

Development Control Committee

Tuesday, 10 November 2009

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

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager), Andy Wiggett (Principal Planning Officer) and Dianne Scambler (Democratic and Member Services Officer)

Also in attendance: Councillors Adrian Lowe (Chorley North East) and Edward Smith (Chisnall)

09.DC.91 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Henry Counce and Ralph Snape

09.DC.92 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

09.DC.93 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 13 October 2009 be held as a correct record for signing by the Chair.

09.DC.94 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on nine planning 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) 09/00640/FUL - 4, Ewell Close, Chorley

(The Committee received representations from and objector to the proposals and the applicant's agent)

(The Ward Representative Councillor Adrian Lowe also spoke against the proposals)

Application no: 09/00640/FUL
Proposal: Demolition of existing bungalow and erection of 7 two storey detached dwellings with associated garages and infrastructure.
Location: 4, Ewell Close, Chorley

Decision:
It was proposed by Councillor Dennis Edgerley, seconded by Councillor Alistair Bradley and was subsequently **RESOLVED (12:2) to defer the decision to allow for further dialogue between the planning officers and the developer.**

(b) 09/00696/FULMAJ - Land between Waggon and Horses Public House and Summerfields, Chapel Lane, Coppull, Chorley

(The Committee received representation from an objector to the proposals and the Applicant)

Application no: 09/00696/FULMAJ
Proposal: Residential development comprising 40 dwellings and associated access roads
Location: Land between Waggon and Horses Public House and Summerfields, Chapel Lane, Coppull

Decision:

It was proposed by Councillor Ken Ball, seconded by Councillor Roy Lees, and was subsequently **RESOLVED (10:2) to grant planning permission subject to a legal agreement on contribution to play space provision and affordable housing and 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. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : To ensure a satisfactory means of drainage and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until:

a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by the Local Planning Authority. The investigation and assessment shall be carried out in accordance with current best practice including British Standard 10175:2001 "Investigation of potentially contaminated sites – Code of Practice". The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

all testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

the Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works, a validation report containing any validation sampling results have been submitted to and approved in writing 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 the guidance set out in PPS23: Planning and Pollution Control

4. 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 a distance from 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 area(s) 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 No. EP9 of the Adopted Chorley Borough Local Plan Review.

5. Before the demolition of the buildings on the site the survey for the possible presence of roosting bats as recommended in Section 5.2 of the report prepared by Environmental Research and Advisory Partnership received on the 23rd December 2008 shall be carried out and the results submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be agreed in writing by the Local Planning Authority and implemented before development on the site commences.

Reason: To secure the protection of vulnerable species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

6.No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been 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 and Chorley Borough Council's Sustainable Resources DPD.

(c) 09/00665/OUTMAJ - Park Mills, Deighton Road, Chorley

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

Application no: 09/00665/OUTMAJ
Proposal: Outline application for residential development (specifying access)

Location: Park Mills, Deighton Road, Chorley

Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant outline planning permission subject to a Legal Agreement and the following conditions:**

1. An application for approval of the reserved matters (namely layout, external appearance of the buildings, scale and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

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 development hereby permitted shall be carried out in accordance with the approved indicative Masterplan (reference 09-026 Drawing No: 001 Rev E

October 2009), in relation to the scale, including building heights, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable form of development for the site within the parameters of the outline permission.

3. No development shall take place until:

a) A methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with the Local Planning Authority. The investigation and assessment shall be carried in accordance with current best practice including British Standard 10175:2001 'Investigation of potentially contaminated site - Code of Practice'. The objectives of the investigation shall be, but not limited to, identifying the type(s), nature and extent of contamination present to the site, risks to receptors and potential for migration within and beyond the site boundary;

b) All testing specified in the approved scheme (submitted under a) and the results of the investigation and risk assessment, together with remediation proposals to render the site capable of development have been submitted to the Local Planning Authority;

c) The Local Planning Authority has given written approval to the remediation proposals (submitted under b), which shall include an implementation timetable and monitoring proposals. Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Authority.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals.

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, in accordance with PPS23.

4. No part of the development hereby permitted shall not be occupied until the two vehicular accesses have been constructed in accordance with plans, which have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 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. 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 interests of the amenity of the area 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 (notwithstanding any details 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 using the approved external facing materials unless otherwise 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 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. This shall include details of how the proposed driveway/hardsurfacing to the front of the properties/communal areas shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway). The development shall only be carried out in conformity with the approved details unless otherwise agreed to in writing by the Local Planning Authority

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and to prevent flooding and in accordance with Policy Nos. GN5 and HS9 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 RT2 of the North West Regional Spatial Strategy 2008.

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

Reason: To ensure the satisfactory management of the site and in accordance with Policies GN5, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

10. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system the Environment Agency may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

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

11. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. 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 by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. 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.

12. The application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. 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.

13. The application for approval of reserved matters shall be accompanied by full details of the location of the on site affordable housing units. The development shall only be carried out in conformity with the approved details.

Reason: To ensure the proper development of the site and in accordance with Policy Nos. HS5 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.

15. 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. The trees on the southern boundary/southwest corner of the site

shall be fenced along the whole length of the trees, giving a minimum of six metres clearance from the trunks of the trees. Any other trees to be retained on the site shall be fenced at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from 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.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the area of land affected until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

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 Government advice contained in PPS23: Planning and Pollution Control.

17. 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.

18. Prior to the commencement of the development full details of the bin storage facilities associated with the proposed residential units shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

19. The demolition of the existing buildings and subsequent development hereby permitted shall only be carried out in accordance with the bat mitigation proposals in sections 4.2-4.4 (inclusive) of the Report of Licensed Bat Survey (dated May 2009) carried out by the Environmental Research & Advisory Partnership.

Reason: To ensure the continued and future protection of bats and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review and PPS9..

20. 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 and in accordance with PPG25.

21. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such 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 of the Adopted Chorley Borough Local Plan Review.

(d) 09/011708/FUL - Land 15m West of 176A Wood Lane, Heskin

(The Committee received representations from an objector to the proposals, the applicant's agent and the ward representative, Councillor Edward Smith who spoke against the development)

Application no: 09/00708/FUL
Proposal: Erection of detached bungalow
Location: Land 15m West of 176, Wood Lane, Heskin
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Mick Muncaster, and was subsequently **RESOLVED to defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(e) 09/00594/FULMAJ - Formerly Multipart Distribution Limited, Pilling Lane, Chorley

Application no: 09/00594/FULMAJ
Proposal: Re-plan of part of the site including the construction of 42 dwellings, garages and associated works (amendment to reserved matters approval 07/01228/REMMAJ) Including amendments to existing parking areas to serve plots 343-351 and 371
Location: Formerly Multipart Distribution Limited, Pilling Lane, Chorley
Decision:

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Simon Moulton, and was subsequently **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. 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.

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 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.

4. 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.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 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

6. 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.

7. 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.

8. 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.

9. The site shall be remediated in accordance with BAE Environmental Remediation Strategy Report (Reference: A0356-02-R1-1). Upon completion of the remediation works a verification/ completion report containing any validation sample results shall be submitted to and approved in writing 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 Government advice contained in PPS23: Planning and Pollution Control

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. 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.

14. 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.

(f) **09/00702/CB3 - Tatton Community Centre and Park, Silverdale Road, Chorley**

Application no: 09/00702/CB3
Proposal: Erection of 8m high flagpole to display Green Flag Award
Location: Tatton Community Centre, Silverdale Road, Chorley
Decision:
It was proposed by Councillor Chris France, seconded by Councillor June Molyneaux, and was subsequently **RESOLVED to recommend full Council to grant planning permission**

(g) **09/00703/CB3 - Nature Reserve bounded by Bury Lane and Bolton Road, Withnell**

Application no: 09/00703/CB3
Proposal: Erection of 8m high flagpole to display Green Flag Award
Location: Nature Reserve bounded by Bury Lane and Bolton Road, Withnell
Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to recommend full Council to grant planning permission.**

(h) 09/00783/FUL - Land 65m South East of Tesco Supermarket and on the South side of Foxhole Road, Chorley

Application no: 09/00783/FUL
Proposal: Erection of Public House/Restaurant
Location: Land 65m south East of Tesco Superstore and on the South side of Foxhole Road, Chorley

Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson, and was subsequently **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. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plans) 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, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

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 of the Adopted Chorley Borough Local Plan Review.

4. 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.

5. The use hereby permitted shall be restricted to the hours between 10.00 hours and 00.00 hours Monday to Thursday, 10.00 hours and 01.00 hours Friday and Saturday and 11.00 hours and 00.00 hours on Sundays.

Reason: To define the permitted opening hours and in accordance with Policy Nos. EP20 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. 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 of the Adopted Chorley Borough Local Plan Review.

9. 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, DC8A of the Adopted Chorley Borough Local Plan Review.

10. The first floor living accommodation shall be occupied and used only in conjunction with the ground floor use hereby permitted (namely public house Use Class A4 and restaurant Use Class A3) and shall not be used as a separate dwelling unit.

Reason: The first floor living accommodation is to accommodate staff associated with the permitted use of the site. The erection of a dwelling on this site would be contrary to Policies EM1 and HS6 and as such to avoid the creation of a separate dwelling unit on this site.

11. 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.

(i) 09/00750/FUL - 605, Preston Road, Clayton-Le-Woods, Chorley

Application no: 09/00750/FUL
Proposal: Resubmission of application 09/00150/FUL amendment to previously approved layout (08/00203/FULMAJ) and erection of 7 detached houses/infrastructure on adjacent plot
Location: 605, Preston Road, Clayton-Le-Woods, Chorley

Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson, and was subsequently RESOLVED (6:4) to grant planning permission subject to a Legal Agreement and the conditions listed below, with Councillors David Dickinson, Harold Heaton, Keith Iddon, Simon Moulton, Mick Muncaster and Geoff Russell voting for and Councillors Julia Berry, Alistair Bradley, Mike Devaney and Chris France voting against the proposals.

Councillors Ken Ball, Judith Boothman, Dennis Edgerley, Roy Lees and June Molyneux abstained.

1. No development shall take place until full details have been submitted of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show on-site measures to be installed and implemented so as to produce a minimum of 10% or locally set targets whichever is the higher) of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been 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 and Chorley Borough Council's Adopted Sustainable Resources DPD.

2. 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.

3. 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 HS4 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. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls, including those along the rear of the site which abuts the commercial estate road from plot 10 to plot 8, 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.

6. 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 the 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 the guidance set out in PPS23 – Planning and Pollution Control 2004.

7. 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 private driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. 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.

09.DC.95 PLANNING APPEALS NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of two appeals that had been lodged against the refusal of planning permission.

RESOLVED – That the report be noted.

09.DC.96 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF COMMITTEE

The Committee received for information, tables listing four applications for Category 'B' development proposals which had been determined by the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee at meetings held on 13 and 28 October 2009.

RESOLVED – That the tables be noted.

09.DC.97 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 1 and 28 October 2009.

RESOLVED – That the schedule be noted.

Chair