

# **REPORT OF DEVELOPMENT CONTROL COMMITTEE**

## **GENERAL REPORT**

1. Since the last Council meeting, the Development Control Committee has met twice on 26 July and 30 August 2005. This report refers briefly to the more significant planning proposals and other important issues considered at the two meetings.

### **26 July 2005 meeting**

#### **High Hedges Legislation**

2. We were presented with a report of the Head of Planning Services on the implications of Part 8 of the Anti-Social Behaviour Act 2003 that introduces new powers for Councils to determine complaints by owners/occupiers of domestic property adversely affected by evergreen/semi-evergreen hedges over 2 metres high. The Council's role is to adjudicate on whether the hedge is adversely affecting the complainant's reasonable enjoyment of their property, after taking account of all relevant factors.
3. As the Government had allowed Councils to decide the appropriate level of fees, the Committee decided to set a fee of £500 for the processing of complaints of high hedges, but gave Officers the power to waive the application fee in extreme case of hardship. The fee is to be reviewed in 6 months in the light of the earlier meeting. The Committee also decided to make representations to the Office of the Deputy Prime Minister expressing disappointment that the problems caused by the planting of high hedges had not been addressed.

#### **Planning Application 005/00516**

4. We considered the above planning application for outline planning permission for the residential development of a 4.42 ha site at Lower Burgh Way, Chorley by 149 dwelling units, with 2.05 ha of public open space and associated infrastructure work.
5. The site lies at the southern side of Chorley town and represents the completion of the Eaves Green development, which has been an area of housing growth since the emergence of the New Town proposals developed from the 1970s.
6. The principle of residential development on the site is acceptable given its New Town Consent status. The proposal also conforms with Local Plan policies in that the proposed 34 dwellings is just higher than the 30 dwellings per hectare required. We did grant outline planning permission of the development, subject to prior completion of a Section 106 Agreement.

### **30 August 2005**

#### **Structure Plan Statement of Non-Conformity - Authorisations**

7. We received a report of the Head of Planning Services informing the Committee that a Statement of Non-Conformity had been served on the Council in relation to certain planning policies within the Chorley Borough Local Plan Review which do not totally accord with policies in the Joint Lancashire Structure Plan.

8. In the draft Statement of Non-Conformity, the County Council had highlighted 32 policies in the Local Plan Review that were considered to be out of conformity, but, following representations made by Borough Council Officers, this number has been reduced to 14. The submitted report set out and commented on the policy areas most significantly affected (ie Settlement Status; Housing; Employment, Transport; Retail; and Tourism and Leisure).
9. The impact of the Statement means that when a planning application is being determined, the appropriate policies in the Joint Lancashire Plan may supersede the equivalent policies in the Local Plan.

### **Planning Application 05/00425/FULMAJ**

10. We considered the above application for the erection of a 3 storey, flat roof block of B1 use offices on land to the north of Units 1 and 2 in Chorley North Industrial Park, Drumhead Road, Chorley. The site is currently densely populated by trees protected by a Tree Preservation Order.
11. There were a number of complex issues that required consideration. The advantages of the proposed development inclusive of the commuted payments to be secured by a Section 106 Agreement to assist in the improvement of the local bus service and on critical tree planting projects were considered to outweigh the somewhat remote nature of the site off a main transportation corridor and the loss of TPO trees on this occasion, while there are no clear cut alternative sites within or close to the town centre.
12. On balance, we, therefore, decided to grant planning permission for the development, subject to completion of the Section 106 Agreement to cover the commuted payment.

### **Recommendation**

13. The Council is recommended to note this report.

COUNCILLOR A LOWE

Chair of Development Control Committee and Executive Member for Development and Planning.

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There are no background papers to this report.