

Development Control Committee

Tuesday, 12 October 2010

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Alistair Bradley, Henry Counce, Alan Cullens, David Dickinson, Christopher France, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

Officers: Jennifer Moore (Head of Planning), Chris Moister (Head of Governance), Paul Whittingham (Development Control Team Leader), Caron Taylor (Planning Officer) and Cathryn Barrett (Democratic and Member Services Officer)

Also in attendance: Councillors Julia Berry, Doreen Dickinson (Chorley Borough Councillor For Lostock Ward), Dennis Edgerley, Anthony Gee, Kevin Joyce, Peter Malpas and Beverley Murray

10.DC.198 APOLOGIES FOR ABSENCE

There were no apologies for absence.

10.DC.199 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 planning applications listed below:

Councillor Alan Cullens – 10/00659/FULMAJ
Councillor Christopher France – 10/00659/FULMAJ
Councillor Michael Muncaster – 10/00674/FUL

Councillor Alistair Bradley declared a personal interest in respect of planning application 09/00933/FULMAJ.

10.DC.200 MINUTES

RESOLVED – That the minutes of the Development Control Committee meeting held on 14 September 2010 be confirmed as a correct record and signed by the Chair.

10.DC.201 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted reports on eleven applications for planning permission to be determined by the Committee.

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

(a) 10/00659/FULMAJ - Land Adjacent 32 Moor Road, Croston

Councillor Alan Cullens and Councillor Christopher France declared a prejudicial interest and left the meeting for the duration of this item.

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

(The Committee received representation from Ward Councillor Doreen Dickinson on the proposals)

Application: 10/00659/FULMAJ
Proposal: Erection of 24 two-storey affordable houses (including new access from Moor Road)
Location: Land adjacent 32 Moor Road, Croston
Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor David Dickinson and subsequently **RESOLVED – To grant full planning permission subject to a Section 106 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. **‘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 plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. This shall specifically include details of how the garden boundaries will maintain connectivity in terms of maintaining biodiversity. 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 and PPS9.’
3. **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.
4. **Unless it can be demonstrated through open book accounting that the requirements of Policy SR1 would make the development unviable:**
 1. **No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to**

achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

2. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS8 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. Before the development hereby permitted is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. 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. TR8 of the Adopted Chorley Borough Local Plan Review.

8. 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.
9. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property 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), unless otherwise agreed to in writing by the Local Planning Authority.
Reason: In the interests of highway safety and to prevent flooding, in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review and PPS25
10. 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 Nos. EP9 of the Adopted Chorley Borough Local Plan Review.
11. The development hereby permitted shall only be carried out in conformity with the proposed finished floor levels shown on the approved plan(s).
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.
12. No development shall take place until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.
Reason: To secure proper drainage and to prevent flooding and in accordance with PPS25 and Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.
13. Before the development hereby permitted commences, a Phase II: Intrusive Site Investigation shall be carried out as detailed at page 12 of the Sutcliffe Phase I Desk Study submitted with the application. Where the Phase II study deems necessary a remediation strategy/detailed specification for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The development shall then only be carried out in accordance with the approved details unless otherwise agreed to in writing.
Reason: In the interest of safety and in accordance with PPS23.
14. 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the side elevations of the properties hereby permitted.

Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS4 of the Adopted Chorley Borough Local Plan Review.

16. The approved plans are:

Plan Ref.	Received On:	Title:
P1126 05 Rev J	28 September 2010 (plan dated)	Proposed Site Plan
P1126 06 Rev A	23 July 2010	Site Elevations/Sections
P1126 SK06 Rev B	23 July 2010	Unit A1 Floor Plans & Elevations
P1126 SK07 Rev B	23 July 2010	Unit A2 Floor Plans & Elevations
P1126 SK08 Rev B	23 July 2010	Unit A3 Floor Plans & Elevations
P1126 SK09 Rev B	23 July 2010	Unit A4 Floor Plans & Elevations
P1126 SK10 Rev B	23 July 2010	Unit A5 Floor Plans & Elevations
P1126 SK11 Rev B	23 July 2010	Unit B1 Floor Plans & Elevations
P1126 SK12 Rev B	23 July 2010	Unit B2 Floor Plans & Elevations
P1126 SK13 Rev B	23 July 2010	Unit B3 Floor Plans & Elevations
P1126 SK14 Rev B	23 July 2010	Unit B4 Floor Plans & Elevations
P1126 SK15 Rev B	23 July 2010	Unit B5 Floor Plans & Elevations
P1126 SK16 Rev B	23 July 2010	Unit C1 Floor Plans & Elevations
P1126 SK17 Rev B	23 July 2010	Unit C2 Floor Plans & Elevations

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

- 17.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. It shall specifically include details of hedgerow boundaries to be retained on the eastern boundary.

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 and PPS9.

18.All vegetation on the site shall be strimmed down to approximately 150mm prior to the commencement of works on site. A basic destructive search of any significant refugia (mainly piles of bark chippings) within the development footprint shall then be undertaken in order to identify an amphibians still remaining within the development area. If amphibians are found during these searches, they should be translocated to suitable (ideally similar) habitats within safeguarded areas.

Reason: To discourage any common frogs out of the site and to safeguard any other amphibians and in accordance with PPS9.

(b) 09/00933/FULMAJ - Land North of Duke Street including QS Fashions and bounded by Pall Mall and Bolton Street, Chorley Lancashire

Due to the considerable interest in this application, not just from a single category of persons whose interest and grounds for objection or support were aligned, Councillor Harold Heaton, within his power as Chair of the Committee relaxed the standing order rules in relation to public speaking to allow more interested parties to speak on this application. The Chair retained the time limit of 3 minutes imposed by the standing orders for each speaker save as regards the applicant who was allowed additional time to respond to any issues raised.

(The Committee received representations from four objectors to the proposals and three in support of the proposals.)

(The Committee received representations from Ward Councillor Beverley Murray.)

Application: 09/00933/FULMAJ
Proposal: Full application for the demolition and redevelopment of existing structures to provide a Class A1 foodstore, petrol filling station, associated car parking, servicing, new accesses, public realm and landscaping. Outline application for the provision of a retail unit (Use Classes A1, A2, A3, A4, A5) and a business/non-residential institution unit (Use Classes B1 and D1) including details of scale and access
Location: Land north Duke Street including QS Fashions and Bounded by Pall Mall and Bolton Street, Chorley, Lancashire
Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Henry Cauce to be minded to approve full planning permission.

It was proposed by Councillor Roy Lees, seconded by Councillor Simon Moulton to be minded to refuse full planning permission.

It was proposed by Councillor Alistair Bradley, seconded by Councillor June Molyneaux and subsequently **RESOLVED - To instruct the Director of Partnerships, Planning and Policy to notify the Secretary of State that the**

Development Control Committee was Minded to Approve the application, subject to the conditions listed in this report; the amendment to condition 24 on car parking control as detailed in the addendum circulated at the meeting; the amendments to conditions 12, 13 and 15 concerning the servicing hours proposed; and an amendment to condition 22 requiring the development opportunity sites to be available for occupation within 1 year of the opening of the retail foodstore.

and

If the Secretary of State is minded not to call in the application, then authority be delegated to the Director of Partnerships, Planning and Policy in consultation with the Chair of the Development Control Committee to issue a decision notice of approval for the respective elements of the proposal, subject to the conditions adopted by this Committee;

and

that the Director of Partnerships, Planning and Policy further advises the Development Control Committee whether the Secretary of State wishes to consider the matter himself;

and

that the Director of Partnerships, Planning and Policy refers any subsequent to discharge the car parking control condition (condition no. 24) to this Committee for consideration.

Planning Conditions

Highways and Market Street

1. Condition: No part of the development hereby approved shall commence until a scheme for the construction of all site access by vehicles, pedestrians and cyclists and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The scheme shall include the timing of the delivery of all such works, including the Market Street improvements, together with contingency arrangements.
Reason: In the interests of highway safety and to ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore before it commences trading, and in order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site
2. Condition: No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in condition 1 has been constructed and completed in accordance with the scheme details.
Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.
3. Condition: The proposed scheme improvement works to Market Street shown on approved plan Ref. PL-11/RevB shall be implemented in general conformity with that plan before the store commences trading unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure appropriate pedestrian connectivity between Chorley Town Centre and the Class A1 foodstore, to mitigate against the potential

impacts of the development and to accord with the requirements of PPS4 and PPG 13

4. Condition: Before occupation of the development hereby permitted, the following improvements will be made to existing bus stops on Bolton Street and Pall Mall:
- Introduction of Real Time Information Displays to bus stops on Bolton Street and Pall Mall identified in the approved highways plan
 - New bus stops, shelters and low floor infrastructure (Bolton Street only)
 - Repainting bus stop markings (Pall Mall only)

Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development. Such works to be retained thereafter.

Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan

5. Condition: Before occupation of the development hereby permitted, Real Time Information Displays for bus services shall be installed within the proposed foodstore and retained thereafter. Full details of the works shall be submitted to the Local Planning Authority and written approval to the details obtained from the Local Planning Authority prior to the commencement of development.

Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan

6. Condition: The development shall not be occupied or brought into use until details of a Travel Plan (Broadly in accordance with the draft Travel Plan submitted as part of this application) have been submitted to and approved in writing by the Local Planning Authority, such Travel Plan to include:

- a. the form and timing of travel surveys
- b. interim targets pending the results of travel surveys
- c. actual targets based on the results of travel surveys
- d. measures proposed to achieve the targets
- e. the means and funding for the monitoring of the travel plan
- f. enforcement and sanctions
- g. timing of submission of the final travel plan

together with a timetable for the implementation of each such element.

The development shall not be occupied prior to implementation of those parts of the approved Travel Plan that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: In order to ensure that the development is accessible by a choice of means of transport including public transport in accordance with PPS4 and Policy TR1 of the Chorley Borough Local Plan

7. Condition: No development shall take place until the sections of the public highway that fall within the development site (unless otherwise agreed to remain as Public Highway) have been stopped up in accordance with an

Order made under the provisions of Section 247 of the Town and Country Planning Act 1990

Reason: In order to ensure the proper development of the application site and as the grant of planning approval does not override other legislation

Tunit

8. Condition: The construction of the foodstore shall not be commenced until detailed plans of the works proposed to the boundary with Tunit (building defined on plan LE-07), details of access to that building and a development phasing plan have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full in accordance with the approved plans and shall be retained thereafter.

Reason: To safeguard the operation and amenity of this nearby business and to ensure that access to the existing business is maintained during and upon completion of the development

BREEAM and Energy Conservation

9. Condition: Each building hereby permitted which provides more than 500sqm gross floorspace shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'very good' and achieve 2 credits within Issue Ene 5: Low or Zero Carbon Technologies.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

10. Condition: No phase or sub-phase of the development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority otherwise approve in writing.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

11. Condition: No building unit shall be occupied until a 'Post Construction Stage' assessment has been carried out and a Final Certificate has been issued for it certifying that a BREEAM standard of 'very good' and 2 credits under Issue Ene 5 have been achieved and the Certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development and to accord with the requirements of Policy SR1 of the Sustainable Resources DPD and PPS4

Servicing

12. Condition: Deliveries, servicing and collections to and from the Class A1 Foodstore, including waste collections, shall not take place outside the following hours:

07:00 to 22:00 – Monday to Friday

08.00 to 20.00 – Saturday

09:00 to 19:00 – Sundays and Bank Holidays

Where exceptional circumstances require deliveries/servicing/ collections to take place outside these stated hours, full written permission will firstly be sought from Chorley Council.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20

Waste Compactor

13. Condition: The Class A1 Foodstore's waste compactor shall not operate outside the following hours:
07:00 to 22:00 – Monday to Friday
08.00 to 20.00 – Saturday
09:00 to 19:00 – Sundays and Bank Holidays
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20

Use of Temporary Refrigeration

14. Condition: No temporary refrigeration units are to be used in the outdoor areas of the Class A1 Foodstore's service yard except in exceptional circumstances (such as the failure of the Class A1 Foodstore's internal refrigeration units).
In such exceptional circumstances full written permission will be sought from Chorley Council prior to or within 24 hours of the temporary refrigeration units being used in the outdoor areas of the Class A1 Foodstore's service yard. Written permission will not be unreasonably withheld.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP20

Service Yard Lighting

15. Condition: Service Yard lighting will be reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing:
07:00 to 22:00 – Monday to Friday
08.00 to 20.00 – Saturday
09:00 to 19:00 – Sundays and Bank Holidays
Where exceptional circumstances require that Service Yard lighting is not reduced to minimum safe illumination levels (20 Lux) outside the Class A1 Foodstore's hours of servicing, full written permission will firstly be sought from Chorley Council.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP21A

Lighting

16. Condition: The approved lighting scheme shall be implemented in full prior to first use of the development hereby approved. All lighting should be designed to reduce spillage outwith the site.
Reason: To safeguard the amenities of the occupiers of nearby residential accommodation and to accord with the requirements of the Chorley Borough Local Plan and in particular Policy EP21A

Service Yard Boundary

17. Condition: Access to the strip of land between the service yard and western site boundary (as defined on approved plan Ref.07035.PL14.RevA) will be controlled by secure gate within the service yard of the foodstore.
Reason: In the interests of security, to prohibit anti-social behaviour and to safeguard amenities of the occupiers of nearby residential accommodation

Landscaping

18. **Condition:** Development shall not begin until full details of both hard and soft landscape works (both temporary and permanent) have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (such as furniture and signs and ticket machines) and planting plans. All hard and soft landscape works shall be carried out in accordance with the approved details and shall be carried out prior to the occupation of any part of the development or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design in accordance with PPS4

Standard Time Conditions

19. **Condition:** The development of the Class A1 foodstore hereby permitted shall begin not later than three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
20. **Condition:** Approval of the details of the scale, access, appearance, landscaping and layout of the free-standing buildings proposed for each of the development opportunity sites, hereafter called the reserved matters, shall be obtained from the Local Planning Authority before any development of the development opportunity sites is commenced.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
21. **Condition:** Application for the approval of the Reserved Matters relating to the development opportunity sites shall be made to the Local Planning Authority before the expiration of three years from the date of the outline permission.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning & Compulsory Purchase Act 2004.
22. **Condition:** Each of the units proposed to be developed on the development opportunity sites should be available for occupation within 1 year of the date of the opening of the store.
Reason: in order to secure the implementation of the Development Opportunity building that has been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4

Construction Environmental Management Plan

23. **Condition:** Before any demolition, construction or contaminated land remediation works commence in connection with each identified phase, a Construction Environmental Management Plan (CEMP) must be submitted to, and approved in writing by, the Local Planning Authority detailing the provisions to be made for the monitoring and control of:
- a. **Operating hours:** No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than between the hours agreed with

the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;

- b. Noise and vibration: To demonstrate compliance with the guidance in British Standard BS5228 Noise and vibration control on construction and open sites; including the proposed measurement methodology, the location of monitoring locations and noise-sensitive premises, the maximum permitted facade noise levels. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur without the written approval of the Local Planning Authority;
- c. Dust/Particulate emissions: To include the prevention of dust/particulates being blown off-site, the sheeting of vehicles and preventing the deposition of dust and mud on the highway. At such times as the prevention of dust/particulate nuisance by the agreed means is not possible, the movement of vehicles, soils or dusty materials must temporarily cease until such time as weather conditions improve;
- d. Waste: To include suitable and sufficient provisions for the collection, storage and disposal of waste materials. No unwanted materials shall be disposed of on site by burning without the prior written approval of the Local Planning Authority;
- e. Lighting: To include a site plan showing the proposed types, locations and heights of the lamps, vertical illuminance levels (Lux) to the facades of agreed light-sensitive premises and operating times. All works shall be fully implemented in accordance with the approved CEMP.

The CEMP shall include:

- f) arrangements for the frequency and criteria for review of the CEMP and its consequential approval by the local planning authority;
- g) arrangements for liaison to be undertaken with affected residents and town centre stakeholders

Reason: *To safeguard the amenities of the occupiers of nearby residential accommodation and to ensure that the impacts of the construction phases of the development are appropriately mitigated against.*

Car Parking Control

24. Condition: No development shall take place until a scheme for car park management, car park charges and charging review mechanism for the class A1 foodstore and retail development opportunity site for use classes A1/A2/A3/A4/A5 has been submitted to and approved in writing by the local planning authority. The charging mechanism will be consistent with the main town centre car parks within Chorley town centre.

The charging review mechanism shall include:

- a. Frequency / criteria for review
- b. Process of review
- c. dispute resolution mechanism

The car parking spaces shown on the approved plan shall be made available at all times in connection with the use of the class A1 foodstore and the retail development opportunity site (use classes A1/A2/A3/A4/A5).

Reason: *To ensure that the management of the car park is consistent with other car parks which serve Chorley Town Centre which is necessary to ensure the vitality and viability of the town centre; and in accordance with PPS4 and PPS13.*

25. Condition: The retail store and retail development opportunity site shall not be open for trade until the car park circulatory aisles, and spaces have

been provided, surfaced and marked out in accordance with the approved plan ref: 07_035/PL_01 RevV.

Reason: *To ensure the proper planning of the development, and in accordance with policy TR4 and DCLG "Manual for Streets".*

Land Contamination

26. Condition: No development approved by this planning permission shall be commenced until:

- a. a strategy for investigating contamination present on the site has been submitted to and approved in writing by the Local Planning Authority;
- b. an investigation has been carried out in accordance with the approved strategy; and,
- c. a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the Local Planning Authority;

Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details approved in writing by the Local Planning Authority subsequent to its discovery. Evidence verifying that all remediation work has been carried out in accordance with the approved scheme shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: *To ensure that the presence of or the potential for any contaminated land is detected and appropriate remedial action is taken in the interests of public safety and in accordance with PPS25.*

Drainage

27. Condition: No development approved by this permission shall be commenced until a surface water drainage strategy and phased delivery programme has been submitted to and approved by the Local Planning Authority. The surface water drainage scheme shall be completed in accordance with the approved strategy and programme.

Reason: *To reduce the increased risk of flooding and in accordance with PPS25.*

Public Art

28. Condition: Development shall not be commenced until a scheme for the retention of the 'Big Lamp' and its incorporation within the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the timing of removal, location and method of storage and the timing of installation together with its protection during any construction phase. Development shall be carried out in accordance with the approved scheme.

Reason: *In the interests of preserving an existing feature of local interest in the interests of the proper planning of the site and to achieve a high quality development.*

CCTV Coverage

29. Condition: Prior to or within one month of completion of the landscaping scheme defined in Condition 7, details of the location and design of CCTV to cover the development site and Market Street shall be submitted to and approved by the Local Planning Authority.

Reason: *In the interests of safety and security*

Scale of Buildings Proposed on Development Opportunity Sites

30. Condition: Any building(s) constructed on the proposed development opportunity sites shall fall within the maximum and minimum scale parameters as set out below:

Retail Development Opportunity Site:

Max Height 7m, Max Width 20m, Max Length 40m

Min Height 4m, Min Width 10m, Min Length 15m

B1/D1 Development Opportunity Site:

Max Height 11m, Max Width 16.5m, Max Length 55m

Min Height 5m, Min Width 8m, Min Length 18m

Reason: *in order to secure the implementation of the Development Opportunity buildings that have been considered within the assessment of this application to be an essential element of the scheme as a whole and supports the conclusion that the development as a whole is acceptable in accordance with PPS4*

Plans

31. Condition: The development hereby permitted shall be carried out in accordance with drawing numbers:

Description	Drawing Number	Revision
Location Plan	EX01	A
Existing Site Plan	EX02	A
Demolitions	DE01	A
Proposed Site Plan	PL01	V
Proposed Store Plan	PL02	A
Proposed First Floor Plan	PL03	A
Proposed Roof Plan	PL04	A
Proposed Levels Plan	PL05	C
Proposed Elevational Sections and Streetscapes	PL06	B
Proposed Site Sections	PL07	C
Proposed PFS	PL08	B
Proposed Landscape Masterplan	PL09	B
Proposed Trolley Bays	PL10	A
Proposed Market Street Works Plan	PL11	B
Proposed Public Realm Plan	PL12	A
Proposed Fenceline Plan and Elevations	PL14	A
Landscape Proposals	A1043-02	E
Landscape Proposals	A1043-05	C

Proposed Traffic Signal Controlled Junction	0740/69	
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Reason: *To ensure that the development is carried out in accordance with the approved plans.*

Floorspace Restriction

32. **Condition:** The net sales area of the Class A1 foodstore shall not exceed 4,088sqm, comprising 2,289sqm maximum for the display and sale of convenience goods and 1,799sqm maximum for the display and sale of comparison goods.

Reason: *In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4.*

Subdivision Restriction

33. **Condition:** The Class A1 foodstore shall not be sub-divided into smaller retail units.

Reason: *In order to protect the vitality and viability of Chorley Town Centre and in accordance with PPS4.*

Materials

34. **Condition:** No development shall commence until details and samples of the materials to be used in the construction for the external surfaces of the class A1 foodstore have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: *To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review.*

Foodstore FFL

34. **Condition:** The finished floor level of the class A1 foodstore shall be constructed at a height not exceeding 87.5m AOD

Reason: *To secure a high quality design in accordance with PPS1, PPS4, policy GN5 of the Chorley Local Plan Review, and to control the impact to surrounding residential properties.*

- (c) **10/00159/OUT - Land 35m West of 19 Bannister Lane, Ecclestone, Lancashire**

Councillor Ralph Snape left the meeting at this point.

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

(The Committee received representation from Ward Councillor Kevin Joyce on the proposals)

Application: 10/00159/OUT
 Proposal: Proposed 6 houses and associated works
 Location: Land 35m West of 19 Bannister Lane, Ecclestone, Lancashire

Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor David Dickinson and subsequently **RESOLVED - To grant outline planning permission subject to Section 106 Agreement and the following conditions:**

1. The approved plans are:

Plan Ref.	Received On:	Title:
08-1303-L01	4 June 2010	Location Plan
08-1303-OP01 Rev F	15 September 2010	Site Plan
-----	15 September 2010	Tree Survey & Constraints Plan
08-1303-SS01	31 August 2010	Existing Site Sections
08-1303-SS02	31 August 2010	Proposed Site Sections

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

2. The development hereby permitted shall only be carried out in accordance with the approved site plan date stamped 15 September 2010 (Ref No. 08-1303-OP01 Revision F) and the scale of the dwellings shall be two storey.

Reason: To define the permission and in accordance with Policy Nos. GN3 and HS4 of the Chorley Borough Local Plan Review.

3. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the building(s), the means of access thereto and the landscaping of the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The permission is in outline only and in accordance with Policy Nos. GN5, HS4 and TR4 of the Chorley Borough Local Plan Review.

4. Each dwelling hereby permitted shall be constructed to achieve the relevant Code for Sustainable Homes Level required by Policy SR1 of the Sustainable Resources DPD (Level 3 for all dwellings commenced from 1 January 2010, Level 4 for all dwellings commenced from 1 January 2013 and Level 6 for all dwellings commenced from 1st January 2016) and achieve 2 credits within Issue Ene7: Low or Zero Carbon Technologies.

Reason: To ensure the development is in accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and HS6 of the Chorley Borough Local Plan Review.

6. 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 the approved 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 Chorley Borough Local Plan Review.

7. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on the approved plans). The development shall only be carried out in conformity with the approved level 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 Chorley Borough Local Plan Review.

8. 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.

9. 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.

10. The existing soil levels around the base of the trees to be retained shall not be altered.

Reason: To safeguard the trees to be retained and in accordance with Policy No. EP9 of the Chorley Borough Local Plan Review.

11. 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 Chorley Borough Local Plan Review.

12. 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 the approved plans) 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 Chorley Borough Local Plan Review.

13. Notwithstanding the details shown on the approved plans, the proposed driveways/parking spaces associated with the dwellings hereby permitted shall be constructed using permeable materials on a permeable base, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall only be carried out using the approved materials and construction details and shall be retained at all times thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off. In accordance with Policy No. GN5 and EP18 of the Chorley Borough Local Plan Review.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E) (as amended) 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. GN5 and HS4 of the Chorley Borough Local Plan Review.

15. The development hereby permitted shall not commence until a Method Statement detailing the precautionary measures to be adopted when pruning or felling any trees on the site to safeguard potential bat roosts has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail the timing of any works and how the cutting back of the ivy at the bases of the trees to allow further inspection after dieback will be carried out prior to any felling or pruning works. Any tree pruning and felling works shall only be carried out in accordance with the approved Method Statement.

Reasons: To safeguard protected species and in accordance with Policy No. EP4 of the Chorley Borough Local Plan Review.

16. All windows in the west facing elevations of the dwellings on plot 1 and plot 6 shall be fitted with Pilkington privacy level 3 obscure glazing (or a glass from an alternative manufacturer with an equivalent level of obscurity) and shall be non-opening. Non-opening obscurely glazed windows shall be retained as such at all times thereafter.

Reason: To protect the amenities of neighbours and in accordance with Policy No. HS4 of the Chorley Borough Local Plan Review.

17. 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.

(d) **10/00278/FULMAJ - Quarry Road Industrial Estate, Quarry Road, Chorley**

Application: 10/00278/FULMAJ
Proposal: Revisions to approved site layout involving 26 dwelling
Location: Quarry Road Industrial Estate, Quarry Road, Chorley
Decision:

It was proposed by Councillor Simon Moulton, seconded by Councillor David Dickinson and subsequently **RESOLVED – To grant the application subject to a Section 106 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. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building(s) (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5, and HS4, of the Adopted Chorley Borough Local Plan Review.

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. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

6. No development shall take place until :

- a) 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;
- 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 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 Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

7. Japanese Knotweed is present within the application area. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to cause Japanese Knotweed to grow in the wild. Therefore a programme of control/eradication of this species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of

development. The programme shall accord with the Environment Agency Guidelines.

Reason: To ensure the eradication of Japanese Knotweed in accordance with the Wildlife and Countryside Act 1981 (as amended).

8. 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. I 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 including rainwater/brown water recycling. No development shall commence until 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 SPD.

9. 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 Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.

10. 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.

- (e) 10/00439/OUTMAJ - Grove Farm, Railway Road, Adlington, Chorley, PR6 9RF

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

Application: 10/00439/OUTMAJ
Proposal: Application for outline planning permission (access only) for the erection of up to 75 dwellings and a park and ride parking area for Adlington Railway Station
Location: Grove Farm, Railway Road, Adlington, Chorley
Decision:

It was proposed by Councillor June Molyneaux, seconded by Councillor David Dickinson and subsequently **RESOLVED - To refuse the outline planning application for the reason set out below:**

1. **The site is allocated under Policy EM1.2 for B1 (business use, comprising offices (B1a), research and development (B1b) and light industry (B1c)). The proposal is for housing (C3) which does not fall within the allocated uses for this site and as such is contrary to Policy EM1 (Saved) of the Chorley Local Plan Review. 2) Policy EM9 is also of relevance as part of the site has previously been used for employment purposes where it states that the redevelopment of a site for employment use will be encouraged. It is for the applicant to demonstrate that there is no realistic prospect of an employment re-use of the land or premises for redevelopment for an employment use would be economic viable. The applicant has failed to demonstrate this as specified in Policy EM9 and the accompanying Supplementary Planning Guidance Document Proof of Marketing: Policy EM9.**

(f) 10/00502/FUL - Chorley Motor Auction, Cottam Street, Chorley, PR7 2DT

Application: 10/00502/FUL
Proposal: Proposed residential development of 8 dwellings following the demolition of the existing commercial premises (redevelopment of part site only – amendment to previous approval 09/00985/FULMAJ)
Location: Chorley Motor Auction, Cottam Street, Chorley
Decision:

It was proposed by Councillor Alistair Bradley, seconded by Councillor Roy Lees and subsequently **RESOLVED - That the application be granted planning permission, subject to a Section 106 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. **The approved plans are:**

Plan Ref.	Stamp Dated:	Title:
09/120/P02	18 June 2010	Proposed Site and Location Plan
09/120/P03	18 June 2010	House Type Plans & Street Scenes
10/120/F02	18 June 2010	Plot Division Fence

Reason: To define the permission and in the interests of the proper development of the site.
3. **The development hereby permitted shall only be carried out in conformity with the proposed ground and finished floor levels shown on the approved plan(s) 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.***

4. The position, height and appearance of all fences and wall to be erected shall only be carried out in conformity with the details shown on approved plans 09/120/P02 and 10/120/F02 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.
5. 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.
6. All planting, seeding or turfing comprised in the approved details of landscaping shown on approved plan 09/120/P02 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.
7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed dwellings (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.
8. 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.
9. The development hereby permitted shall be carried out in accordance with the bat mitigation proposals set out within Section 5 of the Bat Survey undertaken by ERAP Consultant Ecologists dated 30th January 2010.
Reason: To ensure the continued protection and enhancement of bats. In accordance with Government advice contained in PPS9 and Policy EP4 of the Adopted Chorley Borough Local Plan Review.
10. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by

the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Government advice contained in PPS25: Development and Flood Risk.

11. Prior to the commencement of the development a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures, shall be submitted to and approved in writing by the Local Planning Authority. The report should include an initial desk study, site walkover and risk assessment. 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 Local Planning Authority and thereafter undertaken including 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 Government advice contained in PPS23: Planning and Pollution Control.

12. 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 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.

13. Before the development hereby permitted is commenced a scheme and programme for the site enabling and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme and programme shall cover: 1) Site/construction access points for each part of development. 2) Site compound and contractor parking and management of contractors parking. 3) Construction operating hours including deliveries and site construction staff. The approved scheme and programme shall be implemented in accordance with the approved details.

Reason: To ensure the access used for construction traffic is appropriate in highway safety terms and to ensure that noise and disturbance resulting from hours of operation and delivery does not adversely impact on the amenity of existing residents.

14. No phase or sub-phase of the development shall commence until a Design Stage assessment and related certification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the proposed development will be constructed to achieve the relevant Code for Sustainable Homes level. All dwellings commenced after 1st January 2010 will be required to meet Code Level 3, all dwellings commenced after 1st January 2013 will be required to meet Code Level 4 and all dwellings commenced after 1st January 2016 will be required to meet Code Level 6. In accordance with Policy SR1 of the Sustainable Resources DPD, renewable or low carbon energy sources must be installed to reduce the predicted carbon emissions of the

development by at least 15% (increasing to 20% from 2015). To demonstrate that this has been achieved, the Design Stage certification must show that the proposed development will achieve 2 credits within Issue Ene 7: Low or Zero Carbon Technologies. The approved details shall be fully 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 accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

15. No dwelling shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out and a final Code Certificate has been issued certifying that the required Code Level and 2 credits under Issue Ene7 has been achieved and the certificate has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the area. In accordance with Government advice contained in Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 and in accordance with Policy SR1 of Chorley Borough Council's Adopted Sustainable Resources Development Plan Document and Sustainable Resources Supplementary Planning Document.

(g) 10/00518/OUT - Back Lane Reservoir, Back Lane, Clayton-le-Woods

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

Application: 10/00518/OUT
Proposal: Outline application for residential development with all matters reserved, except for access
Location: Back Lane Reservoir, Back Lane, Clayton-le-Wood, Chorley
Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Harold Heaton to make a decision on the application without deferring the decision until a site visit had taken place.

It was proposed by Councillor Michael Muncaster, seconded by Councillor Christopher France and subsequently **RESOLVED - To defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(h) 10/00594/COU - Matrix House, Friday Street, Chorley

Councillor Roy Lees left the meeting at this point.

(The Committee received representation from a supporter to the proposals.)

Application: 10/00594/COU
Proposal: Change of use from office (B1) to NHS Centre (D1) covering the following services: Community Drug & Alcohol Services, Needle Exchange & Harm Reduction, Psychological Interventions, Community Detoxification, Drug Liaison, Midwife Services and Advice to public GP's.

Opening times 10am to 6pm Monday to Friday, 10am till 4pm Saturday and at no time Sunday's and Bank Holidays
Matrix House, Friday Street, Chorley

Location:
Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Christopher France and subsequently unanimously RESOLVED - To grant planning **permission for the change of use 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. **Prior to the commencement of 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 and local community will be kept informed on the progress of the development prior to commencement and during the development period. The resident's/community consultation plan shall be implemented and completed in accordance with the approved procedure throughout the life time of the development.**

Reason: To ensure that the existing residents are fully aware of the progress of the development.

3. **The premises shall be used for a NHS Centre (including community & alcohol services, needle exchange & harm reduction, psychological interventions, community detoxification, drug liaison, midwife services and advice to public GPs) Use Class D1 and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).**

Reason: To protect the amenities of local residents and in accordance with Policy No.s EP7 and EM2 of the Adopted Chorley Borough Local Plan Review.

4. **The use hereby permitted shall be restricted to the hours between 10.00am and 6.00pm on weekdays, between 10.00am and 4.00pm on Saturdays and there shall be no operation on Sundays or Bank Holidays.**

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. EM2 and EP7 of the Adopted Chorley Borough Local Plan Review.

- (i) **10/00647/FUL - Golden Acres Ltd, Plocks Farm, Liverpool Road, Bretherton, Leyland**

Application: 10/00647/FUL
Proposal: Relocation of plant to treat waste water from dry pet food production process
Location: Golden Acres Lt, Plocks Farm, Liverpool Road, Bretherton, Leyland
Decision:

It was proposed by Councillor Michael Muncaster, seconded by Councillor Simon Moulton and subsequently unanimously **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. **Prior to the commencement of development details of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority.**
Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Saved Policy GN5 of the Adopted Chorley Local Plan Review.
3. **The development shall only be carried out in accordance with the approved plans, except as may otherwise be specifically required by any other condition of this permission or unless otherwise first agreed in writing by the Local Planning Authority.**
Reason: To define the permission and in the interests of the proper development of the site.
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 Saved Policies EP17 and EM2 of the Adopted Chorley Borough Local Plan Review.
5. **Prior to the commencement of development full details of the existing and proposed slab levels (all relative to ground levels adjoining the site) shall be 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: As the site is within a Flood Risk Area and in accordance with Planning Policy Statement (PPS) 25: Development and Flood Risk.
6. **Prior to the commencement of development full details of waterproof membranes and removable barriers to be used to make the plant resistant to ground water and tidal flood waters have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with those approved details and they shall be maintained permanently.**
Reason: To protect the development against the risk of flooding in accordance with PPS25.

(j) 10/00674/FUL - 5 Hawthorne Close, Clayton-le-Woods, Chorley

(The Committee received representation from an objector to the proposals and a support to the proposals.)

Application:	10/00674/FUL
Proposal:	Proposed single storey extension to front of house to provide disabled living facilities
Location:	5 Hawthorne Close, Clayton-le-Woods, Chorley
Decision:	

It was proposed by Councillor Simon Moulton, seconded by Councillor David Dickinson and subsequently **RESOLVED – To refuse full planning permission for the following reason:**

- 1. It is considered that a combination of height, proximity to the boundary and extent of the proposed development will have an overbearing effect on the neighbouring properties (with particular regard to No. 17 Bay Tree Road) and will dominate views these dwellings and their associated private amenity space. The proposed development will result in an uncomfortable and unacceptable sense of enclosure to the occupiers of the adjacent properties and is therefore contrary to policy HS9 of the Adopted Chorley Borough Local Plan Review 2003.**

(k) 10/00740/FUL - 605 Preston Road, Clayton-le-Woods, Chorley, PR6 7EB

Application: 10/00740/FUL
Proposal: Application for 4 dwellings amendment to previously approved layout (10/00418/FULMAJ)
Location: 605 Preston Road, Clayton-le-Woods, Chorley
Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor Simon Moulton and subsequently **RESOLVED - To defer the decision to allow officers time to assess amended plans and consult with neighbours.**

10.DC.202 PLANNING APPEALS NOTIFICATION REPORT

The Director of Partnerships, Planning and Policy submitted a report giving notification of one planning appeal that had been lodged against the delegated decision to refuse planning permission, two appeals had been lodged for the failure to issue a decision within a specific timescale.

There had also been one planning appeal dismissed, one planning appeal withdrawn, one appeal lodged against an enforcement notice and Lancashire County Council had granted planning permission for application 10/00719/CTY).

RESOLVED - That the report be noted.

10.DC.203 DELEGATED DECISIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY IN CONSULTATION BY THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, a schedule listing nine planning 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 at meetings held on 14 September 2010 and 29 September 2010.

RESOLVED - That the schedule be noted.

10.DC.204 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR OF PARTNERSHIPS, PLANNING AND POLICY UNDER DELEGATED POWERS

The Committee received, for information, a schedule listing planning applications determined by the Director of Partnerships, Planning and Policy under delegated powers between 1 September 2010 and 28 September 2010.

RESOLVED – That the report be noted.

Chair