

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 27TH OCTOBER 2015, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

Agenda No	Item	
4	SECTION 106 AGREEMENTS	(Pages 61 - 62)
	Report of the Head of Governance and Property Services (enclosed).	
5	ENFORCEMENT	
	5A FORMATION OF CAR PARKING AREA, FIVE ACRES PLANT CENTRE, DAWBERS LANE, EUXTON (enclosed)	(Pages 63 - 66)
6	APPEALS AND OTHER DECISIONS	(Pages 67 - 70)
	Report of the Director Public Protection, Streetscene and Community for information (enclosed).	

GARY HALL
CHIEF EXECUTIVE

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Report of	Meeting	Date
Monitoring Officer	Development Control Committee	27 October 2015

IMPACT OF QUASHING OF MINISTERIAL STATEMENT

PURPOSE OF REPORT

- To advise members of the Committee of the recent successful Judicial Review challenge to the Ministerial Statement of 28 November 2014 and to seek approval to the amended treatment of section 106 agreements that have yet to be signed as a result of this challenge.

RECOMMENDATION(S)

- That Members note the report.
- That any resolution to approve an application where the decision has yet to be issued should be amended to include by way of a section 106 agreement any tariff based payments in accordance with local policies.

EXECUTIVE SUMMARY OF REPORT

- On 28 November 2014, a Ministerial Statement was issued that prevented Local Planning Authorities from seeking tariff based contributions (for public open space) from developers where the development was 10 properties or less and had a maximum combined gross floor space of 1000 square metres.
- This was challenged by Judicial Review and has been quashed.
- The Council treated applications in accordance with the Ministerial Statement. The quashing of it however means we should act as if it never existed. There are a number of applications where the committee resolved to approve contrary to the statement but the decision has yet to be issued. Where this is the case, this report proposes that, where relevant, the resolution be changed to require the approval to be subject to a section 106 agreement with payments for public open space and/ or affordable housing delivery to be calculated in accordance with current local policies (for example include for deficit and new provision).

Confidential report Please bold as appropriate	Yes	No

CORPORATE PRIORITIES

- This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

8. On 28 November (published 1 December) 2014 Brandan Lewis issued on behalf of the DCLG a statement amending the NPPG. The amendment stated
 “for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought”
9. There was a further amendment reducing the threshold in relation to defined rural areas to 5 units or less. There are no areas in Chorley which fall within the rural definition for the purposes of this statement.
10. The rationale for the Ministerial Statement was to assist smaller developers and promote house building. This is a national piece of guidance and applies to the whole of England.
11. Although this was guidance and did not have statutory effect it would be followed by the planning inspectorate in any appeals and there is a legitimate expectation on the part of developers that Planning Authorities will follow the guidance.
12. Subsequently, the Ministerial Statement was challenged by a Judicial Review. This was successful and the Statement was quashed. The effect of this is that the Statement is treated as if it never existed.
13. There are a number of applications which have been approved by resolution of the Committee but where the decision notice has yet to be issued. In these cases the Council are entitled to revisit the decision to approve and change the resolution to reflect the current situation and policy position. In this instance it is to allow full compliance with the local policies concerning affordable housing and public open space.
14. Members are asked therefore to agree a general resolution which would allow decisions taken in accordance with the Ministerial Statement to be remade in accordance with local policy with any consequential amendments to the requirements of a section 106 agreement being approved.

IMPLICATIONS OF REPORT

15. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

16. The effect of this will be to increase expected section 106 income.

COMMENTS OF THE MONITORING OFFICER

17. Set out in the body of the report.

CHRIS MOISTER
 MONITORING OFFICER

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Chris Moister	5160	20 October 2015	



Report of	Meeting	Date
Director of Public Protection Streetscene and Community	Development Control Committee	27 October 2015

ENFORCEMENT ITEM FORMATION OF CAR PARKING AREA, FIVE ACRES PLANT CENTRE, DAWBERS LANE, EUXTON

PURPOSE OF REPORT

1. To seek authority to take enforcement action in respect of the unauthorised formation of a car parking area

RECOMMENDATION(S)

2. That it is expedient to issue an Enforcement Notice in respect of the following breach of planning control: Without planning permission the formation of a hardstanding for use as a car parking area.

Remedy For Breach

Cease the use of the land as a car parking area and remove the material laid to form the hardstanding from the land.

Period For Compliance

Three Months.

Reason For Issue Of Notice

The area of hardstanding represents further encroachment into the Green Belt than the existing built development at the site in conflict with one of the five Green Belt purposes. It is considered that there is sufficient space within the confines of the existing built development at this site to accommodate parking without the need for this additional car park/ area of hardstanding. The proposal represents inappropriate development which is harmful to the Green Belt and it is not considered that sufficient very special circumstances have been provided which outweigh the harm the development will have on the Green Belt.

EXECUTIVE SUMMARY OF REPORT

3. Planning permission has been refused for unauthorised development involving a large area of hardstanding on land within the Green belt and such development is harmful to the Green belt. No appeal has been lodged against the refusal of permission and the development has not been removed. It is therefore considered expedient to take enforcement action to remove the hardstanding and harm from the Green Belt.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities	X	An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

- 5. The Five Acres site was traditionally an established horticultural site, comprising numerous buildings used for horticultural purposes in conjunction with the associated land. However, in more recent years, part of the site (namely that which is nearest Dawbers Lane) diversified without the benefit of planning permission. This was regularised in 2010 through the approval of a Certificate of Lawfulness application which confirmed that A1, 61, 62 and B8 uses had been in place for at least ten years from the date of submission of the application (application ref: 10/00500/CLEUD).
- 6. Further development has now been carried out without planning permission for the formation of a hardstanding area measuring 70m x 25m which is being used as a car park by employees of the adjacent businesses. A retrospective planning application was submitted for the development and this was refused under delegated powers in July. Since then no appeal has been lodged against the refusal of permission and the hardstanding remains in place and continues to be used for parking vehicles. In those circumstances it appears that the unauthorised development will not be removed without formal enforcement action being taken.

ASSESSMENT

- 7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 8. Whilst engineering operations are not necessarily inappropriate in the Green Belt it is considered that the area of hardstanding encroaches further into the Green Belt in conflict with one of the purposes of including land in Green Belt. As such the development represents inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9. No justification has been provided as to why such a large car park has been provided which is particularly relevant in respect of consideration of promoting sustainable modes of transport. No justification has been provided as to why additional hardstanding space is required nor has sufficient evidence been provided that the current areas of hardstanding could not be used for parking. In conclusion sufficient very special circumstances have not been provided in respect of the proposals that outweigh the harm that will be caused to the Green Belt by reason of inappropriateness and as such the proposals are recommended for refusal.

IMPLICATIONS OF REPORT

- 9. This report has implications in the following areas and the relevant Directors' comments are included.

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	X	Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

10. There are no direct financial implications associated with the report. Resources in terms of officer time are required to enact the enforcement.

COMMENTS OF THE MONITORING OFFICER

11. The enforcement action proposed is appropriate in this matter.

Jamie Carson

Director of Public Protection Streetscene and Community

Background Papers			
Document	Date	File	Place of Inspection
Planning Application	30.01.2015	15/00088/FUL	Civic Offices Union Street

Report Author	Ext	Date	Doc ID
Peter Willacy	5226	14/10/2015	***

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	27 October 2015

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 3RD AUGUST & 27TH OCTOBER 2015

PLANNING APPEALS LODGED

1. Appeal by Mr & Mrs Liptrot against the delegated decision to Refuse Full Planning Permission for Erection of part single, part two storey rear extension and insertion of front bay window at 15 Richmond Road, Eccleston, Chorley, PR7 5SS, (Planning Application: 15/00434/FUL, Inspectorate Reference: APP/D2320/D/15/3133610). Inspectorate letter received 02 September 2015.
2. Appeal by Mrs Angela Dalton against the Development Control Committee decision to Refuse Full Planning Permission for Construction of six detached two bedroom bungalows and formation of access road at Land 60M West Of No. 3, Castle Walks, Croston, , (Planning Application: 14/00791/FUL, Inspectorate Reference: APP/D2320/W/15/3135608). Inspectorate letter received 29 September 2015.
3. Appeal by Miss Laura Kowalski against the delegated decision to Refuse Full Planning Permission for Retrospective application for the erection of a single-storey rear raised veranda. at 19 Chapel Lane, Hoghton, Preston, PR5 0RY, (Planning Application: 15/00288/FUL, Inspectorate Reference: APP/D2320/D/15/3132777). Inspectorate letter received 18 August 2015..

PLANNING APPEALS DISMISSED

4. Appeal by Mr Peter Royle against the delegated decision to Refuse Outline Planning Permission for Outline application with all matters reserved for erection of two semi-detached houses at Land Between Laurel Bank And Lever Edge, Ulmes Walton Lane, Ulmes Walton, , (Planning Application: 14/00823/OUT, Inspectorate Reference: APP/D2320/W/15/3004994). Inspectorate letter received 23 January 2015..
5. Appeal by Mr John Stuttard against the delegated decision to Refuse Full Planning Permission for Erection of a first floor side extension over existing garage, partial conversion of garage to create living annex and erection of a detached double garage. at 130 Southport Road, Ulmes Walton, Leyland, PR26 8LN, (Planning Application: 15/00121/FUL, Inspectorate Reference: APP/D2320/D/15/3062048). Inspectorate letter received 01 June 2015..
6. Appeal by Mr William Fiddler against the delegated decision to Refuse Full Planning Permission for Retrospective application for a change of use from Agricultural Barn to an Office, Storage and Entertainment Venue (Sui Generis) at Swifts House Farm, Bentley Lane, Heskin, Chorley, PR7 5UY, (Planning Application: 14/00540/COU, Inspectorate Reference: APP/D2320/W/15/3018470). Inspectorate letter received 16 April 2015.

7. Appeal by MCI Development Ltd. against the Development Control Committee decision to Refuse Full Planning Permission for Erection of 18 affordable homes (bungalows and two-storey houses), including construction of an access road off Chorley Lane. at Land 200M South East Of 132, Chorley Lane, Charnock Richard, , (Planning Application: 14/01279/FULMAJ, Inspectorate Reference: APP/D2320/W/15/3011487). Inspectorate letter received 29 April 2015.
8. Appeal by Partner Construction against Not determined within 8 weeks for The erection of 18 affordable homes with associated parking, landscaping and access. at Land West Of 77, Doctors Lane, Eccleston, , (Planning Application: 14/01157/FULMAJ, Inspectorate Reference: APP/D2320/W/15/3006410). Inspectorate letter received 09 March 2015..

LANCASHIRE COUNTY COUNCIL DECISIONS

DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL BETWEEN 27 FEBRUARY 2015 AND 15 OCTOBER 2015

9. Lancashire County Council has granted Planning Permission for variation of condition 2 of planning permission 09/03/0073 to alter the roof from a green roof to a bituminous felt flat roof at Brindle Gregson Lane Primary School, Bournes Row, Bindle PR5 0DR (LCC Ref: LCC/2015/0015 Chorley Planning Reference: 15/00108/CTY) LCC Decision Notice dated 4 March 2015.
10. Lancashire County Council has granted Planning Permission for upgrade to treatment works including proposed activated sludge plant blower/motor control building and new inlet works, storm tank control kiosk, final settling tank sludge pump kiosk and odour control kiosk at Chorley Waste Water Treatment Works, Common Bank Lane, Chorley PR7 1NR (LCC Ref: LCC/2015/0005 Chorley Planning Ref: 15/00037/CTY) LCC Decision Notice dated: 16 March 2015.
11. Lancashire County Council has granted Planning Permission for extension to the area of phased extraction of sand and gravel and infilling with inert waste for restoration purposes, back to agriculture and conservation at Sandons Farm, Sandy Lane, Adlington, Chorley PR7 4JT (LCC Ref: LCC/2015/0014 Chorley Planning Ref: 15/00097/CTY) LCC Decision Notice dated: 20 May 2015.
12. Lancashire County Council has granted Planning Permission for variation of condition 2 of planning permission 09/12/0488 to extend the use of the temporary classroom unit until July 2018 at Trinity C of E Methodist Primary School, Unity Place, Buckshaw Village PR7 7HZ (LCC Ref: LCC/2015/0034 Chorley Planning Ref: 15/00352/CTY) LCC Decision Notice dated: 21 May 2015
13. Lancashire County Council has granted Planning Permission for extension to car park to provide 12 additional spaces and new tarmacked play area at Clayton Brook Primary School, Great Greens Lane, Bamber Bridge PR5 8HL (LCC Ref: LCC/2015/0035 Chorley Planning Ref: 15/00356/CTY) LCC Decision Notice dated: 9 June 2015.
14. Lancashire County Council has granted Planning Permission for provision of a link canopy between the main building and the annex, incorporating a disabled ramp and steps at Duke Street Primary School Duke Street Chorley PR7 3DU (LCC Ref: LCC/2015/0043 Chorley Planning Ref 15/00603/CTY) LCC Decision Notice dated: 17 June 2015.
15. Lancashire County Council has granted Planning Permission for quarry extension at Brinscall Quarry, Twist Moor Lane, Withnell, Chorley PR6 8RU (LCC Ref: LCC/2014/0170 Chorley Planning Ref: 15/00008/CTY) LCC Decision Notice dated: 16 July 2015.
16. Lancashire County Council has granted Planning Permission for construction of new sports hall on site of existing hard surface games area at Southlands High School Clover Road Chorley PR7 2NJ (LCC Ref: LCC/2015/0066 Chorley Planning Ref: 15/00681/CTY) LCC Decision Notice dated: 24 September 2015.

17. Lancashire County Council has granted Planning Permission for extension to the existing playground and erection of 3.6m high ball stop fencing at St Marys C of E Primary School, The Green, Eccleston PR7 5TE (LCC Ref: LCC/2015/0075 Chorley Planning Ref: 15/00820/CTY) LCC Decision Notice dated: 5 October 2015.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

JAMIE CARSON
DIRECTOR PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Paul Whittingham	5349	21/10/15	***

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