

Development Control Committee

Tuesday, 22 July 2008

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

Officers: Paul Whittingham (Development and Building Control Manager), Chris Moister (Legal Services Manager), Andy Wiggett (Principal Planning Officer), David Stirzaker (Planning Officer) and Dianne Scambler (Trainee Democratic Services Officer)

Also in attendance: Councillors Kevin Joyce (Eccleston and Mawdesley)

08.DC.61 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Keith Iddon

08.DC.62 DECLARATIONS OF ANY INTERESTS

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

Councillor Alistair Bradley – planning application 08/00465/OUTMAJ

08.DC.63 MINUTES

RESOLVED – That the minutes of the Development Control Committee held on 24 June 2008 be confirmed as a correct record for signing by the Chair.

08.DC.64 PLANNING APPLICATIONS AWAITING DECISION

The Corporate Director (Business) submitted reports on two 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) **A1:08/00465/OUTMAJ - St Mary's Church Hall, Lawrence Lane, Eccleston, Chorley**

(Councillor Alistair Bradley declared a personal interest in the application).

(The Committee heard representations from an objector to the proposals).

It was proposed by Councillor Ball, seconded by Councillor Adrian Lowe, and was subsequently **RESOLVED to allow County Councillor Alan Whittaker to speak on the proposals**

Application no: 08/00465/OUTMAJ
Proposal: Demolition of existing buildings and erection of 11 two storey dwellings.
Location: St Mary's Church Hall, Lawrence Lane, Eccleston, Chorley
Decision:
It was proposed by Councillor Ken Ball, seconded by Councillor Julia Berry, and was subsequently **RESOLVED (14:0) to defer the decision to allow the Members of the Committee to visit the site of the proposed development.**

(b) B1:08/00415/CB3 - Clayton Green Sports Centre, Clayton Green Road, Clayton Green, Clayton-Le-Woods

Application No: 08/00415/CB3
Proposal: Demolition and rebuilding of reception area to enable the installation of a DDA compliant lift to enable first access to first floor.
Location: Clayton Green Sports Centre, Clayton Green Road, Clayton Green, Clayton-Le-Woods
Decision:
It was proposed by Councillor Mick Muncaster, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED (16:0) to refer to Council for decision with recommendation for approval.**

08.DC.65 PLANNING APPEAL REPORT - LAND TO REAR OF 243 - 289, PRESTON ROAD, CLAYTON-LE-WOODS

The Corporate Director (Business) submitted a report to advise Members of the legal advice received in respect of the recently lodged appeal at land to rear of 243 – 289 Preston Road, Clayton-Le-Woods.

Following a previous memo to the Committee, Counsel at Kings Chambers had provided Members with advice on the likely success at appeal.

The decision taken by the Committee to grant planning permission in respect of the most recent planning application would be a material consideration of significant weight. If the appeal proceeded to determination, with the reasons for refusal as drafted, planning permission would be granted. Furthermore, on the balance of probabilities, an adverse award of costs would be made against the Local Planning Authority.

The Development and Building Control Manager explained to Members that if, in light of this advice they decided not to contest the appeal, then, the applicant could be persuaded to submit a new application and withdraw the appeal, or an agreed case could be presented to the Inspector at the Planning Inquiry, given that the Planning Inspectorate (PINS) is now seized with the matter. This would assist in reducing the Council's liability in respect of a costs application.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED (9:3) that the Councils case at appeal is that the Council would have recommended approval of the application on the basis of the change of circumstances resulting from the recent appeal being allowed, with Councillors Alistair Bradley, Alan Cain, Henry Counce, Harold Heaton, Adrian Lowe, Simon Moulton, Mick Muncaster, Geoff Russell and Shaun Smith voting for the proposal and Councillors Ken Ball, Julia Berry, and David Dickinson voting against the proposal, with Councillors Terry Brown, Roy Lees, Greg Morgan and June Molyneaux abstaining.**

08.DC.66 PLANNING APPEAL REPORT - 54, LANCASTER LANE, CLAYTON-LE-WOODS

The Corporate Director (Business) submitted a report to highlight to the Members of the Committee, advice given by the Council's barrister regarding the Council's case and the likely success of appeal against the refusal of planning permission for the erection of 16 dwellings at 54, Lancaster Lane, Clayton-Le-Woods, including the potential for incurring costs.

There had been a change to the material consideration as a result of the appeal decision on a smaller site at Lancaster Lane.

Members were advised that the Council needed to reconsider its position in light of the recent appeal decision and the award of costs against the Council. Failure to assess the risk of continuing with the appeal would increase the liability and an award of costs against the Council from fighting the appeal based on the Members concerns and the reasons for refusal.

It was proposed by Councillor Adrian Lowe, seconded by Councillor Harold Heaton, and was subsequently **RESOLVED (9:3) that the Councils case at appeal is that the Council would have recommended approval of the application on the basis of the change of circumstances resulting from the recent appeal being allowed, with Councillors Alistair Bradley, Alan Cain, Henry Counce, Harold Heaton, Adrian Lowe, Simon Moulton, Mick Muncaster, Geoff Russell and Shaun Smith voting for the proposal and Councillors Ken Ball, Julia Berry, and David Dickinson voting against the proposal, with Councillors Terry Brown, Roy Lees, Greg Morgan and June Molyneaux abstaining.**

08.DC.67 PLANNING APPEALS AND DECISIONS NOTICE

The Committee received a report of the Corporate Director (Business) giving notification of two appeals against the refusal of planning permission that had been lodged, one appeal that had been allowed, one appeal that had been withdrawn and one enforcement appeal that had been lodged.

The Committee also received notification that the Planning Inspectorate had granted planning permission for one appeal and that the Government Office for the North West had granted one, Listed Building Consent application.

RESOLVED – That the report be noted.

08.DC.68 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS), THE CHAIR AND VICE-CHAIR OF THE COMMITTEE

The Committee received for information, tables listing eleven applications for Category 'B' development proposals which had, or were intended to be, determined by the Corporate Director (Business) under the adopted scheme of delegations, following consultation with the Chair, Vice-Chair of the Committee at meeting held on 24 June and 9 July 2008.

RESOLVED – That the reports be noted.

08.DC.69 LIST OF APPLICATIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) UNDER DELEGATED POWERS.

The Committee received for information, a schedule listing the remainder of the planning applications that had been determined by the Corporate Director (Business) under delegated powers between 12 June and 9 July 2008.

RESOLVED – That the schedule be noted.

Chair