

# Development Control Committee

**Tuesday, 21 July 2009**

**Present:** Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Judith Boothman, Alistair Bradley, Henry Caunce, Mike Devaney, David Dickinson, Dennis Edgerley, Christopher France, June Molyneaux, Simon Moulton and Mick Muncaster

**Officers:** Jane Meek (Corporate Director (Business)), Paul Whittingham (Development Control Manager), Zeynab Patel (Solicitor) and Dianne Scambler (Democratic and Member Services Officer)

## **09.DC.55 WELCOME**

The Chair welcomed Councillor Chris France to his first meeting of the Development Control Committee

## **09.DC.56 THANK YOU**

The Chair expressed his thanks to Councillor Adrian Lowe for his contribution to the work of the Development Control Committee over the last few years.

## **09.DC.57 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Keith Iddon, Roy Lees and Ralph Snape

## **09.DC.58 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, the following Member declared a prejudicial interest in relation to the planning application listed below:

Councillor Mick Muncaster – 09/00354/FULMAJ

## **09.DC.59 MINUTES**

**RESOLVED – That the minutes of the meeting of the Development Control Committee meeting held on 30 June 2009 be held as a correct record for signing by the Chair.**

## **09.DC.60 PLANNING APPLICATIONS AWAITING DECISION**

The Corporate Director (Business) submitted reports on two applications for planning permission to be determined by the Committee.

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

**(a) 09/00324/COU - Carr Lane Local Shop, 139, Carr Lane, Chorley**

Application no: 09/00324/COU  
Proposal: Change of use from convenience store (Use Class A1) to a mixed used of convenience store (Use Class A1), ice cream parlour (Use Class A3), ice cream manufacturing (Use Class B2) and pizza takeaway (A5)  
Location: Carr Lane Local Shop, 139, Carr Lane, Chorley, Lancashire  
Decision:  
Application withdrawn

**(b) 09/00354/FULMAJ - Land 50m South of 54, Lancaster Lane, Clayton-Le-Woods**

Application no: 09/00354/FULMAJ  
Proposal: Erection of 10 detached dwellings and associated infrastructure on land to the rear of 54-62 Lancaster Lane, Clayton-Le-Woods  
Location: Land 50m South of 54 Lancaster Lane, Clayton-Le-Woods  
Decision:  
It was proposed by Councillor Dennis Edgerley, seconded by Councillor Chris France and was subsequently **RESOLVED (10:2) to grant planning permission subject to the following condition, with delegated power to the Corporate Director (Business) in consultation with the Chair to amend conditions 15 and 16.**

**1. 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 any previously submitted plans) shall have been submitted too 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***

**2. The proposed development must be begun no 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.***

**3. 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 been previously 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 type and number 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.***

**4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding sessions 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.*

5. 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 the distance of 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 areas 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.*

6. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (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 HS9 of the Adopted Chorley Borough Local Plan Review.*

7. The development hereby permitted shall not commence until full details of 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 carried out in conformity with the approved details.

*Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*

8. Prior to the commencement of the development full details of the Management Company and arrangements for future management and maintenance of the site, including storage and collection of refuse, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.

*Reason: To ensure satisfactory management of the private driveway and refuse storage/collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

9. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted and approved in writing by the Local Planning Authority, notwithstanding any detail shown on previously submitted plans. 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.*

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 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: To ensure adequate garaging/off street-parking provisions is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review***

12. 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 dwellings 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 Nos. EP17 of the Adopted Chorley Borough Local Plan Review.***

13. Surface water must drain separate from the foul and no surface water will be permitted to discharge to the foul drainage system.

***Reason: To secure proper drainage and in accordance with Policy Nos. EP17 of the Adopted Chorley Borough Local Plan Review.***

14. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessments and measures needed to render the development safe shall be submitted to and approved in writing by the Local Planning Authority before the development is implemented. All such measures shall be implanted before the development is commenced or in accordance with a timetable to be agreed 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 Planning Policy Statement 23 Planning and Pollution Control.***

15. The access road hereby approved shall be constructed in accordance with a 'macadam no dig construction' method, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, within the tree root zone of the tree adjacent to the site (within the garden area of Number 50 Lancaster Lane). The construction of the access road shall be in accordance with the approved method of construction unless otherwise agreed in writing by the Local Planning Authority.

16. 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*

17. The development hereby approved shall be carried out in accordance with the measures set out within the Development Report Sustainable Resources document received 10<sup>th</sup> June 2009. The measures set out relate to energy use/efficiency of the dwellings hereby approved and storage provision for recyclable waste.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: 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.*

**09.DC.61 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE**

The Committee received for information, tables listing seven applications for Category 'B' development proposals which had been determined by the Corporate Director (Business), the Chair and Vice Chair of the Committee at meetings held on 24, 30 June and 6, 8 July 2009.

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

**09.DC.62 PLANNING APPEALS NOTIFICATION REPORT**

The Corporate Director (Business) submitted a report giving notification of one planning appeal that had been granted by the County Planning Inspectorate.

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

**09.DC.63 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS)**

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Corporate Director (Business) under delegated powers between 17 June and 8 July 2009.

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

Chair