

# Development Control Committee

**Tuesday, 10 December 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, Christopher France, Danny Gee, Harold Heaton, June Molyneaux, Mick Muncaster and Geoffrey Russell

Also in attendance:

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

## **13.DC.91 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **13.DC.92 MINUTES**

**RESOLVED – That the minutes of the Development Control Committee held on 19 November 2013 be confirmed as a correct record and signed by the Chair.**

## **13.DC.93 DECLARATIONS OF ANY INTERESTS**

In accordance with the Council's Members Code of Conduct, Councillor Harold Heaton declared an interest in relation to agenda item 5a: Enforcement Notice for Lancaster House Farm, Charnock Richard.

## **13.DC.94 PLANNING APPLICATIONS TO BE DETERMINED**

The Director of Partnerships, Planning and Policy submitted seven 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

- a) **Application:** 13/00811/FULMAJ - Land bounded by Black Brook, Tithe Barn Lane, Heapey

**Proposal:** Refuse full planning permission

**Speakers:** objector – Peter Smith, Ward Councillor – Councillor Marie Gray and the applicant's agent.

**RESOLVED (unanimously) – That full planning permission be refused on the following grounds:**

- 1. The proposed solar farm would be located within the Green Belt (as defined by the Adopted Central Lancashire Core Strategy (2012), the Adopted Chorley Borough Local Plan Review (2003) and the emerging Local Plan 2012-2026. The proposed development would be**

inappropriate within the Green Belt, as defined in the Framework. There are insufficient very special circumstances to outweigh the harm that will be caused to the Green Belt by reason of inappropriateness; and to the character and openness of the Green Belt as a result of the proposals

2. The proposed solar farm would be harmful to the visual amenity and character of the local area, by reason of the size, scale, incongruous appearance and inappropriate nature of the proposals. Additionally, inadequate information has been provided to demonstrate that the visual impact of the proposals can be adequately mitigated. As such the proposal is contrary to Government advice in the framework, Guidance for Renewable and Low Carbon Energy, and Policy 28 of the Adopted Central Lancashire Core Strategy (2012).
3. The application cannot be fully assessed due to the provision of insufficient information in respect of the ecological impacts of the scheme. In particular further clarification is required on:
  - Detail ecological surveys in respect of protected species, in particular Great Crested Newts;
  - Whether the proposed development has been designed to avoid/minimise losses; or that loss of semi-natural habitat will be adequately compensated for;
  - An assessment of the habitat connectivity and maintenance of habitat connectivity

As such it is not possible for the Local Planning Authority to discharge its obligations in respect of the three 'derogation' tests of the Habitats Directive implemented by the Conservation (natural Habitats) Regulations 1994. Additionally, the proposals are contrary to Government advice in the Framework, Policy 22 of the Adopted central Lancashire Core Strategy (2012), Policy EP4 of the Adopted Chorley Borough Local Plan Review (2003) and Policy BNE10 of the Emerging Local Plan 2012-2016.

- b) **Application:** 13/00875/FUL - 109 Chorley Road, Heath Charnock, Chorley, PR6 9JT

**Proposal:** Permit full planning permission

**Speakers:** objector – Magdalen Heywood, and Ward Councillor – Councillor Kim Snape.

**RESOLVED (6:6:2) - with the Chair using his casting vote to accept the proposal that full planning permission be approved subject to the conditions detailed within the agenda and further conditions detailed in the addendum.**

- c) **Application:** 12/01131/FUL - The Beeches Care Home, 25 Park Road, Coppull, Chorley, PR7 5AH

**Proposal:** Permit full planning permission

**Speakers:** objector – Neil Dickinson, supporter – Krystyna Kolodziejewski and the applicant.

**RESOLVED (12:2:0): That full planning permission be approved subject to the conditions detailed within the report in the agenda.**

- d) **Application:** 13/00991/OUT - Land 75m East of Hilfred, Crosse Hall Lane, Chorley

**Proposal:** Refuse outline planning permission

**Speakers:** objector – Dawn Roberts, and Ward Councillor – Councillor Julia Berry.

**RESOLVED (unanimously) – That outline planning permission be refused on the following grounds:**

1. **The site forms part of a larger land holding and it appears that the size of the site has been artificially reduced to eliminate the affordable housing requirement by sub-dividing the site. No information has been provided in respect of the potential to develop the remainder of the land holding and as such, as no affordable housing has been proposed, the proposal is contrary to Policy 7 of the Adopted Central Lancashire Core Strategy 2012 and the accompanying Adopted Central Lancashire Affordable Housing SPD 2012.**
2. **In accordance with The Framework Chorley has a 5 year land supply including the 5% buffer (7.3 year supply) and as such there is no presumption to approve housing on this greenfield site. Whilst the Framework puts the presumption on sustainable development, development within this area has developed incrementally over time. It is considered that improvements to create a safe access for all of the road users is necessary to give the future occupants choice in respect of noncar modes of transport. The information currently before the Council does not confirm that the works identified:**
  - **Provision of passing places**
  - **Improvements to the bridleway**
  - **Upgrading of the bus stop**

**could be secured as the Lane is a private unadopted Lane outside of the applicant's control. As such it is not possible to secure the safety and sustainability of the site contrary to advice contained with The Framework, Policy 3 of the Adopted Central Lancashire Core Strategy 2012 and Policy TR4 of the Adopted Chorley Borough Local Plan Review 2003.**

- e) **Application:** 13/00715/FUL - Kem Mill, Kem Mill Lane, Whittle le Woods

**Proposal:** Permit (subject to legal agreement)

**RESOLVED (unanimously) – That full 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.**

- f) **Application:** 13/00982/CB3 - Land to the rear of 3-4 Barn View, 11-17 Maytree Court and 52-78 Fairview Drive, Adlington

**Proposal:** Permit full planning permission

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

- g) **Application:** 13/00989/CB4 - 15 Westfields, Croston, Leyland, PR26 9RT

**Proposal:** Permit full planning permission

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

### 13.DC.95 ENFORCEMENT REPORTS

*(At this point Councillor Heaton left the meeting for the duration of the following items taking no part in any discussion or subsequent vote.)*

- a) **Enforcement Report - Lancaster House Farm, Charnock Richard**

The Director of Partnerships, Planning and Policy submitted a report regarding land at Lancaster House Farm, Preston Road, Charnock Richard which sought Members' instruction as to whether it was felt expedient to issue an enforcement notice in respect of a breach of planning control in that without permission there had been the siting of a static caravan for use as an office.

**RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the sited caravan for office purposes constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. No such 'very special circumstances' have been submitted in support of the application to clearly outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is contrary to guidance within the National Planning Policy Framework and Policy DC1 of the Adopted Chorley Borough Local Plan Review.**

- b) **Enforcement Report - Land adjacent 367 Southport Road, Ulmes Walton**

The Director of Partnerships, Planning and Policy submitted a report regarding land adjacent to 367 Southport Road, Ulmes Walton which sought Members' instruction as to whether it was felt expedient to issue an enforcement notice in respect of a breach of planning control in that without permission a building for use as a feed store had been erected. In the Addendum report the recommendation was modified to exclude the alleged breach of planning control at Point 2.2 of the report as this relates to uses ancillary to the use of the land for keeping horses.

**RESOLVED (unanimously) – That it was expedient to issue an enforcement notice in respect of the erection of a building for use as a feed store in order to protect the residential amenities of neighbouring residents.**

### 13.DC.96 PARISH COUNCIL SPEAKING RIGHTS

The Director of Partnerships, Planning and Policy submitted a report which sought Members' endorsement of a proposal to introduce speaking rights to Parish/Town Councillors in relation to the determination of planning applications by this committee.

**RESOLVED (unanimously) – That the proposal be endorsed to recommend to Full Council that speaking rights for Parish and Town Councillors for planning applications heard by this committee be established.**

**13.DC.97 PLANNING APPEALS AND OTHER DECISIONS REPORT 10 DECEMBER 2013**

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

Chair