

Development Control Committee

Tuesday, 3 March 2009

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

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager), Dianne Scambler (Democratic and Member Services Officer), Andy Brown (Parks and Open Spaces Officer (Development)), Nicola Hopkins (Principal Planning Officer) and Andy Wiggett (Principal Planning Officer)

Also in attendance: Councillors Kevin Joyce (Eccleston and Mawdesley) and Ralph Snape (Chorley North West)

09.DC.17 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alan Cain, Keith Iddon, Adrian Lowe and Shaun Smith.

09.DC.18 DECLARATIONS OF ANY INTERESTS

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

Councillor Mick Muncaster – planning application 08/01070/FUL

09.DC.19 MINUTES

RESOLVED – That the minutes of the meeting of the Development Control Committee meeting held on 3 February 2009 be confirmed as a correct record for signing by the Chair.

09.DC.20 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on eleven 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) 08/00024/FUL - Land 80m West of Buckshaw Village School, Chancery Road, Astley Village

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

Application no: 09/00024/FUL
Proposal: Erection of multi use games area including provision of 3m steel fencing, tarmac playing surface and access.

Location: Land 80m East of Buckshaw Village School, Chancery Road, Astley Village

Decision:

It was proposed by Councillor Ken Ball, seconded by Councillor Alistair Bradley to defer the decision to allow the Members of the Development Control Committee to visit the site of the proposed development.

An amendment to the proposal was proposed by Councillor Harold Heaton, seconded by Councillor David Dickinson, and **RESOLVED (7:6) to recommend full Council to grant full planning permission.**

(b) 08/01070/FUL - Land 73m South of 62, Lancaster Lane, Clayton-Le-Woods

(Councillor Mick Muncaster declared a personal interest; he stayed in the meeting but took no part in the voting)

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

Application no: 08/01070/FUL

Proposal: Erection of one detached dwelling.

Location: Land 73m South of 62 Lancaster Lane, Clayton-Le-Woods

Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor Geoff Russell to approve the planning application.

An amendment to the motion was proposed by Councillor Ken Ball, seconded by Councillor Roy Lees to refuse planning permission. Councillor Julia Berry requested a recorded vote and the motion was lost (5:6), with Councillors Ken Ball, Julia Berry, Alistair Bradley, Roy Lees and June Molyneaux voting for the proposal and Councillors Henry Caunce, David Dickinson, Harold Heaton, Greg Morgan, Simon Moulton and Geoff Russell voting against. The original motion was then put to the vote. Councillor Julia Berry requested a recorded vote and it was **RESOLVED (7:5), with Councillors Terry Brown, Henry Caunce, David Dickinson, Harold Heaton, Greg Morgan, Simon Moulton and Geoff Russell voting for the proposal and Councillors Ken Ball, Julia Berry, Alistair Bradley, Roy Lees and June Molyneaux voting against 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. No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail, which may have previously been submitted. The scheme shall indicate all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5

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

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

4. 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. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage and collection of refuse, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the private driveway and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

7. Before the development is commenced the site shall be investigated for ground conditions, soil and groundwater contamination and landfill gas in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The investigation shall be undertaken to the satisfaction of the Local Planning Authority and details of all results, assessment and measures needed to render the development safe shall be submitted to and approved by the Local Planning Authority before the development is implemented. All such measures shall be implanted before the development is commenced or in accordance with a timetable to be agreed with 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 Planning Policy Statement 23 Planning and Pollution Control

8. 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.*

9. 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 the approved plans and the approved planning applications references 07/00685/FUL and 08/00862/FUL.

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

10. 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.*

11. 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.*

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

Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to D), 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.*

(c) **08/01253/OUTMAJ - Waggon and Horses Public House, 2, Coppull Moor Lane, Coppull, Chorley**

Application no: 08/01253/OUTMAJ
Proposal: Outline application for residential development for 33 dwellings including access and scale.
Location: Waggon and Horses Public House, 2, Coppull Moor Lane, Coppull, Chorley

Decision:
It was proposed by Councillor Harold Heaton, seconded by Councillor David Dickinson, and was subsequently **RESOLVED to grant outline planning permission subject to the signing of a S106 Agreement that would include the provision for traffic calming measures on Chapel Lane, the details of which to be delegated to the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee, and the following conditions:**

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

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

2. Before the development hereby permitted is first commenced, full details of all reserved matters (namely the siting, design, external appearance of the buildings, the means of access thereto and the landscaping of the site) 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, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

3. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason : To ensure a satisfactory means of drainage and in accordance with Policy No. EP18 of the Adopted Chorley Borough Local Plan Review.

4. No development shall take place until:

a methodology for investigation and assessment of ground contamination has been submitted to and approved in writing by 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 sites – 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 migration 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 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 and in accordance with the guidance set out in PPS23: Planning and Pollution Control

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

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

6. Before the demolition of the buildings on the site the survey for the possible presence of roosting bats as recommended in Section 5.2 of the report prepared

by Environmental Research and Advisory Partnership received on the 23rd December 2008 shall be carried out and the results submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be agreed in writing by the Local Planning Authority and implemented before development on the site commences.

Reason: To secure the protection of vulnerable species in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the submitted illustrative layout the access details shown on the plan do not form part of this permission.

Reason: For the avoidance of doubt and in accordance with Policy TR 4 of the Adopted Chorley Borough Local Plan Review.

(d) 09/00023/FUL - Land west of Knowleswood, Wrennalls Lane, Heskin

(Councillors Ken Ball and Terry Brown left the meeting)

(The Committee received representation from the applicant and the ward representative Councillor Kevin Joyce who spoke in support of the proposals)

(Councillor Terry Brown returned to the meeting)

Application no: 09/00023/FUL
Proposal: New dwelling for agricultural workers including detached garage.
Location: Land west of Knowleswood, Wrennalls Lane, Heskin
Decision:
It was proposed by Councillor Harold Heaton, seconded by Councillor Henry Caunce to approve the planning application.

An amendment to the motion was proposed by Councillor Alistair Bradley, seconded by Councillor Julia Berry to refuse planning permission, upon being put to the vote the motion was lost (3:7). The original motion was then voted upon and was subsequently **RESOLVED (7:2) to grant full planning permission subject to the conditions being delegated to the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee.**

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 samples of all external facing materials to the proposed building(s) (notwithstanding and details shown on 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 DC8A of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A to E), or any Order revoking or re-enacting that Order, with or without modification, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission)

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

4. No dwelling

- (e) **08/01252/OUT - Rivington Village Club, Horrobin Lane, Rivington, Horwich, Bolton**

(Councillors Terry Brown and Roy Lees left the meeting)

(The Committee received representations from an objector and a supporter to the proposals)

(Councillor Roy Lees returned to the meeting)

Application no: 08/01252/OUT
Proposal: Erection of proposed country house hotel
Location: Rivington Village Club, Horrobin Lane, Rivington
Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor David Dickinson, and upon being put the recorded vote at the request of Councillor Julia Berry was subsequently **RESOLVED (11:0) to refuse planning permission, with Councillors Julia Berry, Alistair Bradley, Terry Brown, Henry Counce, David Dickinson, Harold Heaton, Roy Lees, June Molyneaux, Greg Morgan, Simon Moulton, Mick Muncaster and Geoff Russell voting for the proposal for the following reasons:**

1. The proposed development would be located within the Green Belt as defined by the North West Regional Spatial Strategy Policy RDF4 and the Adopted Chorley Borough Local Plan Review. The proposed development is contrary to Policy DC1 of the Adopted Chorley Borough Local Plan Review and PPG2: Green Belts as in the Green Belt there is a presumption against inappropriate development, which this would be. It is not considered that the arguments put forward in support of the application are sufficient very special circumstances to outweigh the presumption against it in the Green Belt.

2. Although the position of the building on the site is acceptable, it is considered a layout more closely reflecting the footprint of the public house that originally stood on the site would be more appropriate. The scale of the proposal is considered unacceptable in terms of its mass (particularly when viewed from the front), being too great, particularly the large dormer window and the unacceptably large front roof slope. The layout and scale is therefore considered contrary to Policy HT7 of the Adopted Chorley Borough Local Plan Review.

3. The proposal would result in the felling of a significant protected tree to enable the access to be widened. The application is therefore contrary to Policy EP9 of the Adopted Chorley Borough Local Plan Review which states that proposals which would result in the loss of trees which make a valuable contribution to the character of the landscape or a building or settlement or its setting will not be permitted.

- (f) **08/01170/OUTMAJ - Site of former Social and Athletic Club, Duke Street, Chorley**

Application no: 08/01170/OUTMAJ
Proposal: Erection of 71 dwelling including access and scale.
Location: Site of former Social and Athletic Club, Duke Street, Chorley
Decision:

It was proposed by Councillor Harold Heaton, seconded by Councillor Simon Moulton and was subsequently **RESOLVED** to grant planning permission subject to a **Section 106 Agreement** and the following conditions:

1. An application for approval of the reserved matters (namely siting, 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. 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.

3. 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. 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

4. 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.

5. The application for approval of reserved matters shall be accompanied by full details of the location and design of the on site affordable housing units, notwithstanding any such detail shown on previously submitted plans. The development shall only be carried out in conformity with the approved details.

Reason: To ensure the proper development of the site and in accordance with Policy Nos. HS5 of the Adopted Chorley Borough Local Plan Review.

6. 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.

7. 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.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. 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.

10. 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.

11. No dwelling hereby permitted shall be occupied until the highway alterations to the site access with Brindle Street have been completed in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

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. No direct vehicular access shall be provided from Brindle Street or Duke Street to each of the individual plots which front onto Duke Street and Brindle Street. The parking for the dwellinghouses which front onto Brindle Street and Duke Street shall be in the form of rear parking areas accessible from within the development site.

Reason: In the interest of highway safety and the visual amenities of the area. In accordance with Policies HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

14. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling.

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

15. Prior to the removal of trees on the site a bat roost search shall be undertaken to assess the presence of bats. In the event that bat roosts are identified the applicant shall contact Natural England for further advice prior to felling the tree/ trees were the roosts are identified.

Reason: To ensure the continued and future protection of bats and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review

16. 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.

17. Due to the size of development and sensitive end-use, no development shall take place until:

a) 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 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 migration within and beyond the site boundary;

b) 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;

c) 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.

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. 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

19. The development hereby approved shall be carried out in accordance with the gas protection measures set out within the Gas Appraisal dated 9th December 2008, ref: 7353/1/NMW, submitted by Encia Consulting Ltd and the Geo-environmental appraisal (ref: 7353/1, dated October 2007) submitted by Encia Consulting Ltd.

Reason: To protect occupiers from the ingress of landfill gas and in accordance with Government advice contained in PPS23: Planning and Pollution Control

20. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage, collection of refuse and management of the open space, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company, or their successors, in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the site and in accordance with Policies GN5, HS4 and TR4 of the Adopted Chorley Borough Local Plan Review.

21. 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.

22. Prior to the commencement of the development full details of the bin storage facilities associated with the proposed residential 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 of the Adopted Chorley Borough Local Plan Review.

23. 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.

24. For the avoidance of doubt, notwithstanding the details on the submitted plans, the illustrative plan, reference 929:L8 dated 14th January 2009, relates to scale only. Full details of the layout are required with the submission of the reserved matters application.

Reason: To ensure the proper development of the site. In accordance with Policies GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

25. 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 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.

26. Before the use of the site hereby permitted is first commenced, full details of facilities to be provided for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include information in respect of the amount of imported material required, the number of vehicles required to import the material and the timing of the delivery of material to the site. The wheel wash facility shall be provided, in accordance with the approved details, before the use of the site hereby permitted is first commenced and thereafter retained at all times during operation of the site.

Reason: to prevent the tracking of mud and/or the deposit of loose material upon the highway, in the interests of public safety and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.

(g) 08/01249/REMMAJ - Wyevale Garden Centre, 338, Southport Road, Ulmes Walton

Application no: 08/01249/REMMAJ

Proposal: Re-organisation of garden centre, including extension of horticultural shade house, extension to existing dwelling and propagation house, including appearance, scale and landscaping.

Location: Wyevale Garden Centre, 338 Southport Road, Ulmes Walton

Decision:

It was proposed by Councillor Simon Moulton, 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 two years from the date of this permission or not later than five years from the date of the outline planning permission (reference 05/01002/OUTMAJ)

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. In addition to the landscaping scheme to the highway boundary, 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.

(h) 09/00033/OUTMAJ - Northolme Private Nursing Home, 67, Preston Road, Chorley

Application no: 09/00033/OUTMAJ

Proposal: Demolition of existing building and erection of a 4 storey apartment building providing 28 one and two bed roomed apartments and associated car parking.

Location: Northolme Private Nursing Home, 67, Preston Road, Chorley

Decision:

It was proposed by Councillor Mick Muncaster, seconded by Councillor Harold Heaton and was subsequently **RESOLVED to grant planning permission subject to a Section 106 Agreement and the following conditions:**

1. Any application for approval of reserved matters (namely external appearance of the building and landscaping of the site) 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. 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 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until a desktop study in order to identify any potential sources of land contamination associated with the development has been carried out and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed further surveys by the developer to assess the risks and identify and appraise the options for remediation shall be carried out prior to the commencement of the development. The surveys shall then be submitted to and approved in writing by the Local Planning Authority identifying the proposed remediation works. The works thereafter shall be carried out in accordance with the approved remediation strategy.

Reason: To protect the environment and to prevent harm to human health by ensuring that the land is remediated to an appropriate standard in accordance with Government advice contained in PPS23: Planning and Pollution Control

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

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

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. The development hereby permitted shall not commence until 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.

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

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

8. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the making of a photographic record of the building. This must be carried out by a professionally qualified archaeological/building recording consultant or organisation in accordance with a written scheme of investigation which shall first have been submitted to and agreed in writing by the Local Planning Authority. Upon completion the photographic record shall be submitted to the Local Planning Authority.

Reason : To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building/site and in accordance with Government advice contained in PPG15: Planning and the Historic Environment

9. Prior to the demolition of the building a bat survey of the site and the building shall be undertaken to ascertain the presence of bats. The survey shall be submitted to and approved in writing by the Local Planning Authority and include any proposed mitigation in the event that bats/ bat roosts are identified. The development thereafter shall be carried out in accordance with the approved methods of mitigation.

Reason: To ensure the continued protection and enhancement of bats on the site and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

10. Prior to the commencement of the development full details of the proposed bat boxes to be erected shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed location of the boxes, the number proposed and the specification of the boxes. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the continued protection and enhancement of bats on the site and in accordance with Policy EP4 of the Adopted Chorley Borough Local Plan Review.

11. 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 Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

12. Before the development hereby permitted is first commenced, full details of the gates to be erected to the vehicular entrance to the site (notwithstanding any such detail shown on previously submitted plans) shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include information about the operation of the entrance gates. No building shall be occupied or land used pursuant to this permission before the entrance gates have been erected in accordance with the approved details. The entrance gates shall thereafter be retained in accordance with the approved details at all times.

Reason: To ensure a visually satisfactory form of development, to ensure adequate access is provided for refuse vehicles and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.

13. Prior to the commencement of the development full details of the Management Company and arrangements for the future management and maintenance of the site, including storage and collection of refuse and management of the parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company in accordance with the approved arrangements.

Reason: To ensure the satisfactory management of the car parking arrangements and refuse storage/ collection at the site and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

14. Prior to the commencement of the development full details of the cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision shall thereafter be provided in accordance with the approved details.

Reason : To ensure adequate on site provision for cycle parking and in accordance with Policies No. TR18 and HS4 of the Adopted Chorley Borough Local Plan Review.

15. Prior to the commencement of the development full details of the bin storage facilities 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.

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. 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.

18. The car park hereby approved shall be constructed in accordance with the 'macadam no dig construction' method detailed on plan reference 09/147/P04, received 19th January 2009, within the tree root zone of the trees to be retained on site. The construction of the car park shall be in accordance with the approved method of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the continued protection of existing trees on the site and in accordance with Policy EP9 of the Adopted Chorley Borough Local Plan Review.

(i) 09/00044/OUTMAJ - Friday Street Depot, Friday Street, Chorley

Application no: 09/00044/OUTMAJ

Proposal: Demolition and clearance of existing warehouse and outbuildings and erection of proposed 2 storey primary health care centre (Use Class D1) including ancillary office accommodation.

Location: Friday Street Depot, Friday Street, Chorley

Decision:

It was proposed by Councillor Julia Berry, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED to defer to General Purposes Committee for the decision with a recommendation to permit Outline planning permission subject to a legal agreement and conditions. Refuse if the legal agreement is not signed by 24 April 2009.**

(j) 09/00018/TEL - Land 100m South of BWFC Training Ground Building, Euxton Lane, Euxton

Application no: 09/00018/TEL

Proposal: Prior notification for erection of a 15m high monopole, 3 no. 3G antennas and equipment cabinet.

Location: Land 100m South of BWFC Training Ground Building, Euxton Lane, Euxton

Decision:

It was proposed by Councillor David Dickinson, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to refuse prior notification for the erection of a 15m high monopole for the following reason:**

The proposed development is contrary to PPG8 and PS12 of the adopted Chorley Borough Local Plan Review in that it will be unduly prominent and intrusive within the street-scene and detrimental to the character and appearance of the area by reason of its siting and appearance. Furthermore the Council is not satisfied the applicant is seeking to meet their operational needs in a manner which minimises environmental and visual impact.

(k) 09/00053/FUL - The Boatyard Inn, Bolton Road, Withnell, Chorley

Application no: 09/00053/FUL

Proposal: Retrospective application to retain 4 no. lighting columns

Location: The Boatyard Inn, Bolton Road, Withnell, Chorley

Decision:

It was proposed by Councillor Julia Berry, seconded by Councillor June Molyneaux, and was subsequently **RESOLVED to refuse the retrospective planning application for the following reason:**

The site is in the Green Belt and the area has a strong rural character. It is considered that the type of lighting proposed is above the minimum required for security and public safety and the proposal is therefore considered contrary to Policy EP21A of the Adopted Chorley Borough Local Plan Review. The lights would introduce a block of light that would undermine the character of the rural area and have a detrimental impact on the visual amenity of the Green Belt contrary to PPG2: Green Belts.

09.DC.21 ENFORCEMENT REPORT -THE BOAT YARD INN, BOLTON ROAD, WITHNELL, CHORLEY

The Corporate Director (Business) submitted a report for Members to consider whether it was expedient to take enforcement action in respect of the erecting of four lighting columns at the Boatyard Inn, Bolton Road, Withnell.

A retrospective planning application had been determined earlier on the agenda and the Members of the Committee had decided to refuse planning permission.

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 four lighting columns at The Boatyard Inn, Bolton Road, Chorley

Remedy for Breach

Remove the four lighting columns from the land

Period for compliance

Three months

Reason:

The site is within the designated Green Belt and the area has a strong rural character. It is considered that the type of lighting proposed is above the minimum required for security and public safety and the proposal is therefore considered contrary to Policy EP21A of the Adopted Chorley Borough Local Plan Review. The lights would introduce a block of light that would undermine the character of the rural area and have detrimental impact on the visual amenity of the Green Belt contrary to PPG2: Green Belts.

09.DC.22 CONFIRMATION OF TREE PRESERVATION ORDERS

The Corporate Director (Governance) submitted a report for Members to consider formal confirmation of the Tree Preservation Orders listed in the report.

RESOLVED

- (a) That the following Tree Preservation Orders be formally confirmed without modification:

The Chorley Borough Council Tree Preservation Order No.2 (Chorley) 2008;
The Chorley Borough Council Tree Preservation Order No.5 (Chorley) 2008;
The Chorley Borough Council Tree Preservation Order No.6 (Rivington) 2008;
The Chorley Borough Council Tree Preservation Order No.7 (Croston) 2008
The Chorley Borough Council Tree Preservation Order No.9 (Chorley) 2008

- (b) That the Tree Preservation Order named below be formally confirmed subject to the following modification, namely that T.2 and T.4 specified in the schedule to the Order be deleted from inclusion within the Order on the grounds of their decayed condition:

The Chorley Borough Council Tree Preservation Order No.3 (Ulmes Walton) 2008

09.DC.23 PLANNING APPEALS AND NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of the lodging of one appeal against the refusal of planning permission, one appeal that had been dismissed and a Government Office decision for a Listed Building Consent application.

RESOLVED – That the report be noted.

09.DC.24 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, tables listing seven 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 meetings held on 3 February, 10 February and 18 February 2009.

RESOLVED – That the table be noted.

09.DC.25 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 the delegated powers between 22 January and 12 February 2009.

RESOLVED – That the schedule be noted.

Chair