

# Development Control Committee

**Tuesday, 19 November 2013**

**Present:** Councillor Paul Walmsley (Chair), Councillor Dave Rogerson (Vice-Chair) and Councillors Henry Counce, Jean Cronshaw, John Dalton, David Dickinson, Graham Dunn, Dennis Edgerley, Danny Gee, Harold Heaton, June Molyneaux, Mick Muncaster and Geoffrey Russell

**Substitutes:** Councillor Matthew Crow

**Also in attendance:**

**Councillors:** Alison Hansford and Kim Snape

**Officers:** Jennifer Moore (Head of Planning), Paul Whittingham (Development Control Team Leader), Caron Taylor (Planning Officer), Alex Jackson (Senior Lawyer) and Louise Wingfield (Democratic and Member Services Officer)

## **13.DC.83 APOLOGIES FOR ABSENCE**

An apology for absence was submitted on behalf of Councillor Chris France. Councillor Matthew Crow attended the meeting as Councillor Chris France's substitute.

## **13.DC.84 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 29 October 2013 be confirmed as a correct record and signed by the Chair.**

## **13.DC.85 DECLARATIONS OF ANY INTERESTS**

There were no declarations of interest submitted for any items listed on the agenda.

## **13.DC.86 CIL CLAIM - DELEGATED AUTHORITY**

The Head of Planning gave an update on the claim for Judicial Review concerning the challenge by Fox Land & Property to the decision of the Council to adopt the CIL charging schedule. The application for a judicial review hearing has been granted, on the basis that three of the four grounds are considered arguable. This does not mean that the judge agrees with the grounds, only that they are arguable in legal terms. A date for the hearing has not yet been set, and the Council still intends to vigorously defend the claim. In conference with Counsel, we have been advised to pursue clauses in legal agreements to secure the Council's position in the event that the claim is ultimately successful, and officers are seeking delegated authority from the committee to do so.

**RESOLVED (unanimously): That the Head of Legal Services, in consultation with the Director of Partnerships, Planning & Policy or the Head of Planning be given delegated authority to negotiate clauses in legal agreements relating to planning matters to protect the Council's position in the light of the claim for Judicial Review of the Council's adoption of the CIL charging schedule by Fox Land & Property Limited; such clauses if appropriate to cater for alternative scenarios depending on the outcome of the Judicial Review.**

### 13.DC.87 PLANNING APPLICATIONS TO BE DETERMINED

The Director of Partnerships, Planning and Policy submitted twelve applications for planning permission consideration.

In considering the applications, Members of the Development Control Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals.

(At this point the Chair announced that the following two planning applications which related to Morgan Bros (Chorley) Ltd, would be heard together but that the decisions be made separately.)

- a) **Application:** 13/00813/FUL - **Proposal:** Permit Full Planning  
Morgan Bros (Chorley) Ltd, Units 5 - Permission  
7 Primrose Bank Mill, Friday Street,  
Chorley

**RESOLVED (unanimously): That planning permission be approved subject to the conditions detailed within the report in the agenda, and the amended condition detailed in the addendum.**

- b) **Application:** 13/00816/FUL - **Proposal:** Permit Full Planning  
Morgan Bros (Chorley) Ltd, Units 5 - Permission  
7 Primrose Bank Mill, Friday Street,  
Chorley

**RESOLVED (unanimously): That planning permission be approved subject to the conditions detailed within the report in the agenda, and the amended condition detailed in the addendum.**

- c) **Application:** 13/00875/FUL - 109 **Proposal:** Permit Full Planning  
Chorley Road, Heath Charnock, Permission  
Chorley, PR6 9JT

**RESOLVED (13:1:0): That the decision be deferred to allow Members of the Committee time to visit the site of the proposed development.**

- d) **Application:** 13/00804/OUTMAJ - **Proposal:** Permit (Subject to Legal  
Land bounded by Town Lane (to the Agreement)  
north) and Lucas Lane (to the east)  
Town Lane, Whittle le Woods

**RESOLVED (unanimously) – That planning permission be approved subject to a section 106 legal agreement, and the conditions detailed in the addendum.**

- e) **Application:** 13/00803/OUTMAJ - **Proposal:** Permit (Subject to Legal  
Land North of Lancaster Lane and Agreement)  
Bounded by Wigan Road and Shady  
Lane, Lancaster Lane, Clayton-le-  
Woods

**RESOLVED (unanimously) – That planning permission be approved subject to a unilateral undertaking, and the conditions detailed within the report in the agenda.**

- f) **Application:** 13/00753/FULMAJ - **Proposal:** Permit (Subject to Legal Land West of Cypress Close, Agreement)  
Clayton-le-Woods

**RESOLVED (unanimously) – That planning permission be approved subject to a section 106 legal agreement, the conditions detailed within the report in the agenda, and the additional and amended conditions detailed in the addendum.**

- g) **Application:** 12/01131/FUL - The **Proposal:** Permit Full Planning  
Beeches Care Home, 25 Park Road, Permission  
Coppull, Chorley, PR7 5AH

**RESOLVED (11:2:1): That the decision be deferred to allow Members of the Committee time to visit the site of the proposed development**

- h) **Application:** 13/00798/CB4 - **Proposal:** Permit Full Planning  
Former Site of Douglas House, Permission  
Hodder Avenue, Chorley

**RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda, and the amended condition detailed in the addendum with delegated authority to officers to draft any further necessary conditions in the light of the noise survey work; such conditions to be agreed with the Chair and Vice Chair of this Committee.**

- i) **Application:** 13/00867/FUL - **Proposal:** Permit (Subject to Legal  
Ground Floor and First Floor, The Agreement)  
Community Church, 12 - 16 Halliwell  
Street, Chorley, PR7 2AL

**RESOLVED (unanimously) – That planning permission be approved subject to a section 106 legal agreement, and the conditions detailed within the report in the agenda.**

- j) **Application:** 13/00848/FUL - South **Proposal:** Permit Full Planning  
Miry Fold Farm, Briers Brow, Permission  
Wheelton, Chorley, PR6 8JN

**RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda, and the amended condition detailed in the addendum.**

- k) **Application:** 13/00675/FUL - Lower **Proposal:** Permit (Subject to Legal  
House Cottage, Towngate, Agreement)  
Eccleston, Chorley, PR7 5QS

**RESOLVED (unanimously) – That planning permission be approved subject to a section 106 legal agreement, and the conditions detailed within the report in the agenda.**

- I) **Application:** 13/00721/FULMAJ - **Proposal:** Permit Full Planning  
Land north of Duke Street including Permission  
QS Fashions and bounded by Pall  
Mall and Bolton Street, Chorley

**RESOLVED (unanimously) – That planning permission be approved subject to the conditions detailed within the report in the agenda.**

**13.DC.88 TREE PRESERVATION ORDER NO.8 (CUERDEN) 2013**

The Chief Executive submitted a report which sought Members instruction on whether to formally confirm Tree Preservation Order No. 8 (Cuerden) which affords permanent as opposed to provisional legal protection to the tree covered by the order.

There had been no objections received in response to the making of the Order.

**RESOLVED (unanimously) – That the Tree Preservation Order No.8 (Cuerden) 2013 be formally confirmed without modification.**

**13.DC.89 PROPOSED DIVERSION OF A SECTION OF PUBLIC FOOTPATH NUMBER 34 NEAR HODDER AVENUE S.257 TOWN AND COUNTRY PLANNING ACT 1990**

The Chief Executive submitted a report to consider an application by Adactus Housing Association Ltd for the diversion of part of Public Footpath No. 34 Chorley in order to facilitate the development in accordance with the application for planning permission against reference 13/00798/FULMAJ.

Members noted the content of the report.

**RESOLVED (unanimously) – That the proposed footpath diversion be approved.**

**13.DC.90 PLANNING APPEALS AND DECISIONS REPORT 19 NOVEMBER 2013**

**RESOLVED – That the report be noted.**

Chair