

Development Control Committee

Monday, 6 March 2006

Present: Councillor A Lowe (Chair), Councillor R Parr (Vice-Chair), Councillors K Ball, T Bedford, E Bell, T Brown, Brownlee, F Culshaw, M Davies, D Dickinson, D Edgerley, D Gee, T Gray, H Heaton, Miss I Iddon, R Lees, P Malpas, Miss J Molyneaux, G Morgan, G Russell, S Smith, C Snow and A Whittaker

Officers: Jane Meek (Head of Development and Regeneration), Claire Hallwood (Deputy Director of Legal Services), Wendy Gudger (Development Control Manager) and Dianne Scambler (Trainee Democratic Services Officer)

06.DC.21 APOLOGIES FOR ABSENCE

Apologies for absence were received by Councillors Birchall, Caunce, Livesey and Mrs J Snape.

06.DC.22 WELCOME TO OFFICER

The Head of Development and Regeneration introduced Helen Green, Planning Officer who was attending her first meeting of the Committee.

06.DC.23 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 R Lees – Item 5e, B2 Planning Application 06/00023/FUL
Councillor Edgerley – Item 6b, Planning Application 05/01217/LBC
Councillor Parr – Item 5d, A4 Planning Application 05/01232/REMAJ

06.DC.24 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 14 February 2006 to be confirmed as a true record and signed by the Chair.

06.DC.25 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Head of Development giving notification of the lodging of five appeals against the refusal of planning permission that had been dismissed, one appeal that had been allowed and four enforcement appeals that had been dismissed.

RESOLVED – That the report be noted.

06.DC.26 PLANNING APPLICATIONS AWAITING DECISION

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

(a) A1: 05/00394/OUTMAJ - Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley

Application No: 05/00394/OUTMAJ
Proposal: Proposed mixed use development of mainly B1, B2 and B8 use classes with site entrance allocated for C1 & A4 use classes.
Location: Land Between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley
Decision:
It was proposed by Councillor Edgerley, seconded by Councillor S Smith and subsequently **RESOLVED to grant the outline planning permission subject to a Section 106 Agreement.**

(b) A2: 05/00455/FULMAJ - Land Between M61 Motorway And Leeds And Liverpool Canal, Millennium Way, Chorley

Application No: 05/00455/FULMAJ
Proposal: Erection of Hotel and Public House/Restaurant and related works.
Location: Land between M61 Motorway and Leeds and Liverpool Canal, Millennium Way, Chorley
Decision:
It was proposed by Councillor Brownlee, seconded by Councillor Whittaker and subsequently **RESOLVED 15:7 to refuse planning permission for the following reason:**

1. The proposed development is located in a prominent location highly visible from public vantage points. The proposed design of the hotel and public house elements represents a poor form of urban design with tension between the design of the proposed elements that would create buildings that appeared out of context with each other and is contrary to the advice in PPS1 on Design policy DP3 of the Regional Spatial Strategy for the North West (RPG13) and policy GN5 of the Chorley Borough Local Plan Review 2003.

(c) A3: 05/01159/COU - Thowd Stables, Hall Lane, Mawdesley, Lancashire

Application No: 05/01159/COU
Proposals: Change of use of existing bungalow to office space and change of use of the existing barn to a dwelling.
Location: Thowd Stables, Hall Lane, Mawdesley.
Decision:
It was proposed by Councillor Whittaker, seconded by Councillor Edgerley to defer the decision to allow a visit of the Site Inspection Sub-Committee.

An amendment to the motion was proposed by Councillor Culshaw, seconded by Councillor S Smith and subsequently **RESOLVED to grant planning permission subject to a Section 106 Agreement.**

(d) A4: 05/01232/REMMAJ - Buckshaw Village Eastwest Link Distributor Road, Central Avenue, Buckshaw Village, Euxton

Application No: 05/01232/REMMAJ

Proposal: Completion of East/West Link Road from Central Avenue to Strategic Regional Site Link Road, site area approx 2 hectares.
Location: Buckshaw Village Eastwest Link Distributor Road, Central Avenue, Buckshaw Village, Euxton

Decision:
It was proposed by the Chair (Councillor A Lowe), seconded by Councillor D Gee and subsequently **RESOLVED to grant the Reserved Matters subject to the following conditions:**

1. Details of the precise specification and location of carriageway crossing points shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site; the approved details shall be implemented prior to the opening of the road to public traffic and pedestrians.

Reasons: In the interests of securing a satisfactory standard of development for crossing the highway in the interests of highway safety; also to accord with the provisions of Policy TR4 of the Adopted Borough Local Plan Review.

2. Notwithstanding the submitted details full details of the bus stop locations, including details of the siting and relationship of the bus stops to the crossing points shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site; the agreed scheme shall be implemented prior to the opening of the road to the public, all bus stops shall be to Quality Bus Stop standard.

Reason: To ensure that adequate and satisfactory arrangements are made for the provision of public transport; also to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Pan Review.

3. Notwithstanding the submitted details a scheme of street lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the road; the approved scheme shall be implemented prior to the opening of the road to public transport.

Reason: To ensure adequate lighting of the carriageways, footpaths and cycle ways; and in accordance with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Rview.

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 10 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. Full details of the construction of the carriageways, footpaths and cycleways, including the finished top surfaces and width of the footpaths/cycleways, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction work on site.

Reason: In order to ensure a satisfactory level of construction of the new road, footpaths and cycleways and in accordance with the provisions of policies TR4 and TR18 of the Adopted Chorley Local Plan Review.

6. Notwithstanding the submitted details, full details of the drainage infrastructure for the carriageways, footpaths and cycleways shall be submitted to and approved in writing by the Local Planning Authority prior to

the commencement of construction work on sites; the approved drainage details shall be operative prior to the opening of the highway to the public.

Reason: To ensure satisfactory surface water drainage for the approved highway and to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted details, full details of the precise specification of the 'Toucan' crossing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on site; the approved details shall be implemented prior to the opening of the road to public traffic and pedestrians.

Reason: In the interests of securing a satisfactory standard of development for crossing the highway in the interests of highway safety; also to accord with the provisions of Policy TR4 of the Adopted Borough Local Plan Review.

(e) **B1: 06/00023/FUL - Land At Junction Of Salt Pit Lane And Bluestone Lane, Mawdesley**

Application No: 06/00023/FUL

Proposal: Re-development of industrial site and erection of Conductive Education Centre for disabled children.

Location: Land at Junction Salt Pit Lane and Bluestone Lane, Mawdesley.

Decision:

It was proposed by Councillor S Smith, seconded by Councillor Whittaker and subsequently **RESOLVED to grant planning permission subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved unless otherwise first agreed in writing by the Local Planning Authority.

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

3. Prior to the commencement of development full details of the colour, form and texture of all hard landscaping (notwithstanding any such detail shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved, unless otherwise first agreed in writing by the Local Planning Authority, and shall be completed in all respects before the final completion of the development and thereafter retained.

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

4. Prior to the commencement of any development, full details of the alignment, height and appearance of all fences, gates, walls or other means of enclosure 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. The building shall not 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. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 no further fences, gates, walls or other means of enclosure shall thereafter be erected unless express planning permission is first obtained.

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

5. Details of any floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.

6. 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 and to a specification first agreed in writing with the Local Planning Authority. 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 in and accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Before the development is commenced, proposals for the landscaping of the site, to include provision for the retention and protection of existing trees and shrubs, if any, thereon, together with any means of enclosure proposed or existing within or along the curtilage of the site shall be submitted to and approved by the District Planning Authority by means of a large scale plan and a written brief. All proposed and existing trees and shrubs shall be correctly described and their positions accurately shown. Upon approval such new planting shall be carried out during the planting season October/March inclusive, in accordance with the appropriate British Standards for ground preparation, staking, etc., in BS4428:1989 (1979), immediately following commencement of the development. The landscaping shall thereafter be maintained for five years during which time any specimens which are damaged, dead or dying shall be replaced and hence the whole scheme shall thereafter be retained.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and the locality.

8. No materials or equipment shall be stored on the site other than inside the building.

Reason: In the interests of the amenity of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

9. This permission shall enure solely for the benefit of the applicant, Rainbow House, and not for the benefit of the land to which the application relates, and on Rainbow House ceasing to occupy the premises the use shall revert to a D1 use as identified by the Use Classes Order 1987 (as amended)

Reason: The Council has had regard to the special circumstances of the applicant.

10. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmac, concrete, block pavements or other materials approved by the Local Planning Authority prior to the building hereby permitted being brought into use.

Reason: To prevent loose material being brought onto the highway causing a danger to other road users in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

11. Prior to the first occupation of the building hereby approved a footway to adoptable standards to a specification to be agreed with the Local Planning Authority shall be provided between the site access and the existing footway to the west of the site.

Reason: To secure adequate visibility splay from the site entrance and in the interests of pedestrian safety in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.

(f) B2: 06/00117/FUL - Bridge Farm, Coppull Moor Lane, Coppull

Application No: 06/00117/FUL

Proposal: Retrospective application for the erection of a milking parlour.

Location: Bridge Farm, Coppull Moor Lane, Coppull

Decision:

It was proposed by Councillor Parr, seconded by Councillor Brownlee to grant the retrospective planning application.

An amendment to the motion was proposed by Councillor Edgerley, seconded by Councillor Culshaw to defer the decision pending further investigation into the noise levels at the development site. Upon being put to the vote, the amendment was lost 8:10. The original motion was then voted on, and was subsequently **RESOLVED 13:2 to grant retrospective planning permission subject to the following conditions:**

1. Within three months of the date of the permission hereby granted, the vehicular crossing (dropped kerb footway crossing), shall be extended to reflect the access width access. The works shall be in accordance with the Lancashire County Council Specification for Construction of Estate Roads.

Reason: In the interest of highway Safety and maintain the proper construction of the highway and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

2. Within three months of the date of the permission hereby granted, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other materials first approved in writing by the Local Planning Authority.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

3. Within three months of the date of this permission, a scheme for the disposal of foul and surface waters shall have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved details within a further three months of the date of its approval in writing by the Local Planning Authority and retained thereafter.

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

06.DC.27 PLANNING APPLICATIONS DETERMINED BY DELEGATED POWERS

(a) **A report of the Head of Development and 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 and Regeneration on the following Category '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:06/00005/COU

Proposal: Change of use of agricultural land to two full size football pitches with training area.

Location: Land to the North of Bishop Rawstrorne C of E International Language College, Out Lane, Croston

Decision: Planning Permission Refused.

Application No:06/00006/COU

Proposal: Change of use from A1 to A3 for use a coffee shop.

Location: 57 – 59, Market Street, Chorley

Decision: Planning Permission Granted.

Application No:06/00048/COU

Proposal: Change of use from amenity space to garden and alterations to existing boundary wall/erection of perimeter fence.

Location: 10, Heys Lodge, Dark Lane, Whittle-Le-Woods, Chorley

Decision: Planning Permission Granted.

Application No:06/00050/TEL

Proposal: Proposed Telecom Development Consisting 3 No. Additional O2 (uk) antennae at 10.85 metres height and relocation of existing 3 No O2 (uk) antennae and 1 No transmission dish at 11.0 metres feight on new delta frame on existing 15.0 metre column mast: together with proposed O2 (uk) Nokia equipment cabinet with ancillary electrical cabling within existing compound.

Decision: Prior app not required – Telecom Mast

Application No:06/00073/FUL

Proposal: Demolish existing Car Wash and replace with new Jet Wash enclosure.

Location: Clayton Brook Service Station, Preston Road, Clayton-Le-Woods.

Decision: Planning Permission Granted.

Application No: 06/00119/COU

Proposal: Change of use from vacant woolshop with residential use (A1) to hot food takeaway (A5), with first floor storage and installation of extractor flue to the rear.

Location: 4, Steeley Lane, Chorley

Decision: Planning Permission Granted

RESOLVED – That the reports be noted.

- (b) **A list of planning applications determined by the Chief Officer under delegated powers between 2 February 2006 and 20 February 2006**

The Head of Development and Regeneration presented, for Members information, a schedule listing the remainder of the planning applications that had been determined by the Chief Officer under delegated powers between 2 February 2006 and 20 February 2006.

RESOLVED – That the schedule be noted.

06.DC.28 ENFORCEMENT REPORT - ASH HOUSE FARM

The Head of Development and Regeneration submitted a report seeking the Committee's instructions in respect of the instigation of enforcement action for the removal of stables at Ash House Farm, Ulmes Walton Lane, Ulmes Walton.

RESOLVED – That it is expedient to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 in respect of the following breach of planning control:

1. **Without planning permission the erection of a stable block upon land to the south and east of the rear of Ash House Farm, Ulmes Walton Lane.**

Remedy for Breach

1. **Demolish the stable block erected upon the land identified at 15 (i).**
2. **Remove all material resultant from the works carried out under 15ii(a) from the land.**

Period of Compliance

180 days

Reason

The development is located within the Green Belt as defined by Policy 2 and the Key Diagram of the Adopted Lancashire Structure Plan and by the proposals Map of the Adopted Chorley Borough Local Plan Review. The development is contrary to Policy 4 of the Adopted Lancashire Structure Plan and Policy DC1 of the Adopted Local Plan Review. Within the Green Belt planning permission will not be given except in very special circumstances for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for indoor sport and recreation, for cemeteries, and other uses which do not conflict with the purposes of including land in it, or limited extension, alteration, or replacement of existing dwellings. It is not considered that the stable block as erected represents an essential facility for outdoor recreation in this case.

The stable block erected by virtue of its siting and scale is contrary to the provisions of criterion (a) and (c) of Policy EP8 of the Adopted Chorley Borough Council Local Plan Review and Adopted Supplementary Planning Guidance "Development involving Horses".

Chair