

Development Control Committee

Tuesday, 29 November 2005

Present: Councillor A Lowe (Chair), Councillor Parr (Vice-Chair), Councillors Ball, Bedford, Bell, Birchall, Brown, Brownlee, Culshaw, Davies, D Dickinson, Edgerley, D Gee, T Gray, Heaton, Miss Iddon, R Lees, Livesey, Malpas, Miss Molyneaux, Morgan, Russell, S Smith, Mrs J Snape, Snow and Whittaker

Also in attendance: Councillors Mrs D Dickinson, Lennox and R Snape

05.DC.46 WELCOME TO OFFICER

The Chair welcomed Helen Lowe. Planning Officer who was attending her first meeting of the Committee.

05.DC.47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Counce.

05.DC.48 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and Members Code of Conduct, the following Members declared an interest in relation to the Planning Applications listed below, which were included on the meetings agenda for determination.

Councillor Parr – Item 5, A1:Planning Application 05/00556/REMMAJ
Item 8 Planning Application 05/00569/FUL

Councillor Whittaker – Item 5, A1 Planning Application 05/00556/REMMAJ

05.DC.49 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 25 October 2005 be confirmed as a true record and signed by the Chair.

05.DC.50 PLANNING POLICY STATEMENT 9 AND GOVERNMENT CIRCULAR - BIODIVERSITY AND GEOLOGICAL CONSERVATION

The Head of Development Regeneration presented a report advising Members of the publication of Planning Policy Statement 9 (PPS9) on Biodiversity and Geological Conservation and an accompanying circular.

Chorley Borough has a significant number of identified sites that are important for biodiversity and geographical conservation, so PPS9 will be an important document for both drafting policies for the LDF and making development control decisions. The policies in PPS9 do not depart significantly from previous guidance in PPG9, which is already mirrored in policies in the Chorley Borough Local Plan Review.

Unlike draft PPS9, PPS9 clearly states that the aim of planning decisions should be to prevent harm to biodiversity and geographical conservation interests.

As a whole the policies in PPS9 should not necessitate major changes in terms of policy direction with regard to biodiversity and geological conservation in the Borough, although overall there is now stronger backing for these environmental interests in respect for these sought from developers.

RESOLVED – That the report be noted.

05.DC.51 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Head of Development and Regeneration giving notification of the lodging of appeals against the refusal of planning permission for six developments, one appeal that had been dismissed, one appeal that had been withdrawn and one appeal that had been allowed by the planning inspectorate.

The Committee were also notified of four enforcement appeals that had been lodged, two enforcement appeals that had been dismissed and three appeals that had been granted by the Lancashire County Council.

RESOLVED – That the report be noted.

05.DC.52 PLANNING APPLICATIONS AWAITING DECISIONS

The Head of Development and Regeneration submitted reports on a number of planning applications to be determined by the Committee.

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

(Councillor Parr declared an interest in the following application and left the meeting during the discussion and voting on the proposal).

(Councillor Whittaker declared an interest in the following application; he stayed in the meeting but took no part in the discussion or voting on the proposal).

Application No: 05/00556/REMMAJ
Proposal: Reserved Matters Application for the erection of 43 dwellings comprising of 15 houses and 28 apartments.
Location: Parcel 13 Land South of Copper Works Wood West of Gillibrand North and West of South Clover Road Chorley.

Decision:
It was moved by Councillor Heaton, seconded by Councillor Edgerley and subsequently **RESOLVED that the Reserved Matters Application be granted subject to the following conditions:**

1. This consent relates to the following plans:

| Plan Ref. | Received On: | Title: |
|-------------------------|---------------------|----------------------------------|
| G-P2-P13-LP | 27 May 2005 | Location Plan |
| ***** | 27 May 2005 | Site Plan |
| SK/GBP13/ENG | 27 May 2005 | Outline Engineering Proposal |
| G-P13-MAT | 27 May 2005 | Materials Schedule |
| ***** | 27 May 2005 | Landscape Structure Plan |
| G-P-01 GFP + ELE | 27 May 2005 | Plots 1 – 9 |
| G-P-01 FFP + SFP | 27 May 2005 | Plots 1 – 9 |
| G-P-02 FP | 27 May 2005 | Apartment Block, Plots |
| 10 - 17 & Plots 30 – 37 | | |
| G-P-02 ELE | 27 May 2005 | Apartment Block, Plots 10 - 17 & |
| Plots 30 – 37 | | |
| G-P-03 | 27 May 2005 | Apartment Block, Plots 18 – 29 |
| G-P-03 ELE | 27 May 2005 | Apartment Block, Plots 18 – 29 |
| G-P-04 FP + ELE | 27 May 2005 | Plots 38 – 43 |
| G-P13-SS A | 27 May 2005 | Street Scene Elevations |
| G-P13-ED | 27 May 2005 | Entrance Detail |
| G-P13-QG | 27 May 2005 | Quadruple Linked Garage |
| M-TG1-B1 A | 27 May 2005 | Triple Garage Detail H2 |
| L4036G1.1 B1 | 27 May 2005 | Linked Pyramid Garage Details |

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

2. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab 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.

Application No: 05/00888/OUTMAJ

Proposal: Outline application for residential development (0.5 ha)(ref application 02/01260)

Location: Land to Rear of 243-281 Preston Road Clayton-Le-Woods

Decision:

It was proposed by Councillor Heaton, seconded and subsequently **RESOLVED** to refuse the outline planning permission for the following reasons:

1. The proposed development when considered in the context of latest housing site monitoring information would contribute towards an inappropriate excess in housing supply provision. The proposal would therefore be contrary to :

- 1) the provisions of Policy HS6 of the Adopted Chorley Borough Local Plan Review;
- 2) Approved Interim Supplementary Planning Guidance on Windfall Housing Developments, together with
- 3) the aims and objectives of the emerging Lancashire Structure Plan and the Regional Spatial Strategy for the North West.

Insufficient justification has been made within the application submissions to warrant the release of the site for development even within the boundary of the settlement.

Application No: 05/00527/FUL

Proposal: Retrospective application for a temporary agricultural workers caravan to be sited for a period of two years.

Location: Lostock Bridge Farm Ulmes Walton Lane Ulmes Walton

Decision:

It was **RESOLVED** that planning permission be refused for the following reasons:

1. The proposed development would be located within the Green Belt as defined by the approved Lancashire Structure Plan and the Adopted Chorley Borough Local Plan Review where planning permission for new dwellings will not be granted unless required for agriculture or there are very special circumstances. There are not considered to be sufficient agricultural or other special circumstances in this instance to justify the retention of the caravan. The farming enterprise in question is not newly established, therefore a temporary dwelling is inappropriate. The proposal does not accord with the guidance set out in Annex A of PPS 7 or policy HS14 of the Adopted Chorley Borough Local Plan review. The proposal is therefore also contrary to policy DC1 of the Adopted Chorley Borough Local Plan Review, Policy 4 of the Structure Plan and PPG 2.

2. The siting of the caravan is such that it would adversely impact upon the essentially open and rural character of the area and the Council is not satisfied that the siting minimises this impact, contrary to the provisions of PPG2 , PPS7 and policies DC1 and HS15 of the Adopted Chorley Borough Local Plan Review.

3. The proposed development when considered in the context of latest housing site monitoring information would contribute towards an inappropriate excess

in housing supply provision. In the absence of a satisfactory agricultural justification the proposal is contrary to :

- Approved Interim Supplementary Planning Guidance on Windfall Housing Developments, together with
- the aims and objectives of the Policy 12 of the Joint Lancashire Structure Plan and Regional Planning guidance for the North West.

Application No: 05/00558/OUT

Proposal: Outline application for a detached dormer bungalow (agricultural workers dwelling).

Location: Lostock Bridge Farm Ulnes Walton Lane Ulnes Walton

Decision:

It was **RESOLVED** that planning permission be refused for the following reasons:

1. The proposed development would be located within the Green Belt as defined by the approved Lancashire Structure Plan and the Adopted Chorley Borough Local Plan Review where planning permission for new dwellings will not be granted unless required for agriculture or there are very special circumstances. There are not considered to be sufficient agricultural or other special circumstances in this instance to justify the erection of a dwelling. The proposal does not accord with the guidance set out in Annex A of PPS 7 or policy HS14 of the Adopted Chorley Borough Local Plan review. The proposal is therefore also contrary to policy DC1 of the Adopted Chorley Borough Local Plan Review, Policy 4 of the Structure Plan and PPG 2.

2. The proposed development, when considered in the context of latest housing site monitoring information, would contribute towards an inappropriate excess in housing supply provision. In the absence of a satisfactory agricultural justification the proposal is contrary to :

- Approved Interim Supplementary Planning Guidance on Windfall Housing Developments, together with
- Policy 12 of the Joint Lancashire Structure Plan and Regional Planning Guidance for the North West.

Application No: 05/00976/COU

Proposal: Change of Use from residential to a mixed use of residential and childminding business.

Location: 19 Edgefield Astley Village

Decision:

It was moved Councillor Brownlee, seconded by Councillor S Smith and subsequently **RESOLVED (20:1)** that permission be granted subject to the following conditions:

1. The development hereby approved shall be implemented within three years of the date of this permission.

Reason: Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990

2. No more than six children shall be minded at any time.

Reason: To protect the residential amenities of nearby residents and in accordance with policy EP20 of the Adopted Chorley Borough Local Plan Review.

3. The use hereby permitted shall be restricted to those hours between 0700 hours and 1900 hours Monday to Friday.

Reason: To protect the residential amenities of nearby residents and in accordance with policy EP20 of the Adopted Chorley Borough Local Plan Review.

Application No:05/01042/FUL

Proposal: Extension of existing 15m AGL Vodaphone Ltd mobile phone mast to 18m to accommodate 6no antennas for use by O2 Ltd and the relocation of 6no antennas for use by Vodaphone Ltd as well as 4no additional equipment cabinets for use by O2 Ltd and associated ancillary development within the existing compound.

Location: DP Cold Planing Chapel Lane Coppull

Decision:

It was moved by Councillor Walker, seconded by Councillor R Lees and subsequently **RESOLVED (19:2) for the application to be deferred to allow further negotiations with the applicant with regards to re-siting.**

05.DC.53 PLANNING APPLICATIONS DETERMINED BY DELEGATED POWERS.

(a) A report of the Head of Development Regeneration on selected cases determined following consultation with the Chair and Vice-Chairman of the Committee.

The Committee received for information, reports by the Head of Development Regeneration on the former 'B' development proposals which had, or were intended to be, determined by the Chief Officer under the adopted scheme of delegations, following consultation with the Chair and Vice-Chairman of the Committee.

Application No: 05/00606/FUL

Proposal: Erection of Stable block (three loose boxes).

Location: School Field Coppice Lane Heapey

Decision: Conditional permission

Application No: 05/00748/FUL

Proposal: Construction of two stable blocks and formation of wildlife pond.

Location: Brown Hill Farm Copthurst Lane Whittle-Le-Woods

Decision: Refused

Application No: 05/00945/TPO

Proposal: Approximately 6 metres of hedgerow to be cut back and reduced height (TPO 3 (Eccleston) 1991)

Location: 18A Chaucer Close Eccleston Chorley

Decision: Part Consent/Part Refusal of Tree Works

Application No: 05/01015/TPO

Proposal: Proposed felling of tree on boundary with Town Lane.

Location: Tri Metals Foundry Ltd Low Mill Town Lane Whittle-Le-Woods

Decision: Consent

Application No: 05/01030/ADV

Proposal: Display of 3 internally illuminated advertisements

Location: Granada Travel Lodge Preston Road Clayton-Le-Woods

Decision: Consent

RESOLVED – That the report be noted.

(b) A list of planning applications determined by the Chief Officer under delegated powers between 13 October and 16 November 2005.

The Head of Development Regeneration presented, for Members' information, a schedule listing the remainder of the planning applications which had been

determined by the Chief Officer under her delegated powers between 13 October and 16 November 2005.

RESOLVED – That the schedule be noted.

05.DC.54 SITE INSPECTION SUB-COMMITTEE

The Committee received the minutes of the meeting of the Site Inspection Sub-Committee held on 16 November 2005.

The Sub-Committee had visited, at the request of the Development Control Committee, the sites of the following applications.

(Councillor Parr declared an interest in the following application and left the meeting during the discussion and voting on the proposal).

Planning Application 05/00569/FUL which sought approval to demolish an existing bungalow and construct a two storey house with detached double garage and workshop and associated external works at the Croftlands, Grape Lane, Croston. The Sub-Committee after taking all the factors into account, recommended the Development Control Committee to grant conditional planning permission for the proposal.

It was moved by Councillor Whittaker and seconded by Councillor Iddon that the application be refused.

An amendment was moved by the Chair (Councillor A Lowe), seconded by Councillor Edgerley that planning permission be granted. On being put to the vote, the amendment was carried (16:4). **It was subsequently RESOLVED that planning permission be granted subject to the following conditions.**

1. The approved plans are:

| Plan Ref. | Received On: | Title: |
|--------------------|-----------------------|------------------------------|
| 2473-05-01 | 16 May 2005 | Existing Plans |
| 2473-05-20 | 27 July 2005 | Proposed Street Scene |
| 2473-05-02F | 22 August 2005 | Proposed Elevations |

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) 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 No. HS4 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 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, DC8A, HT3, HT7 and HS4 of the Adopted Chorley Borough Local Plan Review.

4. Before the development commences, full details of the treatment of all the proposed windows and doors shall have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include the proposed method of construction, the materials to be used, fixing details (including cross sections) and their external finish including any surrounds, cills or lintels.

Reason : In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted Chorley Borough Local Plan Review.

5. Before the development commences, full details of the proposed rainwater goods, including the eaves detail, to be used on the building shall have been submitted to and been approved in writing by the Local Planning Authority.

Reason : In the interests of the character and appearance of the building and in accordance with Policy No. HT7 of the Adopted 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 to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to protect the amenities of occupiers of nearby property and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.

7. *The existing vehicular access shall be widened in accordance with the Lancashire County Council specification for the Construction of Estate Roads, prior to the occupation of the approved dwelling.*

Reason: To maintain the proper construction of the highway and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

8. *The garage and workroom hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage and workroom shall not be used for any trade or business purposes.*

Reason: In order to safeguard the residential amenity and character of the area and in accordance with Policy Nos. DC8A and HS4 of the Adopted Chorley Borough Local Plan Review.

9. The doors in the south east elevation of the garage shall be side hung and constructed in timber. Side hung timber doors shall be retained at all times thereafter.

Reason: To ensure a visually satisfactory form of development and to protect the appearance of the locality and in accordance with Policy Nos. GN5 and HT7 of the Adopted Chorley Borough Local Plan Review.

The Environment Agency has made the following comments: as the proposed dwelling would replace an existing dwelling the Agency has no objection in principle to the proposed development, but would recommend that the floor levels of the proposed replacement home are set as high as is acceptable in order to reduce the risk from flooding, and not less than 600mm above existing ground floor level.

It is also recommended that the developer incorporates measure to reduce flood risk and damage.

The floor levels of the proposed dwelling are not shown at present as being at least 600mm above ground floor level. In achieving this, the bulk and scale of the proposed dwelling may have to be altered. The need for this rise in floor levels needs to be carefully considered. There may also be alternatives to simply raising the floor level. It has not been possible to explore these issues prior to the item coming to Committee. However, it is considered that there is likely to be an acceptable solution.

As there is an existing dwelling on the site, and the applicant has indicated that the floor levels proposed replacement dwelling would be at the same level as those of the existing dwelling it is considered that the occupants of the proposed dwelling be at no greater risk from flooding than at present. It is therefore recommended that the following condition and informative are added:

10. 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.

Planning Application 05/00500/FUL sought approval for the construction of tennis court and associated walls, fences and works at The Old Rectory, High Street, Mawdesley. The Sub-Committee after taking all the factors into account, recommended the Development Control refuse planning permission for the following reasons:

1. The proposed development would impact on the openness of the Green Belt by virtue of the hardstanding and fencing required for the construction of the tennis courts and as such would be contrary to policy DC1 of the Adopted Chorley Borough Local Plan Review.
2. The proposed development would impact on the amenities of those visiting the adjoining graveyard where quiet contemplation is currently enjoyed and as such would be contrary to policy EP 20 of the Adopted Chorley Borough Local Plan Review.

It was moved by Councillor Whittaker, seconded by Councillor Culshaw and subsequently **RESOLVED that the application be refused in line with the Site Inspection Sub-Committee's recommendations.**

Planning application 05/00686/FUL sought approval for the subdivision of an existing dwelling and associated works to form two new dwellings at Fairview, Harbour Lane, Wheelton.

The Committee accepted the Sub-Committee's recommendation. It was moved by Councillor Culshaw, seconded by the Chair (Councillor A Lowe) and subsequently **RESOLVED to grant planning permission subject to the following conditions:**

1. The development hereby approved must be begun within three years of the date of the approval

2. The development hereby permitted shall be carried out in accordance with the revised plans submitted on

Reason: for the avoidance of doubt and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan.

3. Before the development hereby approved is commenced full details of all boundary treatments shall be submitted to and approved by the Local Planning Authority such details as approved shall be implemented in full before the occupation of the dwellings.

Reason: To protect the appearance of the locality and the amenities of adjoining residents and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1 Classes A to E) or any order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) 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 the amenities of adjoining residents and in accordance with policy GN5 of the Adopted Chorley Borough Local Plan.

5. The car parking layout shall be implemented in full before the occupation of the dwellings.

Reason: To protect the interests of users of the highway and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan.

6. The car parking layout shall be implemented in full before the occupation of the dwellings and shall be retained thereafter.

Reason: To protect the interests of users of the highway and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan.

05.DC.55 ENFORCEMENT ITEM, LOSTOCK BRIDGE FARM, ULNES WALTON

The Head of Development Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action to remove a residential caravan at Lostock Bridge Farm, Ulnes Walton Lane, Ulnes Walton.

RESOLVED:

That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control – without planning permission, a change of use of the land from agricultural and the siting of the residential caravan has occurred.

Requirement of the Enforcement Notice

Remove the caravan from the land and discontinue use of land.

Period for compliance

Six months.

Reasons:

The development is contrary to policies DC1, HS14 and HS15 of the Adopted Chorley Borough Local Plan Review, Planning Policy Guidance Note 2, Planning Policy Statement 7, being inappropriate development and harmful to the character and appearance of the Green Belt. There is no agricultural justification or no special circumstances to justify an exception to the presumption against inappropriate development in the Green Belt.

05.DC.56 ANY OTHER ITEM(S) THAT THE CHAIR DECIDES IS/ARE URGENT

05.DC.57 ADDENDUM

Chair