

Development Control Committee

Tuesday, 13 January 2009

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

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic and Member Services Officer) and Helen Lowe (Planning Officer)

Also in attendance: Councillor Ralph Snape (Chorley North West)

09.DC.01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ken Ball, Harold Heaton and Mick Muncaster.

09.DC.02 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 prejudicial interest in relation to the planning application listed below:

Councillor Simon Moulton – planning application 08/01107/FUL

09.DC.03 MINUTES

RESOLVED – That subject to the amended conditions to planning application 08/01079/OUTMAJ, the minutes of the meeting of the Development Control Committee be confirmed as a correct record for signing by the Chair.

09.DC.04 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) **B1:08/01107/FUL - 71, Station Road, Croston, Leyland**

(Councillor Simon Moulton declared a prejudicial interest and left the meeting)

(The Committee heard representations from an objector to the proposals and the applicant's agent)

Application no:	08/01107/FUL
Proposal:	Erection of two detached dwellings
Location:	71, Station Road, Croston, Leyland
Decision:	

It was proposed by Councillor Keith Iddon, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to defer the decision to allow the Members of the Development Control Committee to visit the site of the proposed development.**

(b) B2:08/01171/FUL - 109, Chorley Road, Heath Charnock, Chorley

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

(The Chair read out a statement on behalf of the ward representative Councillor Pat Case against the proposals)

Application no: 08/01171/FUL
Proposal: Revised elevations to previously approved house.
Location 109, Chorley Road, Heath Charnock, Chorley
Decision:

It was proposed by Councillor Alan Cain, seconded by Councillor Shaun Smith, and was subsequently **RESOLVED to grant 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. All windows in the first and ground floor of the building's northern and southern elevations shall be fitted with fixed obscure glass and non-opening windows. Obscure glazing and non-opening windows shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

(c) B3:08/01189/COU - 22A, Windsor Road, Chorley, Lancashire

(The Committee received representation from a supporter to the proposals)

Application no: 08/01189/COU
Proposal: Retrospective application for change of use of property from residential to mixed use residential and office (B1), for a further 2 years.
Location: 22A, Windsor Road, Chorley
Decision:

It was proposed by Councillor Keith Iddon, seconded by Councillor Roy Lees, and was subsequently **RESOLVED to grant full planning permission subject to the following conditions:**

1. The office use hereby permitted shall cease within two years of the date of this permission.

Reason: The use is not considered suitable in this location on a permanent basis and in accordance with Policy Nos. EP7 of the Adopted Chorley Borough Local Plan Review.

(d) B4:08/01134/FUL - Lilac Mount, 704, Preston Road, Clayton-Le-Woods, Chorley

(The Committee received representation from an objector to the proposals and the applicant's agent)

Application no: 08/01134/FUL
Proposal: Erection of 2 no detached houses and 2 detached bungalows and new means of access.
Location: Lilac Mount, 704, Preston Road, Clayton-Le-Woods, Chorley
Decision: It was proposed by Councillor Keith Iddon, seconded by Councillor June Molyneaux, and was subsequently **RESOLVED to defer the decision to allow the Members of the Development Control Committee to visit the site of the proposed development.**

(e) A.1:08/01098/REMMAJ - Land South of Buckshaw Avenue, Buckshaw Avenue, Buckshaw Village

Application no: 08/01098/REMMAJ
Proposal: Reserved matters application for the erection of 84 apartments and 24 dwelling houses
Location: Land South of Buckshaw Avenue, Buckshaw Village
Decision: It was proposed by Councillor Alan Cain, seconded by Councillor David Dickinson, 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 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 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.

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. 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.

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 general 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.

7. The development hereby permitted shall not commence until general 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 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 RT2 of the North West Regional Spatial Strategy 2008.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) No. 2) (England) Order 2008, (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 dwellings 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. Before the development hereby permitted is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

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

11. Prior to the commencement of the development full details of the bin storage facilities associated with the apartment blocks shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the commencement of the development full details of the proposed railings shall be submitted to and approved in writing by the Local Planning Authority. The railings shall replicate the Buckshaw railings which have been erected throughout Buckshaw Village. The development thereafter shall be carried out in accordance with the approved plans.

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

13. 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 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

(f) A2:08/01100/REMMAJ - Land South of Buckshaw Avenue, Buckshaw Avenue, Buckshaw Village

Application no: 08/01100/REMMAJ
Proposal: Reserved matters application for the Sothern Commercial Area, Buckshaw Village. Including retail uses, residential, car parking related infrastructure and landscaping.
Location: Land South of Buckshaw Avenue, Buckshaw Village

Decision:
It was proposed by Councillor Alan Cain, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to approve the reserved matters application subject to the following conditions:**

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

Reason: Required to be imposed by 91 of the Town and Country Planning Act 1990.

2. Within two months of the commencement of the development or within a time period previously agreed in writing by the Local Planning Authority a scheme for the phasing of the development (including infrastructure) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show:

- in which phase completion of highways and marking out of highways and parking areas will occur.

The development shall be implemented wholly in accordance with the submitted and approved phasing plans referred to above unless otherwise agreed in writing by the Local Planning Authority.

Reason: The scale of the development and mixed-use format will result in the sequence of construction being linked to the economic opportunities of filling each phase. The Local Planning Authority in granting consent must ensure that the development and its implementation is effective from a highways and public use perspective and creates a sense of place throughout the development.

3. Prior to the commencement of each phase of the development the following details shall be submitted to and approved by The Local Planning Authority in writing:

Details of the colour, form and texture of all external facing materials to the proposed buildings

Details of the colour, form and texture of all hard ground- surfacing materials.

Location, design and materials of all fences, walls and other boundary treatments.

Landscaping.

Reason: To secure a coherent, publicly accessible and attractive place as the development is constructed.

4. Prior to the occupation of units 2-13 hereby permitted details of the specific proposed shop front for each individual unit shall be submitted to and approved in writing by the Local Planning Authority. The proposed shop front shall be chosen from the approved options detailed on plans reference 8430-P112 and 8430-P113, received 23rd October 2008, or an alternative which has been previously agreed in writing by the Local Planning Authority. The shop front thereafter shall be constructed and retained in accordance with the approved details

Reason: To respect the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

5. The selection of shop fronts hereby approved shall be utilised for each of the individual units (units 2 - 13), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To respect the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

6. Prior to the commencement of each phase of the development, pursuant to Condition 2 above, full details of the bin storage facilities associated with the apartment blocks and commercial units shall be submitted to and approved in writing by the Local Planning Authority. The bin storage thereafter shall be constructed and retained in accordance with the approved plans.

Reason: To ensure that adequate refuse storage is provided on site and in accordance with Policy HS4 and GN5 of the Adopted Chorley Borough Local Plan Review.

7. Before each phase of the development hereby permitted, pursuant to Condition 2 above, is first occupied, provision for cycle parking provision, in accordance with details to be first agreed in writing with the Local Planning Authority, shall have been made.

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

8. Before each phase of the development hereby permitted, pursuant to Condition 2 above, is first occupied, the car park and vehicle manoeuvring areas shall be surfaced or paved, drained and marked out all in accordance with the approved plan. The car park and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

Reason: To ensure adequate on site provision of car parking and manoeuvring areas and in accordance with Policy No. RT2 of the North West Regional Spatial Strategy 2008

9. Prior to the commencement of each phase of the development, pursuant to Condition 2 above, full details of the proposed railings shall be submitted to and approved in writing by the Local Planning Authority. The railings shall replicate the Buckshaw railings which have been erected throughout Buckshaw Village. The development thereafter shall be carried out in accordance with the approved plans.

Reason: In the interests of the visual amenities of the area and in accordance with Policy GN5 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the occupation of each phase of the commercial and residential development hereby approved a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority relating to each phase. The travel plan shall take account of measures set out within the submitted Outline Travel Plan, produced by BWB Consulting dated April 2008. The Travel Plan for each phase thereafter shall be implemented in accordance with the approved details.

Reason: To reduce the number of car borne trips and to encourage the use of public transport and to accord with Policies TR1 and TR4 of the Adopted Chorley Borough Local Plan Review.

11. No deliveries shall be made by heavy goods vehicles for units 2 – 13 between the hours of 2100 and 0700 on Mondays to Saturdays inclusive, and 1900 to 0900 on Sundays and Bank Holidays

Reason: To safeguard the amenities of local residents and in accordance with Policy Nos. HS4 of the Adopted Chorley Borough Local Plan Review.

12. Notwithstanding the Town and Country Planning (Use Classes) Order 1995 and subsequent amendments the A1 use element in units A1-13 shall not exceed 4000 square metres gross (GIA).

Reason: To ensure compliance with the outline planning permission; to control the extent of retail development on the site given the proportionality aspects of policies and the terms of the outline planning permission 02/00748/OUTMAJ

13. With the exception of the supermarket (Unit 1), none of the units (2-13) hereby permitted shall be used for Class A3-5 uses (where different to the approved plans) without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the nearby residential properties.

14. 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 each phase 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.

15. 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 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

16. 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.

17. The principal use of food store (Unit 1), shall be for the sale of convenience goods and no more than 25% of the net floor space of the building shall be used for the display and sale of comparison goods. Notwithstanding this no part of the food store shall be used as a Post Office (Convenience goods are defined as food, non-alcoholic drinks, tobacco. Alcohol, newspapers and periodicals; and 90% of non-durable household goods. Comparison goods are defined as all other retail goods. Both definitions are in accordance with the Experian's Retail Planner Briefing Note 6.0, Paragraph 1.5 October 2008)

Reason: In the interests of vitality and viability of the neighbouring shopping centres. In accordance with Government advice contained in PPS6: Planning for Town Centres

09.DC.05 PLANNING APPEALS AND DECISIONS - NOTIFICATION

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

RESOLVED – That the report be noted.

09.DC.06 ENFORCEMENT REPORT - ALTERATIONS TO INCREASED HEIGHT OF BUILDING ON LAND AT LITTLE KNOWLEY FARM, 19, BLACKBURN ROAD, WHITTLE-LE-WOODS

The Committee received a report of the Corporate Director (Business) to consider whether it was expedient to take enforcement action in respect of the alterations to increase height of outbuilding on land at Little Knowley Farm, 19, Blackburn Road, Whittle-Le-Woods.

The development undertaken did not benefit as permitted development as defined within Schedule 2, Part 1, Class E the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The development undertaken does not meet the conditions stated in Class E in that the roof exceeds 4 metres and measures 7 metres to ridge.

The works undertaken to clad the existing building and raise its roof height had significantly increased the mass when compared to the original building resulting in a reduction to the openness of the green belt in this locality. The building is therefore considered to be inappropriate development within the Green Belt that is, by definition harmful to it.

Local Plan Policy DC1 states that, within the designated Green Belt permission for development will not be granted except in very special circumstances, other than defined within one of the seven criteria defined within that policy. The development does not accord with any of the accepted criteria and as no planning application had been submitted no very special circumstance had been put forward in support.

Recommendation

That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control:

Without planning permission the erection of an outbuilding, which exceeds 4 metres in height?

Remedy for Breach

Reduce the height of the building from 7 metres to 4 metres in height and therefore benefit as Permitted Development as defined within schedule 2, Part 1, Class E, Town and Country Planning (General Permitted Development) Order 1995.

Period for Compliance:

Three months

Reason:

The development is 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 and Policy DC1 of the Adopted Chorley Borough Local Plan Review which seeks to control and retain the openness of the green belt by defining development that is considered to be appropriate within the Green Belt. It is considered that the outbuilding is inappropriate development by reason of its height and bulk and the building detracts to an unacceptable degree from the open and rural character of the Green Belt. Contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review.

09.DC.07 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information a table listing four 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 by the Chair and Vice-Chair of the Committee at a meeting held on 16 December 2008.

RESOLVED – That the table be noted.

09.DC.08 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR DELEGATED DECISIONS REPORT

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 26 November and 18 December 2008.

RESOLVED – That the schedule be noted.

Chair