

Development Control Committee

Tuesday, 16 September 2008

Present: Councillor Greg Morgan (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Julia Berry, Alistair Bradley, Terry Brown, Alan Cain, Henry Caunce, David Dickinson, Harold Heaton, 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), Chris Moister (Head of Legal Services) and Andy Wiggett (Planning Officer)

Also in attendance: Councillors Pat Case (Heath Charnock and Rivington)

08.DC.85 APOLOGIES FOR ABSENCE

No apologies for absence were received.

08.DC.86 DECLARATIONS OF ANY INTERESTS

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

Councillors Henry Caunce and Keith Iddon – planning application 08/00728/FULMAJ

08.DC.87 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control meeting held on 19 August 2008 be confirmed as a correct record for signing by the Chair subject to the following amendment. Minute 08.DC.76 – Councillor Mick Muncaster declared a personal interest, he stayed in the room but did not vote on the proposal

08.DC.88 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on four 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:

(a) A1:08/00728/FULMAJ - Crow Nest Cottage, Tarnbeck Drive, Mawdesley

(Councillors Henry Caunce and Keith Iddon declared a prejudicial interest and left the meeting)

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

Application no: 08/00728/FULMAJ
Proposal: Demolition of existing bungalow, workshop and garage and erection of 10 no. two bedroom apartments.

Location: Crow Nest Cottage, Tarnbeck Drive, Mawdesley

Decision:

It was proposed by Councillor Greg Morgan, seconded by Councillor Geoff Russell, to approve the planning application subject to a Legal Agreement, upon being put the vote the motion was lost (2:9). **RESOLVED that the planning application be refused and for the preparation of reasons to be delegated to the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee.**

(b) B1:08/00549/FUL - 109, Chorley Road, Heath Charnock, Chorley

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

(The ward representative Councillor Pat Case also spoke against the proposals)

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 Mick Muncaster, seconded by Councillor Roy Lees, and was subsequently **RESOLVED (8:5) to grant planning permission subject to the following conditions:**

1. 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 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

2. 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.

3. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling 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.

5. All windows in the first floor of the building's north and south elevations 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 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 No. GN5 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted plans, no development shall take place until an amended plan showing a hipped roof to the proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The dwelling should be constructed in accordance with that amended plan.

Reason: In the interests of visual amenity and to safeguard the amenity of adjoining residents and in accordance with Policy HS4 of the Adpoted Chorley Borough Local Plan Review.

(c) **A2:08/00767/FULMAJL - Land. Parcel H4, Lancashire Drive, Buckshaw Village**

Application no: 08/00767/FULMAJ
Proposal: Amendments to the southern half of H4 (approved under 06/01056/FULMAJ) altering the layout and house types to accommodate 44 residential units comprising 15 no 2 bed houses and 29 no 3 bed houses.

Location: Land Parcel H4 Lancashire Drive, Buckshaw Village

Decision:

It was proposed by Councillor Simon Moulton, seconded by Councillor Alan Cain, 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 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. 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.

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(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.

5. 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.

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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

7. Unless otherwise agreed in writing, before the dwellings hereby permitted are occupied the bin collection point next to plot 244 shall have been erected as shown on Site Layout Plan Drawing Number 2307-101P and shall be retained at all times thereafter.

Reason: To ensure sufficient storage for bins and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

8. Unless otherwise agreed in writing 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 and EM2 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. 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. The garages 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 No. HS4 of the Adopted Chorley Borough Local Plan Review

11. 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 authorised 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.

12. Unless otherwise agreed in writing, before the dwellings hereby permitted are occupied the gates serving the alleyways shall have been erected as shown on Site Layout Plan Drawing Number 2307-101P and shall be retained at all times thereafter.

Reason: To ensure a safe environment for residents and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

13. 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.

(d) A3:08/00890/FULMAJ - Part Parcel F, Main Street, Buckshaw Village

Application no: 08/00890/FULMAJ
Proposal: Amendment to site layout and substitution of house types on plots 86-95 approved under application 06/00991/FULMAJ
Location: Part Parcel F, Main Street, Buckshaw Village, Lancashire
Decision:

It was proposed by Councillor Simon Moulton, seconded by Councillor Keith Iddon, 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. 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. 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 amending or revoking and re-enacting that 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 and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

6. The integral/attached garages shall be kept freely available for the parking of cars and shall not be converted to living accommodation, 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.

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.

08.DC.89 PLANNING APPEALS AND DECISIONS - NOTIFICATION

The Committee received a report of the Corporate Director (Business) giving notification of the lodging of two appeals against the refusal of planning permission and two appeals that had been allowed by the planning inspectorate.

The Committee also received notification of one appeal against the refusal of planning permission that had been refused and two appeals that had been allowed by Lancashire County Council.

RESOLVED – That the report be noted.

08.DC.90 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information, tables listing fifteen 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 August and 3 September 2008.

RESOLVED – That the reports be noted.

08.DC.91 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) UNDER DELEGATED POWERS BETWEEN 7 AUGUST AND 3 SEPTEMBER 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 7 August and 3 September 2008.

RESOLVED – That the schedule be noted.

08.DC.92 ATTENDANCE AT SITE VISITS

The Chair drew Members attention to the poorly attended site visit. The purpose of deferring an application for decision was so that Members could visit the site of the proposed development with the relevant officers present to respond to any pertinent questions that Members may have. Members are able to visit the site on their own but it was thought that this could be done prior to the Committee meeting. The Chair asked that Members make maximum effort to attend future site visits.

Chair