

Development Control Committee

Tuesday, 31 March 2009

Present: Councillor Greg Morgan (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Alistair Bradley, Alan Cain, Henry Counce, David Dickinson, Harold Heaton, Keith Iddon, Roy Lees, Adrian Lowe, 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) and Caron Taylor (Planning Officer)

09.DC.26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Julia Berry and Terry Brown.

09.DC.27 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

09.DC.28 MINUTES

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

09.DC.29 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on four applications for planning permission to be determined by the Committee.

RESOLVED – That the planning applications, as now submitted, be determined in accordance with the Committee's decisions recorded below.

(a) 09/00068/FUL - 53, Wigan Road, Euxton

Application no: 09/00068/FUL

Proposal: Demolition of existing bungalow and the erection of 3 houses.

Location: 53, Wigan Road, Euxton, Chorley

Decision:

It was proposed by Councillor Roy Lees, seconded by Councillor June Molyneaux to defer the decision to allow the Members of the Committee to visit the site of the proposed development.

An amendment to the motion was proposed by Councillor Harold Heaton, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED (7:3) to grant planning permission subject to a Section 106 Agreement 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. All windows in the first floor of the west elevation of the dwelling on plot 2, serving the bathroom and en-suite (as shown on Drawing no. 08/116/PO3 Rev B) shall be fitted with obscure glass and be top opening only and obscure glazing and top-opening windows shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of the neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time at first floor level in the north elevation of the dwelling on plot 2 or the south elevation of the dwelling on plot 3 as shown on Drawing No. 08/116/P01 Rev B.

Reason: To protect the amenities and privacy of the adjoining properties and in accordance with Policy Nos. GN5 and HS4.

4. The integral/attached garage on all plots as shown on the approved plans 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.HS4 of the Adopted Chorley Borough Local Plan Review and adopted Supplementary Planning Document: Householder Design Guidance..

5. The site must be drained on a separate system with only foul drainage connected into the foul sewer. Surface water must drain separate from the foul and must not discharge to the foul sewerage system.

Reason: To secure proper drainage and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

6. No part of the development hereby permitted shall be occupied or used until a means of vehicular access has been constructed in accordance with the approved plans.

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

7. During the construction period, all trees to be retained shall be protected by minimum 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:2005 (as shown on Drawing No. 08/116/P05) 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. In respect of trees T10 and T23 'No Dig' Road Construction shall be used as detailed on Drawing No. 08/116/P05 unless otherwise agreed in writing with the Local Planning Authority

Reason: To safeguard the trees to be retained and in accordance with Policy Nos. EP9 and HT9 of the Adopted Chorley Borough Local Plan Review.

8. 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.

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. 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.

12. 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.

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

Reason: In the interests of safety and in accordance with PPS23: Planning and Pollution Control.

14. Before the development hereby permitted commences, the applicant must contact Network Rail's Outside Parties Engineer (OPE):

**Territory Outside Party Engineer
Network Rail (London North Western)
11th Floor
The Mail Box
100 Wharfside Street
Birmingham
B1 1RT**

E-mail: opelondonnorthwestern@networkrail.co.uk

Reason: To ensure the safety, operational needs and integrity of the railway.

(b) 09/00070/OUT - Land A at the rear of 63 - 67, Bolton Road, Chorley

Application: 09/00070/OUT
Proposal: Erection of 3 dwellings (renewal of outline planning permission 06/01145/OUT)

Location: Land A at the rear of 63 and 67, Bolton Road, Chorley

Decision:

It was proposed by Councillor Adrian Lowe, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to grant outline planning permission subject to s Section 106 Legal Agreement and the following conditions:**

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

4. 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 Nos. EP9 of the Adopted Chorley Borough Local Plan Review.

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

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

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

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

7. 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.

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. 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.

10. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved surface water drainage arrangements have been fully implemented.

Reason: To secure proper drainage and to prevent flooding and in accordance with Policy Nos. EP18 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS25: Development and Flood Risk.

11. Before the development hereby permitted is first commenced full details of the means of foul water drainage/disposal shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works for foul water drainage/disposal have been completed in accordance with the approved details.

Reason: To ensure proper drainage of the development and in accordance with Policy No. EP17 of the Adopted Chorley Borough Local Plan Review.

12. Prior to the commencement of the development a copy of a desk top study of the site identifying any potential sources of land contamination associated with this development shall be submitted to and approved in writing by the Local Planning Authority. If the potential for contamination is confirmed, further studies by the developer to assess the risks and identify and appraise the options for remediation will be required.

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 Government advice contained in PPS23: Planning and Pollution Control

13. 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.

(c) 09/00112/FUL - Land 120m, South East of Samron, Copthurst Lane, Whittle-Le-Woods

Councillor Alistair Bradley left the meeting.

Application no: 09/00112/FUL

Proposals: Creation of two fishing lakes and associated car parking, office/store and habitat improvement.

Location: Land 120m South East of Samron, Copthurst Lane, Whittle-Le-Woods

Decision:

The Corporate Director (Business) reported that the Council had still not received the comments of Lancashire County Council. With this in mind it was proposed by Councillor Mick Muncaster, seconded by Councillor Simon Moulton, and was subsequently **RESOLVED to defer the decision to the next Committee meeting.**

(d) 09/00052/FUL - Land 10m South East of 91, Chorley Road, Adlington

Application no: 09/00052/FUL

Proposal: Erection of 2no. 1 bed apartments

Location: Land 10m South East of 91, Chorley Road, Adlington

Decision:
Application withdrawn

09.DC.30 PLANNING APPEALS AND NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of one enforcement appeal that had been granted by the Planning Inspectorate.

RESOLVED – That the report be noted.

09.DC.31 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, tables listing five applications for Category 'B' development proposals which had been determined by the Corporate Director (Business), the Chair and Vice Chair of the Committee at meetings held on 3 March and 18 March 2009.

RESOLVED – That the tables be noted.

09.DC.32 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 13 February and 18 March 2009.

RESOLVED – That the schedule be noted.

Chair