

Development Control Committee

Tuesday, 19 August 2008

Present: Councillor Greg Morgan (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Alan Cain, Henry Counce, David Dickinson, Keith Iddon, Roy Lees, Adrian Lowe, June Molyneaux, Simon Moulton, Mick Muncaster and Shaun Smith

Officers: Paul Whittingham (Development Control Manager), Dianne Scambler (Trainee Democratic Services Officer), Nicola Hopkins (Principal Planning Officer) and Alex Jackson (Senior Lawyer)

Also in attendance: Councillors Judith Boothman (Clayton-le-Woods West and Cuerden) and Kevin Joyce (Eccleston and Mawdesley).

08.DC.70 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Alistair Bradley, Terence Brown and Harold Heaton.

08.DC.71 DECLARATIONS OF ANY INTERESTS

In accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct, the following Member declared a personal interest in relation to the planning application listed below:

Councillor Mick Muncaster – planning application 08/00787/FUL

08.DC.72 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 22 July 2008 be confirmed as a correct record for signing by the Chair.

08.DC.73 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on six applications for planning permission to be determined by the Committee.

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

08.DC.74 A3:08/00465/OUTMAJ - ST MARY'S CHURCH HALL, LAWRENCE LANE, ECCLESTON, CHORLEY

The planning application had been deferred at the last meeting to allow the Members of the Committee to visit the site of the proposed development. Further details had also been requested and were circulated at the meeting.

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

(The ward representative Councillor Kevin Joyce also addressed the Committee and spoke against the proposals)

Application no: 08/00465/OUTMAJ
Proposal: Outline application for the demolition of existing buildings and erection of 11 two-storey dwellings
Location: St Mary's Church Hall, Lawrence Lane, Eccleston

Decision:

It was proposed by Councillor Ken Ball, seconded by Julia Berry, and was subsequently **RESOLVED (14:0) to refuse planning permission with Councillors Ken Ball, Julia Berry, Alan Cain, Henry Caunce, David Dickinson, Keith Iddon, Roy Lees, Adrian Lowe, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster, Geoff Russell and Shaun Smith voting for the proposal, for the following reason:**

1. The proposed development involves the loss of a rural community facility. It has not been demonstrated that the facility is no longer needed by the community it serves, adequate alternative facilities exist locally or will be provided of a similar standard and that all reasonable efforts have been made to sell or let the property as a community facility at a realistic price. As such, the proposal is contrary to Policies DC10 and PS3 of the Adopted Chorley Borough Local Plan Review and the associated Supplementary Planning Guidance: The Protection of Community Facilities in Rural Areas.

08.DC.75 B1:08/00549/FUL - 109 CHORLEY ROAD, HEATH CHARNOCK, LANCASHIRE

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

Application no: 08/00549/FUL
Proposal: Demolition of bungalow and erection of two storey dwelling
Location: 109, Chorley Road, Heath Charnock, Lancashire
Decision:

It was proposed by Councillor June Molyneaux, seconded by Councillor Julia Berry, and subsequently **RESOLVED (11:1) to defer the decision to allow the Members of the Development Control Committee to visit the site of the proposed development.**

08.DC.76 B3:08/00787/FUL - LINGMELL, 24, LANCASTER LANE, CLAYTON-LE-WOODS, LEYLAND

(The ward representative Councillor Judith Boothman addressed the Committee and spoke against the proposals)

(Councillor Mick Muncaster declared a personal interest, he remained in the room but did not vote on the proposal)

Application: 08/00787/FUL
Proposal: Erection of 9 detached residential dwellings following the demolition of 24 Lancaster Lane, Clayton-Le-Woods, Leyland
Location: Lingmell, 24 Lancaster Lane, Clayton-Le-Woods, Leyland
Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Alan Cain and subsequently **RESOLVED (7:5) to grant planning permission, subject to the Legal Agreement being signed by 4 September 2008 and the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. 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.

4. Notwithstanding the submitted plans no development shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority showing the turning head with over run areas capable of providing for the turning of a refuse vehicle. The turning area shall be constructed in accordance with the approved plan prior to the occupation of the first dwelling.

Reason: To permit large vehicles to safely enter and leave the site in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

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

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

6. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted plans, no development shall take place until a detailed plan at 1:100 scale has been prepared and submitted to and approved in writing by the Local Planning Authority showing the entrance to the site widened to 5 metres for the first 12m from Lancaster Lane. Thereafter the road shall be constructed to those dimensions prior to the commencement of building work on the site.

Reason: In the interests of highway safety and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

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

08.DC.77 A1:08/00502/FULMAJ - LAND SOUTH OF 106 MAIN STREET, BUCKSHAW VILLAGE, LANCASHIRE

Application no: 08/00502/FULMAJ

Proposal: Amended site layout for application 06/00991/FULMAJ, substitution of house types on plots: 60-62, 66-69, 73-75 and 78-82 of residential development

Location: Land south of 106 Main Street, Buckshaw Village, Lancashire

Decision:

It was proposed by Councillor Alan Cain, seconded by David Dickinson, and was subsequently **RESOLVED to grant full planning permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

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

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

4. The garages hereby permitted shall be kept freely available for the parking of cars, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in

accordance with Policy No. TR8 of the Adopted Chorley Borough Local Plan Review.

5. 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.

6. 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, amenities of neighbouring residents and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (Schedule 2, Part 1, Class F and Schedule 2, Part 2, Class B) or any Order revoking or re-enacting the Order, no hard surfacing shall be provided within any curtilage that is adjacent to a highway of any dwelling hereby permitted, nor shall any means of access to a highway be formed, laid out or constructed to any dwelling hereby permitted (other than those expressly authorized by this permission).

Reason: To protect the appearance of the locality, in particular to avoid the proliferation of frontage parking and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review

8. 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.

08.DC.78 A2:08/00562/REMAJ - ROYAL ORDNANCE SITE INC. LAND BETWEEN DAWSONS LANE AND EUXTON LANE, EUXTON, LANCASHIRE

Application no: 08/00562/REMAJ
Proposal: Reserved matters application for the erection of a railway station, access road and associated car parking at Buckshaw Village including parking provision on the south side of the railway
Location: Royal Ordnance Site including land between Dawson Lane and Euxton Lane, Euxton, Lancashire
Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Roy Lees, and was subsequently **RESOLVED** to grant the reserved matters application subject to the following conditions:

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 plans) 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 and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

3. 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.

4. 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 (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

5. 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 of the Adopted Chorley Borough Local Plan Review.

6. 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.

7. 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.

8. No development hereby permitted shall be operational until the highway which serves the development has been completed in accordance with the details shown on plan reference SCP/08183/005, received 31st July 2008, or as otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy No.TR4 of the Adopted Chorley Borough Local Plan Review.

9. Before the development hereby permitted is first commenced full details of lighting proposals for the site shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plans. 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 public safety and crime prevention and in accordance with Policy Nos. GN5 and EP21A of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of the development a methodology statement for the construction of the development hereby permitted, in particular the construction of the platforms and the footbridge, shall be submitted to and approved in writing by the Local Planning Authority. The methodology statement shall include working hours, a timetable for construction and a noise assessment. The development thereafter shall be constructed in accordance with the approved methodology statement.

Reason: To ensure the amenities of the neighbours are protected and in accordance with Policy EP20 of the Adopted Chorley Borough Local Plan Review.

08.DC.79 B2:08/00773/FUL - LAND 34M SOUTH OF 291, SPENDMORE LANE, COPPULL, CHORLEY

Application no: 08/00773/FUL
Proposal: Erection of detached one bedroom bungalow
Location: Land 34m South of 291, Spendmore Lane, Coppull
Decision:

It was proposed by Councillor Ken Ball, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant full planning permission subject to the following conditions:**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 plans) shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall

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

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

3. 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.

4. 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.

5. 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.

6. 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 (notwithstanding any details shown on the previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

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

7. 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.

8. The garage hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse, including the parking of cars. The garage 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. HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.

9. 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.

10. All windows in the first floor of the building's south-east elevation shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5, HS4 and HS9 of the Adopted Chorley Borough Local Plan Review.

08.DC.80 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Corporate Director (Business) giving notification of one planning appeal against the refusal of planning permission that had been dismissed and two appeals that had been withdrawn.

RESOLVED – That the report be noted.

08.DC.81 OBJECTION TO TREE PRESERVATION ORDER NO. 6 (CLAYTON-LE-WOODS) 2007

The Corporate Director (Business) submitted a report seeking the Committee's instructions as to whether to confirm the Tree Preservation Order no 6 (Clayton-Le-Woods) 2007 in light of the objections received.

Descriptions of trees T35 and T3, the length of Group 2 at the rear of 68, Lancaster Lane and the location of T17 are noted and have been amended accordingly.

The Council had received various planning applications to develop back gardens along Lancaster Lane. Prior to those submissions, landowners had felled trees within their garden areas. Various requests had been made by residents along Lancaster Lane to ensure that the remaining trees within the area were protected.

Five letters had been received from the residents along Lancaster Lane in respect of the order although not all the points were raised as objections but issues of clarity in respect of descriptions and siting.

RESOLVED That the Tree Preservation Order no 6 (Clayton-Le-Woods) 2007 be confirmed subject to the following modifications:

- The description of T35 is altered to Norwegian Spruce (*pinus abies*)
- The length of Group 2 detailed within the schedule is reduced, removing it from 68, Lancaster Lane
- The situation of T17 is amended to read 'Rear garden of 70, Lancaster Lane'
- The description of T3 is amended to read 'Copper Beech'
- The description of the situation of Trees T2 and T4 is amended to read 'Front of 80/82 Lancaster Lane'.

08.DC.82 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information, tables listing twelve applications for Category 'B' development proposals which had, or were intended to be, determined by the Corporate Director (Business) under the adopted scheme of delegations, following consultation with the Chair and Vice-Chair of the Committee at meetings held on 22 July and 6 August 2008.

RESOLVED – That the reports be noted.

08.DC.83 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) UNDER DELEGATED POWERS BETWEEN 10 JULY AND 6 AUGUST 2008

The Committee received for information, a schedule listing the remainder of the planning applications that had been determined by the Corporate Director (Business) under delegated powers between 10 July and 6 August 2008.

RESOLVED – That the schedule be noted.

08.DC.84 EUXTON SAND QUARRY

The Development and Building Control Manager reported that the Planning Inspectorate had allowed the appeal that had been heard by a Public Inquiry, against the refusal of planning permission by Lancashire County Council for the proposed extraction of high-grade sand, from an area of 68ha on land at Runshaw, Euxton, Chorley.

RESOLVED – That when further details of the appeal decision are received they be circulated to the Members of the Development Control Committee.

Chair