

# Development Control Committee

**Tuesday, 26 July 2005**

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

## **05.DC.01 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Birchall, T Gray, Edgerley and Morgan.

## **05.DC.02 DECLARATIONS OF ANY INTERESTS**

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Member's Code of Conduct, the following Members declared a respective interest in relation to the Planning Applications indicated below, which were included on the meeting's agenda for determination:

Councillor David Dickinson – Item 6, A1: Planning Application 05/00366/FULMAJ  
Councillor Peter Malpas – Item 7: Planning Application 04/01457/OUTMAJ

## **05.DC.03 MINUTES**

**RESOLVED – That the minutes of the meeting of the Development Control Committee on 28 June 2005 be confirmed as a correct record and signed by the Chair.**

## **05.DC.04 HIGH HEDGES LEGISLATION**

The Head of Planning Services presented a report to explain the requirements of Part 8 of the Anti-social Behaviour Act 2003 that introduces new powers to deal with complaints about high hedges and to enable a fee structure to be set.

Part 8 of the Anti-Social Behaviour Act 2003 and the High Hedges (Appeals) Regulations 2005, gave District Councils powers to deal with complaints about high hedges and came into operation on 1 June 2005. The legislation makes provision for Councils to determine complaints by owners/ occupiers of domestic property adversely affected by evergreen/ semi-evergreen hedges over two metres high.

The legislation requires people to have taken reasonable steps to try and settle their high hedge dispute before complaining to the Council. The Council's role is not to mediate or negotiate between the complainant and the hedge owner but to adjudicate on whether – in the words of the act – the hedge is adversely affecting the complainant's reasonable enjoyment of their property. In doing so, the Council must take account of all relevant factors and must strike a balance between the competing interests of the complainant and hedge owner, as well as the interests of the wider community.

The Government had allowed Council's to decide whether and at what level it was appropriate that fees should be set. The majority of the respondents to the Government's consultation believed that a fee of between £300 - £600 would be sufficient.

The Head of Planning Services recommended the setting of a fee of £500 in order to reflect the Council's costs. This fee would be reviewed subsequently if it became apparent that the level of work was significantly different from that anticipated.

The Council had given delegated power to the Head of Planning Services to decide the complaints, but the setting of the fees was a decision for the Committee.

A number of Councillors considered that the suggested £500 fee was too excessive, but a proposal to charge a lower fee of £135.00 was defeated.

It was moved by the Chair (Councillor A Lowe), seconded by Councillor Harold Heaton and subsequently **RESOLVED (14:9):**

**That the report be noted and the Fee for the processing of complaints of high hedges be set at £500.**

It was further moved by Councillor A Whittaker, seconded by Councillor R Parr (Vice-Chair) and subsequently **RESOLVED:**

**That the officers be given the authority to waive the application fee in extreme cases of hardship.**

It was further moved by the Chair (Councillor A Lowe), seconded by Councillor R Parr and subsequently **RESOLVED:**

- 1. That the fee be reviewed in 6 months in the light of the number of complaints processed.**
- 2. That the Council make representation to the Office of the Deputy Prime Minister expressing disappointment that the problems created by the planting of high hedges had not been addressed.**

#### **05.DC.05 PLANNING APPEALS AND DECISIONS - NOTIFICATION**

The Committee received a report of the Head of Planning Services giving notification of the lodging of appeals against the refusal of planning permission for three developments; one appeal that had been withdrawn; one planning appeal that had been dismissed and one appeal that had been allowed by the planning inspectorate.

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

#### **05.DC.06 PLANNING APPLICATIONS AWAITING DECISIONS**

The Head of Planning Services 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 David Dickinson declared an interest in the following application and left the meeting during the discussion and voting on the proposal).

**Application No:** 05/00366/FULMAJ  
**Proposal:** Construction of 9 hole golf course, two fishing lakes and two ancillary buildings for use as a clubhouse and machinery/maintenance store.  
**Location:** Moss Side Farm, Bury Lane, Withnell, Chorley  
**Decision:**

It was moved by Councillor H Heaton, seconded by the Chair (Councillor A Lowe) and subsequently **RESOLVED that the application be deferred to allow further negotiations by the Officers with the applicant.**

**Application No:** 05/00493/FULMAJ

**Proposal:** Improvements to existing outdoor education centre, including installation of climbing towers, adventure rope courses, all weather pitch, new classroom facility, timber deck for pond dipping, improvements and extensions to footpath network to widen access, and extensive planting works.

**Location:** The Anderton Centre, New Road, Anderton, Chorley

**Decision:**

It was moved by Councillor Whittaker, seconded by Councillor H Heaton and subsequently **RESOLVED** that permission be granted, subject to the following conditions:

**1. Details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any on-site work commences. All works shall be undertaken strictly in accordance with the details as approved.**

*Reason: To ensure that the external appearance of the building(s) is satisfactory in accordance with policy GN5 of the Chorley Borough Local Plan Review 2003.*

**2. Plans and particulars showing the alignment height and materials of all walls and fences and other means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved. Such details as may be agreed shall be implemented in their entirety prior to the first occupation of the building to which these elements relate, maintained for a period of five years and any structural or decorative defect appearing during this period shall be rectified and the enclosure shall thereafter be retained.**

*Reason: In order that the Council may be satisfied with the enclosure details of the proposal and its implementation and retention in accordance with policy GN5, and DC1 of the Chorley Borough Local Plan Review 2003.*

**3. Plans and particulars showing a scheme for land drainage, shall be submitted to, and approved in writing by, the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details concurrently with the rest of the development and in any event shall be finished before the building is occupied.**

*Reason: In order that the Council may be satisfied with the details of the proposal and to avoid surface water flooding in accordance with policy EP18 of the Chorley Borough Local Plan Review 2003.*

**4. The car parking facilities shown on the deposited plan shall be laid out and provided prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.**

*Reason: To ensure provision of adequate off-street parking facilities within the site in accordance with policy TR4 of the Chorley Borough Local Plan Review 2003.*

**5. 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 in accordance with policy DC1, GN5 EP9 and EP10 of the Chorley Borough Local Plan Review 2003.*

6. A scheme for the protection of existing trees (and hedges) on site showing protective fencing to be erected in accordance with the British Standard specification BS5837:1991 shall be submitted to and approved in writing by this Authority before any development commences on site. The scheme shall be retained throughout the entire construction period and shall be undertaken in its entirety before any site works are commenced. Should any trees (or hedges) die, be damaged or become diseased as a result of the construction works then they shall be replaced in accordance with a written specification, to be submitted to and approved by the Local Planning Authority, within the next available planting season.

*Reason: To prevent trees on site from being damaged and in accordance with policy EP9 of the Chorley Borough Local Plan Review 2003.*

7. Notwithstanding the original submissions no floodlighting shall be erected or attached to any of the structures hereby permitted without express planning permission first being obtained.

*Reason: In order to control any lighting in this sensitive area in order to secure compliance with Policy DC1 and GN5 of the Chorley Borough Local Plan Review 2003.*

8. No development hereby permitted shall be commenced unless and until a scheme for the reduction of speed of vehicles using the access to the site has been submitted to and approved by the Local Planning Authority and implemented in its entirety.

*Reason: These specified works are seen as a pre-requisite of allowing this development to proceed to achieve a suitable access and to reduce the impact of the vehicles accessing the site on the amenities of adjacent residential dwellings in accordance with policies GN5 and TR4 of the Chorley Borough Local Plan Review 2003.*

**Application No:** 05/00516/OUTMAJ

**Proposal:** Outline application for residential development (4.42a) with details of siting and means of access and associated open space (2.05a).

**Location:** Site N1 Lower Burgh Way, Chorley

**Decision:**

It was moved by Councillor Whittaker, seconded and subsequently **RESOLVED** that permission be granted, subject to the prior completion of a Section 106 Legal Agreement as the following conditions:

1. Before the development hereby permitted is first commenced, full details of the following reserved matters (namely design, external appearance and landscaping) 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 and HS4 of the Adopted Chorley Borough Local Plan Review.*

2. This permission shall relate to the submitted application form, plans and supporting documentation or any subsequently appropriately endorsed additional or revised plan.

*Reason: To identify the approved plans and for the avoidance of doubt as to what is permitted.*

3. 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.

Thereafter, the development shall only be carried out in full accordance with the approved remediation proposals. Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for the treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals 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.*

4. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

*Reason : To ensure adequate on site provision for cycle parking and in accordance with Policy No. TR18 of the Adopted Chorley Borough Local Plan Review.*

5. 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. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details

shall have been erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

6. 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 EM2 of the Adopted Chorley Borough Local Plan Review.*

7. The application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted 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.*

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. 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 Policy Nos. EP18 and EP19 of the Adopted Chorley Borough Local Plan Review.*

10. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

*Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.*

11. 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.***

**12. 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.***

**13. 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 BS5837:1991 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.***

**14. The external facing materials detailed on the approved plan(s) shall be used and no others substituted without the prior written approval of the Local Planning Authority.**

***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.***

**15. 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.***

**16. Before any development hereby permitted is first commenced, full details of the surfacing, drainage and marking out of all car park and vehicle manoeuvring areas shall have been submitted to and approved in writing by the Local Planning Authority. The car park and vehicle manoeuvring areas shall be provided in accordance with the approved details prior to first occupation of the premises as hereby permitted. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.**

***Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.***

**17. No development shall take place until a scheme for the provision of public open space and play areas has been submitted to and approved in**

writing by the Local Planning Authority. The scheme to be submitted to include full details of all play and other equipment to be provided.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

18. Before the development hereby permitted is first commenced, full details of the phasing of provision and equipping of public open space and play areas shall have been submitted to and approved in writing by the Local Planning Authority. The provision and equipping of such areas to be thereafter carried out in strict accordance with the approved details.

*Reason: To ensure adequate provision for public open space and play areas within the development and in accordance with Policy Nos. HS20 and HS21 of the Adopted Chorley Borough Local Plan Review.*

19. Before development commences full details of mitigation measures required to be implemented by the specialist ecology report received on 28 June 2005, as submitted by The Environment Partnership with regard to the protection of protected species on and in the vicinity of the site including any proposed phasing of measures. Such details as approved including any phasing of measures shall be implemented in full and retained thereafter.

*Reason: To comply with the practical effect of the Wildlife and Countryside Act 1981 and in accordance with policy EP4 of the Chorley Borough Local Plan Review 2003.*

**Application No:** 05/00523/REMMAJ  
**Proposal:** Formation of phase 1 link road to serve residential development  
**Location:** Royal Ordnance Site including Land between Dawson Lane and Euxton Lane, Euxton

**Decision:**  
It was moved, seconded and subsequently **RESOLVED** that permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the amended plan(s) received on 21 July 2005.

*Reason: To define the permission and to ensure a satisfactory form of development.*

2. The details of the precise specification and location of carriageway crossing points shall be submitted for the approval of 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.

*Reason: In the interests of securing a satisfactory standard of development for the crossing of the highway in the interests of public safety, and to accord with the provisions of policy TR4 of the Adopted Borough Local Plan Review.*

3. Full details of the bus stop locations, stop thresholds and street furniture shall be agreed in writing with 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 along the link road; also to accord with*



*the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review .*

4. That a scheme for the street lighting of the Link Road, hereby approved, shall be submitted for the approval of the Local Planning Authority prior to the commencement of construction of the road, and that this shall be implemented prior to the opening of the road to public traffic.

*Reason: To ensure adequate lighting of the carriageways, footways and cycle ways, and in accordance with the provisions of policy TR4 of the Adopted Borough Local Plan Review.*

5. That the full details of the drainage infrastructure for the carriageways, footways and cycle ways shall be submitted to and approved by the Local Planning Authority prior to the commencement of any construction works, and that they 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 .*

6. 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.*

7. No development shall be commenced until full details of finished ground levels of the proposed carriageways together with the footways / cycle ways, in comparison to those of the adjacent land, have been submitted to and approved by the Local Planning Authority; thereafter only the approved levels shall be constructed to on site.

*Reason: In order for the Local Planning Authority to retain control over the levels on the carriageways / footways / cycle ways in order to ensure their safe use; also to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.*

8. That the full details of the construction of the carriageways, footways and cycle ways, including the finished top surfaces shall be submitted to and approved 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, and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.*

9. Notwithstanding the detail shown on the approved plans, two bus stops to Quality Bus Stop Standard shall be provided on the stretch of loop road between the roundabout junction with the A6 east west link road and the first roundabout to the north of the school site. Details including the siting and relationship of the bus stops to the crossing points shall be submitted to and improved by the Local Planning Authority prior to the commencement of works on this element of the approved loop road.

***Reason: To ensure that adequate and satisfactory arrangements are made for the provision of public transport along the link road and to accord with the provision of Policy TR4 of the Adopted Chorley Borough Local Plan Review.***

**Application No:** 05/00525/REMMAJ  
**Proposal:** Formation of phase 1 link road to serve residential development (duplicate of planning application 05/00523/REMMAJ)  
**Location:** Royal Ordnance Site including Land between Dawson Lane and Euxton Lane, Euxton

**Decision:**  
It was moved, seconded and subsequently **RESOLVED** that permission be granted subject to the following conditions:

**1. The development hereby permitted shall be carried out in accordance with the amended plan(s) received on 21 July 2005.**

***Reason: To define the permission and to ensure a satisfactory form of development.***

**2. The details of the precise specification and location of carriageway crossing points shall be submitted for the approval of 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.**

***Reason: In the interests of securing a satisfactory standard of development for the crossing of the highway in the interests of public safety, and to accord with the provisions of policy TR4 of the Adopted Borough Local Plan Review.***

**3. Full details of the bus stop locations, stop thresholds and street furniture shall be agreed in writing with 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 along the link road; also to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review .***

**4. That a scheme for the street lighting of the Link Road, hereby approved, shall be submitted for the approval of the Local Planning Authority prior to the commencement of construction of the road, and that this shall be implemented prior to the opening of the road to public traffic.**

***Reason: To ensure adequate lighting of the carriageways, footways and cycle ways, and in accordance with the provisions of policy TR4 of the Adopted Borough Local Plan Review.***

**5. That the full details of the drainage infrastructure for the carriageways, footways and cycle ways shall be submitted to and approved by the Local Planning Authority prior to the commencement of any construction works, and that they 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 .***

6. 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.*

7. No development shall be commenced until full details of finished ground levels of the proposed carriageways together with the footways / cycle ways, in comparison to those of the adjacent land, have been submitted to and approved by the Local Planning Authority; thereafter only the approved levels shall be constructed to on site.

*Reason: In order for the Local Planning Authority to retain control over the levels on the carriageways / footways / cycle ways in order to ensure their safe use; also to accord with the provisions of policy TR4 of the Adopted Chorley Borough Local Plan Review.*

8. That the full details of the construction of the carriageways, footways and cycle ways, including the finished top surfaces shall be submitted to and approved 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, and in accordance with policy TR4 of the Adopted Chorley Borough Local Plan Review.*

9. Notwithstanding the detail shown on the approved plans, two bus stops to Quality Bus Stop Standard shall be provided on the stretch of loop road between the roundabout junction with the A6 east west link road and the first roundabout to the north of the school site. Details including the siting and relationship of the bus stops to the crossing points shall be submitted to and approved by the Local Planning Authority prior to the commencement of works on this element of the approved loop road.

*Reason: To ensure that adequate and satisfactory arrangements are made for the provision of public transport along the link road and to accord with the provision of Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

**Application No:** 05/00544/FULMAJ  
**Proposal:** Remediation and reclamation earthworks (site area 35.29 ha).  
**Location:** Royal Ordnance Site including Land between Dawson Lane and Euxton Lane, Euxton

**Decision:**

It was moved, seconded and subsequently **RESOLVED** that permission be granted subject to the following conditions:

1. This permission shall relate to the submitted application form, plans and supporting documentation or any subsequently appropriately endorsed additional or revised plan.

*Reason: To identify the approved plans and for the avoidance of doubt as to what is permitted*

2. The site shall be remediated fully in accordance with the Remediation Plan and supporting documentation forming the application received on 24<sup>th</sup>

**May 2005 unless otherwise agreed in writing by the Local Planning Authority.**

***Reason: To ensure that the site is remediated to a satisfactory standard.***

**3. Written notification of the date of commencement of the development shall be sent to the Local Planning Authority within 7 days of such commencement.**

***Reason: To enable the Local Planning Authority to effectively monitor the site.***

**4. No reclamation, landfilling, or restoration (except for the use of pumping equipment and the carrying out of essential maintenance to plant and machinery) shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:**

**07.30 to 19.30 hours, Mondays to Fridays,**

**08.00 to 13.00 hours on Saturdays.**

**No such development shall take place at any time on Sundays or Public Holidays.**

***Reason: To safeguard the amenity of existing local residents and future residents living on the development site.***

**5. Working on site shall at all times comply with the Chorley Borough Council "Control of construction and demolition site noise: Information to contractors on prior consent conditions (EHF243)" document, unless otherwise agreed in writing with the local planning authority.**

***Reason: To safeguard the amenity of existing local residents and future residents living on the development site.***

**6. No material arising from the remediation works shall be exported from the site (with the exception of scrap metal), unless otherwise agreed in writing by the Local Planning Authority.**

***Reason: To prevent the transportation of waste materials which would result in additional traffic on local highways and be detrimental to the amenity of local residents.***

**7. Prior to commencement of the development, details of the routing of heavy goods vehicles within the Royal Ordnance site and the access to the local highway network shall be submitted to and approved in writing by the Local Planning Authority and these routes shall be adhered to at all times unless otherwise agreed in writing with the local planning authority.**

***Reason: To ensure that the movement of vehicles within the site does not impinge upon the amenity of residents during the period of reclamation, and in the interests of highway safety.***

**8. A written confirmatory sampling and analysis programme to confirm the adequacy of decontamination shall be submitted to the Local Planning Authority and approved in writing within one month of completion of decontamination works on the site.**

***Reason: To ensure that the site is remediated to a satisfactory standard.***

**9. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container or container's total volume and shall enclose within their curtilage all fill and draw pipes, vents gauges and sight glasses. There shall be no drain through the bund floor or walls.**

***Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land.***

**10. Repair, maintenance and fuelling of plant and machinery shall only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site completely.**

***Reason: To safeguard local watercourses and drainages and avoid the pollution of any watercourse or groundwater resource or adjacent land.***

**11. Before the development is commenced, a scheme for the further monitoring of Euxton Brook for assessment purposes prior to the commencement of development and for monthly monitoring of it thereafter throughout the period of remediation of the site shall be submitted and approved in writing by the local planning authority. Monitoring shall thereafter be carried out in accordance with the agreed scheme and the results made available for inspection by the local planning authority and the Environment Agency on request.**

***Reason: To prevent pollution of controlled waters.***

**12. Areas of the application site not developed by an end user following a period of 18 months after the date of completion of reclamation works shall be landscaped in accordance with the specification in Remediation Plan P583-00-R5-1A received 24 May 2005 unless otherwise agreed in writing by the local planning authority.**

***Reason: To ensure that the appearance of any reclaimed but undeveloped areas is satisfactory.***

**Application No:** 04/01462/FUL

**Proposal:** Retrospective application for erection of agricultural livestock/storage building and proposed erection of agricultural livestock building.

**Location:** Land S of footpath 28 Adjacent Boardmans Heights F Bury Lane, Withnell.

**Decision:**

**It was moved, seconded and subsequently RESOLVED that permission be granted subject to the following conditions:**

**1. The development hereby permitted shall be carried out in accordance with the amended plan(s), received on 11 July 2005.**

***Reason: To define the permission and ensure a satisfactory form of development.***

**2. If the use of the buildings hereby permitted ceases for a period exceeding 6 months within 10 years of the date of this permission, they shall be removed from the site and the land restored to its original condition prior to development.**

***Reason: To protect the character and appearance of the area, and avoid the proliferation of buildings in a countryside area for which there is not a continuing need and in accordance with Policy Nos. DC1, EP7 and EP8 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.*

**Application No:** 05/00354/FUL  
**Proposal:** Demolish existing dwelling and construct replacement two storey dwelling.  
**Location:** 97 Rawlinson Lane, Heath Charnock, Chorley

**Decision:**  
It was moved by Councillor J Molyneaux, seconded by Councillor T Brown, and subsequently **RESOLVED** that permission be granted subject to the following conditions:

**1. The approved plans are:**

<b>Plan Ref.</b>	<b>Received On:</b>	<b>Title:</b>
	26 July 2005	Site Plan
	24 June 2005	Plans, elevations and sections
	1 April 2005	Location Plan
	1 April 2005	Existing elevations

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

2. 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.*

3. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interest of the appearance of the locality and in accordance with Policy No GN5 of the Adopted Chorley Borough Local Plan Review.*

5. The development hereby permitted shall not commence until samples of all external facing materials to the proposed 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, DC8A and HS4, of the Adopted Chorley Borough Local Plan Review.*

**Application No:** 05/00513/FUL  
**Proposal:** Erection of replacement dwelling  
**Location:** Jack Green Farm, Oram Road, Brindle  
**Decision:**

It was moved by Councillor Brown, seconded and subsequently **RESOLVED** that permission be granted subject to the following conditions:

1. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

*Reason: The proposed dwelling is larger than might normally be permitted so in order to secure the balance of impact of the site this condition is imposed to ensure that the dwelling is available for the occupation of an agricultural worker on the holding in accordance with DC1, DC8a and HS14 of the Chorley Borough Local Plan Review 2003.*

2. Prior to the commencement of development plans and particulars showing the provision for the parking and manoeuvring of cars in accordance with the Local Planning Authority's current standards, shall be submitted to, and approved in writing by, the Local Planning Authority. Such details as agreed shall be laid out and made ready in all respects for use prior to the first occupation of the dwelling hereby permitted, and shall thereafter retained.

***Reason: In order that the Council may be satisfied with the details of the proposal and to ensure a satisfactory level of off-street vehicle park.***

**3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof no extension to the dwelling, outbuilding, or other works permitted by Class A, B, C, D, E, F, G and H shall be constructed or erected without express planning permission first being obtained.**

***Reason: In the interests of controlling matters which may be detrimental to the original visual concept and the balance of private space provision and in order to protect the Green belt from further development on this site which may be harmful to its openness and visual amenity in accordance with policy DC1 and DC8a of the Chorley Borough Local Plan Review 2003.***

**4. Details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before any on-site work commences. All works shall be undertaken strictly in accordance with the details as approved.**

***Reason: To ensure that the external appearance of the building(s) is satisfactory in accordance with policies GN5, DC1, and DC8a of the Chorley Borough Local Plan Review 2003.***

**Application No:** 05/00531/CB4  
**Proposal:** Erection of a portable building with disabled access to provide a meeting room for Heathfield Residents Group.  
**Location:** Land adj Garage Block Heathfield, Heath Charnock.  
**Decision:**  
It was moved, seconded and subsequently **RESOLVED** that permission be granted subject to the following conditions:

**1. Where use of the building hereby permitted ceases for a period exceeding 6 months within ten years of its substantial completion it shall then be removed from the land and the land restored to its former condition.**

***Reason: In the interest of the appearance of the locality and to safeguard the amenities of local residents in accordance with policies GN1 and GN5 of the Adopted Chorley Local Plan Review.***

**Application No:** 05/00553/FUL  
**Proposal:** Retrospective application for the erection of a new boundary wall,  
**Location:** Cam Lane Cottage, Cam Lane, Clayton-Le-Woods, Chorley  
**This application had been withdrawn.**

**Application No:** 05/00554/FUL  
**Proposal:** Retrospective application for the erection of a stable block,  
**Location:** Cam Lane Cottage, Cam Lane, Clayton-Le-Woods, Chorley  
**This Application had been withdrawn.**

#### **05.DC.07 PLANNING APPLICATION 04/01457/OUTMAJ**

Councillor P Malpas declared an interest in the item. He stayed in the meeting but took no part in the discussions or voting on the item.

The Head of Planning Services presented a report advising the Planning Committee on the decision made by the Government Office of the North West on Application: 04/01457/OUTMAJ for the development of land adjacent to the Training Centre, Carr Lane, Chorley for residential purposes.



At the Development Control Committee in April 2005, Members had been minded to grant planning permission for the proposal, subject to the referral of the application to the Government Office of the North West (GONW) as a projected departure from development plan policies.

GONW has now confirmed that they did not intend to call the application in for determination by the Secretary of State and, therefore the Borough Council could now determine the proposal locally.

**RESOLVED** that planning permission be granted, subject to the prior completion of a Section 106 Legal Agreement and to the following conditions:

1. That a scheme for the implementation of a surface water drainage of the site together with sustainable drainage techniques, and for the foul drainage of the site, shall be agreed with the Local Planning Authority and form part of the detailed reserved matters application; the scheme shall also incorporate a separate system for foul and surface water drainage, while the land drainage system or sub soil drainage water shall not be connected to the public sewer; subsequently the approved scheme shall be implemented as part of the overall site development.

*Reason: To ensure satisfactory site drainage for the avoidance of any flood risk, and to accord with Polity EP18 of the Chorley Borough Local Plan Review.*

2. The application for the approval of Reserved Matters shall be accompanied by a detailed scheme shall be submitted to the Local Planning Authority for its approval in respect of any alteration to the existing site levels; the scheme shall include a topographic survey including tree canopies together with details of levels as existing and proposed as well as the details of any fill and the transportation methodology; the existing soil levels around the site perimeter trees shall be maintained as existing. Such details shall include existing and proposed cross sections and spot heights.

*Reason: In order to retain control over the topography of the site in the interests of safeguarding visual and residential amenity as well as ensuring the longevity of site perimeter trees that will be retained, and in accordance with Policy GN5 of the Local Plan Review.*

3. Before the development hereby permitted is first commenced full details of the 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.*

4. Before development commences full details of mitigation measures required to be implemented by the specialist ecology report (J 1025, June 2005, as submitted by AMEC Earth and Environmental UK) with regard to the protection of protected species including any proposed phasing of measures. Such details as approved including any phasing of measures shall be implemented in full and retained thereafter.

*Reason: To enable evaluation of and the safeguarding of protected species, and to accord with Policy Nos. EP4 AND GN5 of the Chorley Borough Local Plan Review.*

5. A scheme shall be agreed for the protection of corridors of site perimeter trees, as identified with the Local Planning Authority, during the period of construction works on the site; the areas of trees shall be delineated with

protective fencing no lower than 1.2 metres high as specified in paragraph 8.2.2 to British Standard BS5837: 1991 sited at a distance from the tree trunk equivalent to the outermost branch spread; there shall be no mounding of earth of debris or the storage of building materials within the fenced area.

*Reason: In order to safeguard the protection of the trees whilst construction is undertaken in the interest of visual amenity and to accord with the provisions of Policy Nos. GN5 & EP9 of the Adopted Chorley Borough Local Plan Review.*

6. The approved plans are:

Plan Ref.	Received On:	Title:
3789/05/A	22/12/04	Location Plan
N20107/DWG/1	22/12/04	Site Access Plan

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

7. The access arrangements to the site, as approved upon drawing no. N20107/DWG/1 shall be constructed, drained, laid out, surfaced and available for public use prior to the first occupation of any of the dwellings on the development site.

*Reason: In order to ensure a satisfactory means of vehicular access to the development site, and to accord with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

8. The application for the approval of reserved matters shall be accompanied by a scheme for the provision of public open space for passive use. The scheme shall include a landscaping layout, and shall incorporate a timetable for its implementation.

*Reason: In order to provide leisure and recreational opportunities for residents upon the development site and to accord with the provisions of Policy HS19 of the Adopted Chorley Borough Local Plan Review.*

## 05.DC.08 PLANNING APPLICATIONS DECIDED UNDER DELEGATED POWERS

The Committee received, for information, reports by the Head of Planning Services of the following former 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.

### a) Schedule of applications

**Application No:** 05/00514/FUL  
**Proposal:** Erection of a detached three bedroom L-shaped bungalow. The bungalow is set back from Lawton Close and comprises of a gabled frontage with a secondary bay set back utilising a hipped roof. Two car parking spaces are proposed in front.  
**Location:** Land on Lawton Close and Rear of 383 Blackburn Road, Wheelton Lancashire  
**Decision:** Permit

**Application No:** 05/00555/COU  
**Proposal:** Change of use from residential to offices (Class A2). The change will not require any external alterations and the internal layout will remain the same.  
**Location:** 25 Halliwell Street, Chorley  
**Decision:** Permit

**Application No:** 05/00598/FUL  
**Proposal:** Erection of two stables and a hay barn both for private use only

**Location:** Land on Roscoe Lowe Hill, North of Roscoe Lowe Farm, New Road, Anderton, Lancashire.  
**Decision:** Permit

**Application No:** 05/00608/COU  
**Proposal:** Change of use of land to domestic curtilage.  
**Location:** Learoy, Preston Road, Charnock Richard, Chorley  
**Decision:** Permit

**b) Application No: 05/00549/FUL**

The Committee noted the Head of Planning Services under delegated powers had refused application 05/00549/FUL for the creation of a Go-Kart track adjacent to Euxton Park Golf Driving Range, Euxton Lane, Euxton Chorley.

**RESOLVED: That the Head of Planning Services be requested to re-open negotiations with the applicant with a view to resubmission of the application.**

**05.DC.09 DELEGATED DECISIONS**

The Head of Planning Services presented, for Members information, a schedule listing the remainder of the planning applications that had been determined by the Chief Officer under his delegated powers between 16 June 2005 and 13 July 2005.

**05.DC.10 BANK HALL, BRETHERTON**

The Head of Planning Services presented a report to update the Committee on the project to restore the Listed Building. The Listed Building has been the subject of a lengthy restoration campaign led by a local Trust. Eventually a Heritage Lottery Fund (HLF) grant was awarded towards the work and the preparatory steps were underway. However even with a large HLF grant, at current prices there was an emerging shortfall of over £1M.

**RESOLVED That the Report be noted.**

**05.DC.11 ENFORCEMENT ITEM - CAM LANE COTTAGE**

The Head of Planning Services presented a Report recommending the instigation of enforcement proceedings to secure the removal of a boundary wall and stable which had been constructed at Cam Lane Cottage, Cam Lane, Clayton-Le-Woods without planning permission.

**RESOLVED:**

- a) **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 breaches of planning control –**
1. **without planning permission, the erection of a boundary wall exceeding 2 metres in height.**
  2. **without planning permission, the erection of a stable block.**
- b) **That the Director of Legal Services be authorised to issue an enforcement notice in the following terms**

**Requirements of the Enforcement Notice**

1. **Reduce the height of the boundary wall to a maximum height of 2 metres**
2. **Demolish the stable block and remove the materials from the land.**

**Period for compliance**

**2 months**

**Reasons**

**Wall**

The proposed development would be detrimental to the visual amenities within the Green Belt by reason of its siting, materials and design. The proposal is inappropriate development within the Green Belt and is therefore contrary to Government advice contained in PPG2: Green Belts and Policy DC1 of the Adopted Chorley Borough Local Plan Review.

**Stable Block**

The proposed development for stables creates an intrusive feature within the area and is detrimental to the surrounding landscape. The proposal is unacceptable by reason of its size, siting and materials. The proposal is contrary to Policy EP8 of the Adopted Chorley Local Plan Review 2003.

Chair