

# Development Control Committee

**Tuesday, 9 December 2008**

**Present:** Councillor Greg Morgan (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Alistair Bradley, Alan Cain, Henry Caunce, David Dickinson, Harold Heaton, Roy Lees, June Molyneaux, Simon Moulton, Mick Muncaster and Shaun Smith

**Officers:** Jane Meek (Corporate Director (Business)), Chris Moister (Head of Legal Services), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic Services) and Nicola Hopkins (Principal Planning Officer)

**Also in attendance:** Councillors Ralph Snape (Chorley North West)

## 08.DC.111 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Terry Brown, Keith Iddon and Adrian Lowe

## 08.DC.112 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest.

## 08.DC.113 MINUTES

**RESOLVED – That the minutes of the Meeting of the Development Control Committee held on 11 November 2008 be confirmed as a correct record for signing by the Chair.**

## 08.DC.114 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:**

### (a) **A3:08/01052/OUTMAJ - 37 - 39 and Land to rear of Wigan Road, Euxton**

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

Application no: 08/01052/OUTMAJ

Proposal: Outline application for 12 detached houses, associated garages and access road (including access, layout and scale) following demolition of existing dwellings, offices and workshop/storage buildings.

Location: 37 – 39 and land to rear Wigan Road, Euxton

Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor Roy Lees, and was subsequently **RESOLVED to grant outline planning permission subject to a Legal Agreement and the following conditions:**

1. An application for approval of the reserved matters (namely external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. 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.*

3. 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 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 the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.*

4. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 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. 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. Unless otherwise agreed in writing, the application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme

has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.  
*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

7. No dwelling hereby permitted shall be occupied until the site access with Wigan Road has been completed in accordance with the details shown on Drawing No. 05/133/0P04 Rev A (stamp dated 14<sup>th</sup> November 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.*

8. The outline planning permission hereby approved relates to the erection of two-storey dwellings. The application for reserved matters shall only be for two-storey dwellings to a scale as specified in the Design and Access statement accompanying this application.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review*

9. 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.*

10. The development hereby permitted shall be carried out in accordance with the Leyden Kirby Associates Ltd Ground Investigation & Risk Assessment reports for Land at Wigan Road, Euxton Ref. CL1057 dated 22<sup>nd</sup> March 2007 and 19<sup>th</sup> December 2007, together with additional groundwater and gas monitoring results dated 11<sup>th</sup> September report recommendations. These are summarised below. Please note that the site has been zoned into two areas for investigation, comprising the Western zone (current residential) and Eastern zone (current depot area).

Hotspot removal in Eastern zone; identified contamination to be excavated until all removed.

Recommended gas protection measures incorporated into proposed buildings; in accordance with CIRIA C659, Characteristic Situation 2 for western zone of site and Characteristic Situation 3 for eastern zone of site.

Capping layer in proposed garden areas of Eastern zone; 600mm cover (as per detail in report).

Upon completion of the remediation works a validation report containing any validation sampling results shall be submitted to the Local Planning Authority in order to demonstrate that the works set out in the above reports are complete. The validation report shall also identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action.

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy, detailing how this unsuspected contamination shall be dealt with.

***Reason: To prevent the pollution of controlled waters from potential contamination on site and 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 Government advice contained in PPS23: Planning and Pollution Control.***

**11. The integral/attached garage 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.***

**12. The application for approval of reserved matters shall include a scheme of landscaping indicating 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. It shall specifically include details of a new native boundary hedge fronting Wigan Road. Landscaping proposals should comprise only native plant communities appropriate to the natural area.**

***Reason: In the interests of the amenity of the area and in accordance with Policies No.GN5 and EP9 of the Adopted Chorley Borough Local Plan Review.***

**13. Prior to the commencement of the development a strategy to attenuate surface water discharges shall be submitted to and approved in writing by the Local Planning Authority. The Strategy should demonstrate that Greenfield rates will be achieved. The surface water drainage scheme shall thereafter be completed in accordance with the approved strategy.**

***Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.***

**14. 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. This shall include details of a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary (and shall make provision for its future maintenance and renewal. Any existing Network Rail fencing/wall must not be removed or damaged). 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.***

**(b) A1:08/00928/OUTMAJ - Rydal House, Chorley Hall Road, Chorley**

(The Committee heard representations from the ward representative Councillor Ralph Snape on the proposals)

Application no: 08/00928/OUTMAJ

Proposal: Proposed erection of 19 no two storey dwellings and associated works  
Location: Rydal House, Chorley Hall Road, Chorley  
Decision: It was proposed by Councillor Harold Heaton, seconded by Councillor Ken Ball, and was subsequently **RESOLVED** to grant outline planning permission subject to a legal agreement and the following conditions:

**1. No development shall take place until a survey has been carried out by a competent person of the existing buildings on the site for the presence of bats. The results of the survey shall be made available to the Local Planning Authority and any recommendations for compensation measures should a bat roost be found agreed in writing by the Local Planning Authority before development commences. The necessary works shall be carried out before building work on site commences.**

***Reason: to secure the preservation of protected species in accordance with Policy EP3 of the Adopted Chorley Borough Local Plan Review.***

**2. Before the development hereby permitted is first commenced, full details of the following reserved matters namely design and 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.***

**3. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed buildings (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.***

**4. 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.***

**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. Prior to the commencement of the development full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning**

Authority. The site shall thereafter be managed by the approved Management Company.

*Reason: To ensure the satisfactory management of the private driveway, resident's parking spaces and refuse storage/collection at the site and in accordance with Policy TR4 of the Adopted Chorley Local Plan Review.*

7. No development shall take place until:

a methodology for investigation and assessment of ground contamination has been submitted to and agreed in writing with 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 Site – 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 mitigation within and beyond the site boundary:

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;

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 shall be submitted to the Local 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 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 in accordance with the guidance in PPS23.*

8. 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, to protect the amenities of occupiers of nearby property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

9. The development hereby permitted shall be carried out in accordance with the amended plan received on the 5<sup>th</sup> November 2008.

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

10. 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.*

11. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area, in line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1 and Chorley Borough Council's Sustainable Resources DPD.*

(c) **A2:08/01044/OUTMAJ - Vertex Training and Conference Centre, Little Carr Lane, Chorley**

(The Committee received representation from the applicant's agent in support of the proposals)

Application no: 08/01044/OUTMAJ

Proposal: Outline application for the erection of mixed use development incorporating residential and B1 employment use following the demolition of the existing buildings (7.2 hectares)

Location: Vertex Training and Conference Centre, Little Carr Lane, Chorley

Decision:

It was proposed by Councillor Ken Ball, seconded by Councillor Roy Lees, and was subsequently **RESOLVED to grant planning permission subject to a legal agreement and the following conditions:**

**1. Any application for approval of reserved matters must be made to the Council not later than four years from the date of this decision. The development shall be begun within two years of the date of approval of the last of the reserved matters or within six years of the date of this decision whichever is the later**

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

**2. At the time of submission of the first set of details for development of the residential parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the residential parcel shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site.**

*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. At the time of submission of the first set of details for development of the employment parcel, pursuant to Condition 2 above, a Statement of Overall Landscape Strategy for the employment parcel shall be submitted to and**

approved in writing by the Local Planning Authority. The details shall include a landscaping/habitat creation and management plan and shall include details of structure planting on the site's peripheral areas and adjacent to the primary roads, footpaths and cycle ways within the site. The details shall also include the treatment of the boundaries of the site with the existing residential dwellings along Carr Lane/Little Carr Lane to ensure the existing residential amenities are protected.

*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. Within one year of or within the first planting and seeding season following the completion of the access junction (whichever is the sooner) the structure planting along the access road and boundary of the site with Myles Standish Way shall be completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

*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. Before any phase of the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected for that phase (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/ dwelling for that phase 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 provide reasonable standards of privacy to residents and in accordance with Policy Nos. GN5, HS4 and EM2 of the Adopted Chorley Borough Local Plan Review.*

6. A scheme of landscaping for each phase shall be submitted and agreed in writing prior to the commencement of that phase of development. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on the site, those areas to be seeded, paved or hard landscaped, detail any changes of ground level and shall be in accordance with the approved landscape strategy pursuant to conditions four and five. Landscaping and restoration schemes should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

*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. Prior to the commencement of the development hereby permitted a method statement, setting out proposals for the protection of the Biological Heritage Site during construction, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved methods.

*Reasons: In the interests of the continued protection of the Biological Heritage Site. In accordance with Policy EP2 of the Adopted Chorley Borough Local Plan Review.*

8. Each application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions. If no data specific to the application is available benchmark data will be acceptable. A schedule should include how energy efficiency is being addressed, for example, amongst other things through the use of passive solar design. It will be flexible enough to show the on-site measures to be installed and implemented so as to reduce carbon emissions by the figure set out in policy SR1 of the Sustainable Resources DPD at the time of commencement of each individual plot by means of low carbon sources. Details



shall be submitted for on-site measures to be implemented including rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

9. The applications for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD*

10. Each application for approval of reserved matters shall be accompanied by full details of existing and proposed ground levels and proposed building slab levels of the dwellings and the B1 units (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved level 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, EM2 and HS4 of the Adopted Chorley Borough Local Plan Review.*

11. The access link from Little Carr Lane shall cease to be used 3 months following the commencement of development and prior to the commencement of the residential development unless otherwise agreed in writing with the Local Planning Authority. Full details of the measures to be implemented to prevent vehicular access except in emergencies shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of proposed signage, details of the pedestrian/cycle route and samples of the proposed hard surfacing materials. The development thereafter shall be carried out in accordance with the approved scheme.

*Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

12. Each reserved matters application shall include full details of the trees to be felled on that phase of the development and shall include full details (including species, number, stature and location) of the replacement tree planting. The replacement tree planting shall thereafter be carried out in accordance with the approved details.

*Reason: To safeguard the visual amenity of the area and in accordance with Policy Nos. EP9 of the Adopted Chorley Borough Local Plan Review.*

13. No dwelling/ B1 unit hereby permitted shall be occupied until the highway alterations to the site access with Myles Standish Way have been completed in accordance with plan reference B3141 P017A, dated 21st November 2008, unless otherwise agreed in writing by the Local Planning Authority. The access road shall include access roads into the two employment areas located to the east and west of the access junction.

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

14. No dwelling/ B1 unit hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved 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.*

15. The outline planning permission hereby approved relates to the erection of up to 200 residential units and up to 10,800 square metres of B1 floor space. The applications for reserved matters shall not exceed 200 residential units and 10,800 square metres of B1 floor space.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Government advice contained in PPS3: Housing and Policy EM2 of the Adopted Chorley Borough Local Plan Review.*

16. Prior to the commencement of the residential parcel full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The residents consultation plan shall be implemented and completed in accordance with the approved procedure.

*Reason: To ensure that the existing residents are fully aware of the progress of the development.*

17. Prior to the commencement of the employment parcel full details of the proposed residents consultation procedure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information on how the residents will be kept informed on the progress of the development prior to commencement and during the development period. Additionally details of the main contact / site manager during the development shall be provided to the Local Planning Authority and the residents prior to the commencement of the development. The resident's consultation plan shall be implemented and completed in accordance with the approved procedure.

*Reason: To ensure that the existing residents are fully aware of the progress of the development.*

**(d) A4:08/01079/OUTMAJ - Radburn Works, Sandy Lane, Clayton-Le-Woods**

(The Committee received representations from the applicant's agents in support of the proposals)

Application no: 08/01079/OUTMAJ

Proposal: Outline application for residential redevelopment incorporating ancillary open space, landscaping and associated infrastructure.

Location: Radburn Works, Sandy Lane, Clayton-Le-Woods, Chorley

Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor Mick Muncaster, and was subsequently **RESOLVED** to grant planning permission subject the signing of the Legal Agreement by 13 January 2009 and the following conditions and that if the Legal Agreement was not signed by this date, then planning permission would be refused.

1. An application for approval of the reserved matters (namely siting, scale, external appearance of the buildings and landscaping of the site) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

*Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended 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. 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 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 the amenities of local residents and in accordance with Policy Nos. GN5 and HS4 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. The details shall also demonstrate that the biodiversity resource within the application area will be enhanced as part of the proposals. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

*Reason: In the interests of the amenity of the area and in accordance with Government advice contained in PPS9, Policy EM1 of the North West Regional Spatial Strategy and Policies No. GN5 and EP9 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. 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 areas 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.*

7. The development hereby permitted shall not commence until samples of all external facing materials to the proposed buildings (notwithstanding any details 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 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.*

8. 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.*

9. The application for approval of Reserved Matters shall be accompanied by full details of the predicted energy use of the development expressed in terms of carbon emissions and a schedule setting out how energy efficiency is being addressed, including benchmark data. It will show the on-site measures to be installed and implemented so as to produce a minimum of 10%, or locally set targets (whichever is the higher) in place at the receipt of the reserved matters, of the predicted energy use of the development by means of low carbon energy sources. Appropriate on-site measures include rainwater/brown water recycling, the implementation of sustainable urban drainage systems and the provision of storage space for recyclable waste materials and composting. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

10. The application for approval of Reserved Matters shall demonstrate and provide full details of how the design and layout of the buildings will withstand climate change. The scheme shall include details of the Code for Sustainable Homes Level, how the proposals minimise energy use and maximise energy efficiency. All dwellings commenced after 2010 will be required to meet Level 3, all dwellings commenced after 2013 will be required to meet Level 4 and all dwellings commenced after 2016 will be required to meet Level 6 of the Codes for Sustainable Homes. No development shall commence until the scheme has been submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure the proper planning of the area. In line with the objective of National Planning Policy contained in Planning Policy Statement: Planning, the Climate Change Supplement to PPS1, Policies EM16 and EM17 of the Regional Spatial Strategy and Chorley Borough Council's Sustainable Resources DPD.*

11. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Sandy Lane have been completed in accordance with the details shown on plan reference Figure 3.1, 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.*

12. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with plans which have been submitted to and approved 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.*

13. The outline planning permission hereby approved relates to the erection of upto 100 residential units. The application for reserved matters shall not exceed 100 residential units.

*Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area. In accordance with Government advice contained in PPS3: Housing and Policy HS4 of the Adopted Chorley Borough Local Plan Review*

14. Prior to the commencement of the development a strategy to attenuate surface water discharges shall be submitted to and approved in writing by the Local Planning Authority. The Strategy should demonstrate that existing Greenfield rates will be achieved. The surface water drainage scheme shall thereafter be completed in accordance with the approved strategy.

*Reason: To reduce the risk of flooding at the site and in accordance with Government advice contained in PPS25: Development and Flood Risk.*

15. 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.*

16. The pedestrian and cycle improvements to Sandy Lane and Radburn Bridge specified in the drawings reference Figure 3.1 and Figure 3.2 received 14<sup>th</sup> October 2008, unless otherwise agreed in writing by the Local Planning Authority, shall be constructed and completed prior to the occupation of the dwellinghouses hereby permitted.

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

17. Prior to the commencement of the development hereby permitted the further investigation works and any proposed remediation shall be carried out in accordance with the recommendations set out in the submitted Geo-Environmental Assessment Report prepared by Brownfield Solutions Ltd (reference AJH/C1307/865) and in accordance with a suitable remediation strategy. The further works shall include a complete gas monitoring programme to adequately characterise risks to the proposed end users from ground gases; installation of suitable gas protection measures (where required); investigation of the extent of hydrocarbons and of peat to identify removal or treatment as required; where the remedial strategy dictates import clean cover into garden and landscaping areas (600mm and 450mm respectively) and validation of cover system. The further works and suggested remedial measures recommended in Section 9 and 10 of the submitted report.

*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 Government advice contained in PPS23: Planning and Pollution Control*

18. Upon completion of the remediation works a validation report containing any validation sampling results shall be 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 Government advice contained in PPS23: Planning and Pollution Control*

19. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the area of land affected until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

*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 Government advice contained in PPS23: Planning and Pollution Control*

20. No development shall take place until a programme of archaeological work has been implemented in accordance with a scheme of investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

*Reason: The site is situated within an area of known archaeological interest and, as such, the site should be appropriately excavated and the remains recorded and in accordance with Policy Nos. HT11 and HT12 of the Adopted Chorley Borough Local Plan Review.*

21. Prior to the commencement of the development hereby permitted the vehicular access link through the car park of the Lord Nelson Public House shall cease to be used. Full details of the measures to be implemented to prevent vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include details of the proposed pedestrian/ cycle link. The development thereafter shall be carried out in accordance with the approved scheme.

*Reason: To ensure the acceptable development of the site and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.*

(e) B1:08/0084/CB3 - Astley Hall, Astley Park, Park Road, Chorley

Application no: 08/00884/CB3

Proposal: Installation of a CCTV system including six cameras (located on Astley Hall, The Coach House, wall mounted and on poles in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House

Location: Astley Hall, Astley Park, Park Road, Chorley

Decision

It was proposed by Councillor Alan Cain, seconded by Councillor Harol Heaton and was subsequently **RESOLVED to recommend full Council to grant planning permission and that the views of the Committee in relation to the operating times of the CCTV system be given to the officers concerned.**

**(f) B2:08/00885/LBC - Astley Hall, Astley Park, Park Road, Chorley**

Application no: 08/00885/LBC

Proposal: Listed Building Consent for the installaion of a CCTV system including six cameras (located on Astley Hall, The Coach House and wall mounted in the grounds) and eight loudspeaker horns on the roof of Astley Hall and The Coach House.

Location: Astley Hall, Astley Park, Park Road, Chorley

Decision:

It was proposed by Councillor Alan Cain, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED to recommend the Government Office North West (GONW) to grant planning permission.**

**08.DC.115 PLANNING APPEALS AND DECISIONS - NOTIFICATION**

The Committee received a report of the Corporate Director (Business) giving notification of one appeal that had been lodged against the refusal of planning permission by the Planning Inspectorate.

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

**08.DC.116 ENFORCEMENT REPORT - ERECTION OF FIRST FLOOR SIDE AND REAR EXTENSION ON LAND AT LITTLE KNOWLEY FARM, 19, BLACKBURN ROAD, WHITTLE-LE-WOODS, CHORLEY**

The Corporate Director (Business) submitted a report for Members to consider whether it is expedient to take enforcement action in respect of the erection of a first floor side and rear extension on land at Little Knowley Farm, 19, Blackburn Road, Whittle-Le-Woods.

Works had already been undertaken to remove the roof to an existing extension and commencement of works to the gable and rear wall to construct the extension.

The property lies within designated Green Belt and permission would not be granted except in very special circumstances, for development other than that defined within one of seven criteria defined within that policy. Policy DC8A states that criterion (d) extensions should not result in a significant increase in the volume of the original dwelling. In this instance it is considered that the extensions proposed do result in a significant increase in the volume of the original dwelling.

A part retrospective planning application for the erecting of a first floor side and rear extension and the erecting of a single storey rear conservatory and alterations to the roof at the property has been received.

It was proposed by Councillor Ken Ball, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED that it is expedient to issue an Enforcement Notice**

in respect of the following breach of planning control, that without planning permission the erecting of a first floor side and rear extension at property, Little Knowley Farm, 19 Blackburn Road, Whittle-Le-Woods PR6 8LD, but that the notice would not be issued until the planning application mentioned above had been determined.

**Remedy for Breach**

Demolish the extension and remove the resultant materials from the site.

**Period for compliance**

Three months

**Reason**

The proposed development would be located within the Green Belt as defined by the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Government advice contained in PPG2: Green Belts, Policy DC8A of the Adopted Chorley Local Plan Review and the Council's approved House Extension Design Guidelines, which seeks to resist major extensions to existing dwellings which significantly increase the volume of the dwellinghouse and create disproportionate additions over and above the volume of the original dwellinghouse to the detriment of the character and appearance of the Green Belt

**08.DC.117 ENFORCEMENT REPORT - ALTERATIONS TO INCREASE HEIGHT OF BUILDING ON LAND AT LITTLE KNOWLEY FARM, 19, BLACKBURN ROAD WHITTLE-LE-WOODS**

The Corporate Director (Business) submitted a report for Members to consider whether it was expedient to take enforcement action in respect of alterations to increase the height outbuilding on land at Little Knowley Farm, Blackburn Road, Whittle-Le-Woods.

Works had been carried out to raise the roof height on the existing pitched roof outbuilding at Little Knowley Farm. Permitted development rights do exist for the erection of buildings within the curtilage area of the dwelling, however there is a restriction on the height of buildings with pitched roofs of 4 metres without planning permission.

Members asked the exact height that the roof had now been raised and as the information was not available at Committee, it was proposed by Councillor Ken Ball, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to defer the decision to a further meeting of the Development Control Committee.**

**08.DC.118 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE CHAIR OF THE COMMITTEE**

The Committee received for information tables listing six 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 meeting held on 11 and 26 November 2008.

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



**08.DC.119 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) UNDER DELEGATED POWERS**

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 30 October and 25 November 2008.

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

**08.DC.120 FORTHCOMING PLANNING TRAINING FOR MEMBERS**

The Chair drew Members attention to the next Member Learning Session to be held on 12 January 2008 at 5.00pm in the Lancastrian, Town Hall, Planning in Practice would be an interactive workshop, covering the various stages of the planning application process and he encourage all Members to attend.

Chair