

# Development Control Committee

**Tuesday, 30 March 2010**

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

**Officers:** Lesley-Ann Fenton (Director of Partnerships, Planning and Policy), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Nicola Hopkins and Dianne Scambler (Democratic and Member Services Officer)

**Also in attendance:** Councillors Terry Brown (Chorley East) and Greg Morgan (Clayton-Le-Woods and Whittle-Le-Woods)

## 10.DC.134 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Dickinson and Dennis Edgerley.

## 10.DC.135 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 Members declared a prejudicial interest in relation to the planning applications listed below:

Councillor Simon Moulton – planning application 10/00006/FUL  
Councillor Julia Berry – planning application 09/01016/COU

## 10.DC.136 MINUTES

**RESOLVED – That the minutes of the Development Control Committee meeting held on 9 March 2010 be held as a correct record for signing by the Chair.**

## 10.DC.137 PLANNING APPLICATIONS AWAITING DECISION

The Director of Partnerships, Planning and Policy submitted reports on seven 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.**

(a) **10/00101/FUL - The Royal and The Coppice, Shaw Hill, Whittle-Le-Woods, Chorley PR6 7PP**

(The Committee received representations from an objector to the proposals and the ward representative Councillor Greg Morgan)

Application no: 10/00101/FUL  
Location: The Royal and The Coppice, Shaw Hill, Whittle-Le-Woods, Chorley

Proposals:                   Erection of 7 detached dwellings, garages and associated infrastructure following demolition of the existing dwellings.

Decision:  
It was proposed by Councillor Ken Ball, seconded by Councillor Ralph Snape, to refuse planning permission.

An amendment to the motion was proposed by Councillor Harold Heaton, seconded by Councillor Geoff Russell and upon being put to the vote was lost (2:13)

The original motion was then voted upon and it was subsequently **RESOLVED (13:2) to refuse planning permission as it was considered that the proposals were not in keeping with surrounding development and would cause the site to be overdeveloped, and that agreement of the formal reasons for refusal be delegated to the Chair of the Committee, in consultation with the Director of Partnerships, Planning and Policy.**

**(b) 10/00006/FUL - Land on side of Sidegate Cottage, Pompian Brow, Bretherton, Leyland PR26 9AQ**

(Councillor Simon Moulton declared a prejudicial interest and left the meeting).

Application no:           10/00006/FUL  
Proposal:                   Erection of a detached house on land adjacent to Side gate Cottage.  
Location:                 Land on site of Sidegate Cottage, Pompian Brow, Bretherton, Leyland

Decision:  
It was proposed by Councillor Keith Iddon, seconded by Councillor Chris France, and was subsequently **RESOLVED (12:2) to refuse planning permission on the grounds that the proposals are inappropriate to the area and out of character with neighbouring development, and that agreement of the formal reasons for refusal be delegated to the Chair of the Committee, in consultation with the Director of Partnerships, Planning and Policy.**

(Councillor Simon Moulton returned to the meeting)

**(c) 10/00079/FUL - Pennines, 2 Crosse Hall Lane, Chorley PR6 0AG**

(The Committee received representations from the Applicant's Agent)

Application no:           10/00079/FUL  
Proposal:                   Demolition of detached bungalow and garage and erection of 8 affordable houses with ancillary parking and enclosures.  
Location:                 Pennines, 2 Crosse Hall Lane, Chorley

Decision:  
It was proposed by Councillor Mike Devaney, seconded by Councillor Julia Berry, and was subsequently **RESOLVED to grant planning permission subject to a Legal Agreement 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 shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of**

development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

*Reason: In the interests of the amenity of the area and in accordance with Policy No.GN5 of the Adopted Chorley Borough Local Plan Review.*

3. 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. 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. 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 No. TR4 of the Adopted Chorley Borough Local Plan Review.*

(d) 09/01016/COU - 225 - 227, Eaves Lane, Chorley PR6 0AG

(Councillor Julia Berry declared a prejudicial interest and left the meeting)

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

Application no: 09/01016/COU  
Proposal: Conversion of retail units to form Doctors Surgery – change of use from A1 to D1  
Location: 225 – 227, Eaves Lane, Chorley  
Decision:

It was proposed by Councillor Mike Devaney, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED to defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(Councillor Julia Berry returned to the meeting)

(e) 10/00023/FULMAJ - 96, Lancaster Lane, Clayton-Le-Woods, Leyland PR25 5SP

Application no: 10/00023/FULMAJ  
Proposal: Erection of 10 dwellings and associated infrastructure  
Location: 96, Lancaster Lane, Clayton-Le-Woods, Leyland  
Decision:  
It was proposed by Councillor Ken Ball, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to refuse the planning application for the following reasons:**

**1. The design of the two storey houses on the Lancaster Lane frontage is out of character with an area that is predominately made up of bungalows, the orientation of the layout with rear gardens fronting onto the road would have an adverse impact on the streetscene and is not in accordance with design guidance in the Council's SPG – Design Guidance and as set out in PPS1 and PPS3.**

**2. The proposed layout is unsatisfactory in that it does not meet the Council's adopted interface distances and there is a cramped relationship between dwellings contrary to the provisions of policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.**

**(f) 10/00122/TEL - Land 5m North West of 2, Studfold, Chancery Road, Astley Village, Chorley**

(The Committee received representations from an objector to the proposals and the ward representative, Councillor Mark Perks)

Application no: 10/00122/TEL  
Proposal: Prior notification for the erection of a 15m pole antenna and 2 associated ground base station equipment cabins (1.48m X 0.35m X 1.5m)  
Location: Land 5m North West of 2, Studfold, Chancery Road, Astley Village, Chorley  
Decision:  
It was proposed by Councillor Ken Ball, seconded by Councillor Chris France, and was subsequently **RESOLVED to refuse planning permission subject to the following reason:**

**1. The proposed development is contrary to PPG8 and Policy PS12 of the Adopted Chorley Borough Local Plan Review in that it will be unduly prominent and intrusive within the streetscene and detrimental to the character and appearance of the area by reason of its siting and appearance. Furthermore the Council is not satisfied the applicant is seeking to meet their operational needs in a manner that minimises environmental and visual impact.**

**(g) 10/00136/FUL - Land 75m South East of Highfield, Southport Road, Chorley**

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

Application no: 10/00136/FUL  
Proposal: Creation of a public outdoor leisure skate park facility at Yarrow Valley Park  
Location: Land 75m South East of Highfield, Southport Road, Euxton  
Decision:  
It was proposed by Councillor Mick Muncaster, seconded by Councillor Ken Ball 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 approved plans are:

Plan Ref.

Received On:

Title:

17<sup>th</sup> February 2010

Location Plan

17<sup>th</sup> February

Dimensions and Elevations

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

3. Prior to the commencement of the development full details of the litter bins and management regime for litter collection shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location and specification of the litter bins. The development thereafter shall be carried out in accordance with the approved details and management regime.

*Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 and DC1 of the Adopted Chorley Borough Local Plan Review*

4. Prior to the commencement of the development full details of the proposed works to the existing hedgerows to the west, east and north of the site shall be submitted to and approved in writing to the Local Planning Authority. The details shall include full details of the proposed pruning works, a timetable for the works and a management regime for the future maintenance of these hedgerows. The development thereafter shall be carried out in accordance with the approved details and the management regime.

*Reason: To ensure that the site benefits from natural surveillance. In accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review*

(Councillor Ken Ball left the meeting)

(Councillor Roy Lees left the meeting)

#### **10.DC.138 PROPOSED CONFIRMATION OF TREE PRESERVATION ORDERS**

The Committee were requested to confirm 6 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:**

- (1) The Chorley Borough Council Tree Preservation Order No. 3 (Clayton-Le-Woods) 2009
- (2) The Chorley Borough Council Tree Preservation Order No. 4 (Chorley) 2009
- (3) The Chorley Borough Council Tree Preservation Order No. 5 (Whittle-Le-Woods) 2009
- (4) The Chorley Borough Council Tree Preservation Order No. 7 (Chorley) 2009
- (5) The Chorley Borough Council Tree Preservation Order No. 9 (Mawdesley) 2009
- (6) The Chorley Borough Council Tree Preservation Order No.10 (Whittle-Le-Woods) 2009

(Councillor Roy Lees returned to the meeting)

#### **10.DC.139 OBJECTION TO TREE PRESERVATION ORDER NO. 6 (WHITTLE-LE-WOODS) 2009**

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instruction on whether to confirm the Tree Preservation Order No.6 (Whittle-Le-Woods) in light of receiving an objection.

The Order had been placed on two of the trees in the garden of 100 Preston Road to protect them against development or purchase of the garden by Wainhomes following the residential development being permitted and constructed to the rear of 102 Preston Road. The trees subject to the Order are a Beech tree adjacent to Lucas Lane and a Sycamore tree adjacent to Preston Road.

Wainhomes had now completed the development and the owner of 100 Preston Road had confirmed in writing as part of the objection to the Order that the land would not be sold to Wainhomes. In light of this, it was considered that there is no longer a threat to the trees.

The Beech tree adjacent to Lucas Lane is less prominent in the locality than the Sycamore tree which fronts on to Preston Road. As the Sycamore makes a very significant contribution to the visual amenities of the locality, it was recommended that this tree still be afforded the protection of the Order.

**RESOLVED – That the Tree Preservation Order No.6 (Whittle-Le-Woods) 2009 be confirmed with modification by way of the Beech tree adjacent to Lucas Lane being deleted from the Order, whilst the protection afforded the Sycamore tree adjacent to Preston Road be retained.**

#### **10.DC.140 OBJECTION TO TREE PRESERVATION ORDER NO. 8 (CHARNOCK RICHARD) 2009**

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instruction on whether to confirm the Tree Preservation Order No. 8 (Charnock Richard) 2009.

The land in question had previously been the subject of pre-application discussions to develop the land for housing and a planning application for residential development is currently under consideration. Following reports of tree felling on the site, officers visited and found that a large mature tree within the tree had been felled and that other tree works were in progress. Given the immediate threat to trees which contributed to the visual amenity of the area it was considered expedient to make a tree preservation order.

One letter of objection had been received on behalf of the owner of the land on the following grounds:

- The life expectancy of the trees are limited and development of the site presents an opportunity to replace the trees
- That there are procedural errors in the making of the order
- Tree species within the order had been wrongly identified

The Council's arboriculture officer had met with the landowner's agent to discuss their objection and carried out an assessment of the tree. The trees are mature, but they are healthy and there was no arboricultural reason why they should be removed.

It was accepted that some of the tree species had been incorrectly identified in making the Order and this could be corrected by varying the Order.

**RESOLVED – That Tree Preservation Order No.8 (Charnock Richard) 2009 be confirmed with modification to amend the description of T2 from (Whittlebeam) to (Goat Willow), T8 (Oak) to (Elm) and T10 (Birch) to (Elm).**

#### **10.DC.141 OBJECTION TO TREE PRESERVATION ORDER NO. 12 (CHORLEY) 2009**

The Director of Partnerships, Planning and Policy submitted a report seeking the Committee's instruction on whether to confirm Tree Preservation Order No.12 (Chorley) 2009 in light of receiving an objection.

The Order had been placed on the trees at the site following the submission of a planning application for residential redevelopment of the former site of St Josephs Primary School, Railway Road, Chorley.

An objection to the Order had been received from the Parochial Church Council (St Peter's Vicarage, Harpers Lane, Chorley) stating that as the planning application for the residential development of the site had been withdrawn, the reason for imposing the Order in the first place no longer exists.

The trees appear to be in good health and make a significant contribution to the visual amenities of the locality. It was also considered the trees would also help mitigate some of the impact of any future residential on the site providing a screen between the development and the existing properties to the south on St Joseph's Place.

**RESOLVED – That Tree Preservation Order No.12 (Chorley) 2009 be confirmed without modification.**

#### **10.DC.142 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257 PROPOSED PUBLIC PATH DIVERSION ORDER RE: PARTS OF PUBLIC FOOTPATHS NO'S 4 AND 19, CHORLEY**

The Committee considered a report of the Director of Transformation on an application submitted by Morris Homes Ltd for the diversion of part of Public Footpaths Nos. 4 and 19, Chorley, in order to facilitate the development of a residential housing estate.

Planning permission had been granted to Morris Homes Ltd sometime ago to develop a parcel of land bounded by the Leeds-Liverpool Canal on the west, M61 Motorway on the east, Crosse Hall Lane on the South and Froom Street on the north for residential housing.

**RESOLVED – That the making of a Public Path Diversion Order pursuant to Section 257 of the Town and Country Planning Act 1990, be approved, in respect of two lengths of Footpaths No. 4 and 19, Chorley, so as to enable the carrying out of development in accordance with the granting of planning permission.**

#### **10.DC.143 PLANNING APPEALS NOTIFICATION REPORT**

The Director of Partnerships, Planning and Policy, submitted a report giving notification of two appeals that had been lodged against the refusal of planning permission and three applications that had been granted by Lancashire County Council.

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

#### **10.DC.144 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE**

The Committee received for information tables listing five applications for Category 'B' development proposals which had been determined by the Director of Partnerships, Planning and Policy in consultation with the Chair and Vice Chair of the Committee.

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

**10.DC.145 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY**

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 25 February and 17 March 2010.

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

**10.DC.146 ADDENDUM**

Chair