any development is commenced details of all 'Reserved Matters', (that is any matters in respect of which details have not been given in the application and which concern the siting, design, external appearance of the building(s), and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.**

**(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.**

**(c) The development to which this permission relates must be begun not later than two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.**

***Reason: (a) This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995: (1) of the (b) & (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.***

**2. The works hereby permitted shall be carried out strictly in accordance with the following plans:**

Plan Ref:	Received On:	Title:
NN03-PLO9 Rev I	5 <sup>th</sup> January 2007	Masterplan
NN03-PL01 Rev A	5 <sup>th</sup> January 2007-02-26	Location Plan

***Reason: To define the permission and ensure a satisfactory form of development.***

**3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) together with details of all windows and**

doors shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved unless otherwise first agreed in writing by the Local Planning Authority.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, and EM2 of the adopted Chorley Borough Local Plan Review.*

4. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

*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 EM2 of the adopted Chorley Borough Local Plan Review*

5. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (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 building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

*Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and EM2 of the Adopted Chorley Borough Local Plan Review.*

6. Prior to the commencement of any development hereby permitted, 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 be carried out strictly in conformity with the approved details.

*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 EM2 of the Adopted Chorley Borough Local Plan Review.*

7. Prior to the commencement of development plans and particulars showing the provision to be made for the storage and disposal of refuse and recycling, shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision as is agreed shall be implemented concurrently with the development and thereafter retained. No part of the development shall be occupied until the agreed provision is completed and made available for use.

*Reason: In order that the Council may be satisfied with the details of the proposal.*

8. Details of all external lighting, including floodlighting, to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

***Reason: To safeguard the amenities of the area and to minimise the possibility of light pollution that would adversely affect the character of the area in accordance with policies GN5, LT9, EP10 and EM2 of the Chorley Borough Local Plan Review 2003.***

9. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.

***Reason: To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.***

10. Plans and particulars showing the provision for the parking or garaging of cars and associated manoeuvring areas in accordance with the Local Planning Authority's current standards, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the building to which it is related and thereafter retained.

***Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.***

11. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with details 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 TR18 of the Adopted Chorley Borough Local Plan Review.***

12. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

***Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.***

13. A scheme for the translocation of the South Marsh Orchids (*Dactylorhiza praetermissa*) found within the site shall be submitted to and approved in writing by the Local Planning Authority. No development shall commence unless and until that scheme has been implemented in its entirety.

***Reason: To secure the nature conservation interest of the site.***

14. Upon approval of the landscaping details, including any screen walls or fences, pursuant to Condition 1 the new planting shall be carried out during the planting season October/March inclusive, (in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979)) immediately following commencement of the development. Any plants found damaged, dead or dying in the first five years are to be duly replaced and the scheme thereafter retained.

***Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.***

15. The existing natural tree screen/hedgerow along the *eastern boundary of the site with the canal* shall be retained and reinforced where necessary in accordance with a scheme to be submitted to and approved by the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October/March inclusive following the first occupation of the

adjacent building maintained for a period of five years during which time any plants that are found to be dead or dying shall be replaced.

**Reason:** In order to protect the amenities of the area in accordance with policies GN5, EP9 and EM2 of the Chorley Borough Local Plan Review 2003.

16. No goods, plant or material shall be deposited or stored in the open, and furthermore no part of the development permitted shall be used for retail purposes, including the sale or display of goods, without the prior consent in writing of the Local Planning Authority.

**Reason:** *In order to protect the amenities of the area, and to maintain adequate parking areas in accordance with policies GN5, EM2 and TR4 of the Chorley Borough Local Plan Review 2003 and to prevent the inappropriate use of any part of the development for retail purposes.*

17. Details of facilities to be provided for the storage and removal of commercial refuse and waste from the premises shall be submitted to and approved by the Local Planning Authority, and then implemented strictly in accordance with those agreed details before the building is first occupied and thereafter retained.

**Reason:** *In the interests of amenity and to be satisfied about the details of the scheme in accordance with policies GN5 and EM2 of the Chorley Borough Local Plan Review 2003.*

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 8, Class A and Schedule 2, Part 2, Class A) or any Order revoking and re-enacting that Order no extension or alteration shall be carried out in respect of the building(s) to which this permission relates and no fences, gates or walls or other means of enclosure shall be erected (other than those expressly authorised by this permission) without the express consent of the Local Planning Authority.

**Reason:** *To prevent an intensification in the use of the premises, in the interests of the visual amenities of the area and the amenities of local residents and in accordance with Policy No. EM2 of the Adopted Chorley Borough Local Plan Review.*

19. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

**Reason:** To reduce the risk of flooding in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.

20. Prior to any discharge into any watercourse, surface water sewer or soak away system, all surface water drainage from vehicle parking and manoeuvring areas shall pass through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained. The interceptor shall be installed and operational prior to any building hereby approved being occupied and shall thereafter be maintained. Roof water shall not pass through the interceptor.

**Reason:** *To prevent pollution of the water environment in accordance with policy EP17, EP18 and EP19 of the Chorley Borough Local Plan Review 2003.*

21. Plans and particulars showing the layout, together with details of levels, sections, drainage, and street lighting of the proposed roads (notwithstanding the details shown on the approved plans) shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

**Reason: In order that the Council may be satisfied with the details of the proposal.**

**(d) B1:06/01382/COU - The Coach House, Chorley Road, Withnell**

Application No: 06/01382/COU  
Proposal: Change of use of existing woodland area to domestic curtilage  
Location: The Coach House, Chorley Road, Withnell, Chorley  
Decision:  
The application was withdrawn.

**(e) B2:07/00038/COU - 18, Seymour Street, Chorley**

Application No: 07/00038/COU  
Proposal: Proposed conversion of existing shop into residential accommodation, comprising of 2 No. two bedroom apartments  
Location: 18 Seymour Street, Chorley  
Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Geoff Russell, and subsequently **RESOLVED (8:1) to grant planning permission subject to a legal agreement 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. This consent relates to the following plans:**

Plan Ref.	Received On:	Title:
Pilkington/02	14 <sup>th</sup> February 2007	Site Location Plan
Elevations	5 <sup>th</sup> February 2007	Proposed Plans and
Pilkington/01	5 <sup>th</sup> January 2007	Existing Plans and Elevations

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

**3. 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.**

## **07.DC.28 SITE INSPECTION SUB-COMMITTEE**

The Committee received the minutes of the meeting of the Site Inspection Sub-Committee held on Monday 12 March 2007.

The Sub-Committee had visited, at the request of the Development Control Committee, the site of the following application.

Planning application 06/01357/FUL had sought permission to retain a timber shed to the east of an existing block of 5 stables on land off Heapey Road, Heapey, Chorley. The Sub-Committee, after taking all the factors into account, recommended the Development Control Committee to grant permission for the retrospective proposal.

It was proposed by Councillor Danny Gee, seconded by Councillor David Dickinson, and subsequently **RESOLVED (9:0) to grant planning permission subject to the following conditions:**

1.The timber shed hereby permitted shall only be used for purposes ancillary to the existing stables and for the storage of associated equipment and feed only and, in particular, shall not be used for any trade, business or other storage purposes.

*Reason: To define the permission and in the interests of the visual amenities and character of the area and in accordance with Policy No. EP8 of the Adopted Chorley Borough Local Plan Review.*

2.Where use of the timber shed for the authorised purposes ceases for a period exceeding 6 months within 10 years of its substantial completion the timber shed and associated hardstanding, shall be removed from the field and the land restored to its former condition.

**Reason:** To avoid the proliferation of buildings in Other Open Countryside for which there is not a continuing need.

#### **07.DC.29 ENFORCEMENT REPORT - THE COACH HOUSE, LAKE VIEW, CHORLEY ROAD, WITHNELL**

The Committee considered a report of the Director of Development and Regeneration on the expediency of taking enforcement action in respect of a change of use of woodland to domestic curtilage at The Coach House, Lake View, Chorley Road, Withnell

**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 change in use of land that is beyond 8m when measured from the rear of the dwelling. The Coach House, Lake View, Chorley Road, Withnell, from designated Green Belt to domestic curtilage.**

#### **Remedy for Breach**

1. **Reinstate the land to the rear of the property that is beyond 8m, when measured from the rear of the dwelling, to woodland by removing:**
  - a. **All timber decking that has been laid**
  - b. **All lighting columns and cabling associated with those lighting columns**
  - c. **All retaining walls**
  - d. **All plants within the planting bed**
  - e. **All items of domestic paraphernalia**
2. **Cease use of land to the rear of the property that is beyond 8m when measured from the rear of the dwelling, as domestic garden area.**

#### **Period of Compliance**

**9 months**

#### **Reason**

The development is considered to be harmful to the character and appearance of the Green Belt and very special circumstances have not been submitted in support of the application. The proposal is considered to be contrary to Policy DC1 and advice contained within PPG2: Green Belts.

#### **07.DC.30 PLANNING APPEALS AND DECISIONS - NOTIFICATION**

The Committee received a report of the Director of Development and Regeneration giving notification of the lodging of an appeal against the refusal of planning permission, three appeals that had been dismissed and one appeal that had been withdrawn.

The report also gave notification of one enforcement appeal that had been withdrawn.

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

**07.DC.31 SELECTED PLANNING APPLICATIONS THAT HAVE BEEN DETERMINED, BY THE DIRECTOR OF DEVELOPMENT AND REGENERATION FOLLOWING CONSULTATION WITH THE CHAIR AND VICE-CHAIR OF THE COMMITTEE**

The Committee received for information, a table showing the decisions made 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.

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

**07.DC.32 A LIST OF PLANNING APPLICATIONS DETERMINED BY THE CHIEF OFFICER UNDER DELEGATED POWERS BETWEEN 1 FEBRUARY 2007 - 23 FEBRUARY 2007**

The Director of Development and Regeneration presented for Members information, a schedule listing the remainder of the applications that had been determined by the Chief Officer under delegated powers between 1 February and 23 February 2007.

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

Chair