

MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 27 October 2015

MEMBERS PRESENT: Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, John Dalton, Danny Gee, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker

RESERVES: Councillors Jean Cronshaw

OFFICERS: Paul Whittingham (Development Control Manager), Nicola Hopkins (Principal Planning Officer), Helen Lowe (Planning Officer), Alex Jackson (Legal Services Team Leader) and Cathryn Filbin (Democratic and Member Services Officer)

APOLOGIES: Councillors Henry Counce and Paul Clark

OTHER MEMBERS: Councillor Julia Berry

15.DC.154 Minutes of meeting Tuesday, 29 September 2015 of Development Control Committee

RESOLVED - That the minutes of the Development Control Committee held on 29 September 2015 be approved as a correct record for signature by the Chair.

15.DC.155 Declarations of Any Interests

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

15.DC.156 Any other item(s) that the Chair decides is/are urgent

The Chair announced that she had agreed to accept two urgent items of business detailed below, as it was felt that the decision for both items could not wait to be considered at the next meeting –

5b Enforcement for non-compliance with planning conditions attached to planning permission 13/00600/FUL, land 60m north to the rear of 34-42 Chorley Lane, Charnock Richard

7a S106 pooling restrictions for public open space

The Chair advised item 7a would be considered prior to the planning applications being discussed, and item 5b would be considered following item 5a.

15.DC.157 S106 Pooling restrictions for Public Open Space

Members of the Committee considered a report by the Director of Public Protection, Streetscene and Community which provided information on a review of S106 agreements associated with the provision of Public Open Space (POS) and sought approval to the amended treatment of some S106 agreements, by the imposition of a condition as opposed to requiring the signing of a legal agreement.

The Development Control Manager explained that the practice adopted within Chorley for pooling S106 obligations had been to identify types of infrastructure and costs, and to then allocate funds that had been paid as a result of developments commencing, but limit the number of contributions to five per project. This approach had been questioned by the Council's legal officers who offered a different interpretation to the legislation. They advised that the Council should only be pooling five obligations as opposed to five payments for each type of infrastructure.

The Council considered that the reference to this type of infrastructure could be interpreted to include projects to deliver an individual playing pitch or play area improvement or phasing of a larger project.

RESOLVED (unanimously) –

- 1. That the report be noted**
- 2. Any future applications, that would normally require a S106 agreement to provide POS contributions, but would not include the requirement for affordable housing, be dealt with by the imposition of a condition. That those applications that had a resolution to approve subject to a S106 agreement covering only POS and where the decision had not been issued, were authorised to be issued with a condition to secure a scheme of off-site public open space in place of a legal agreement.**

15.DC.158 Planning applications to be determined

The Director of Public Protection, Streetscene and Community submitted six reports for planning permission consideration.

In considering the applications, members of the Committee took in to account the agenda reports, the addendum, and the verbal representations and submissions provided by officers and individuals.

15.DC.158a 15/00775/FUL - Grocers On the Green, 267B The Green, Eccleston, Chorley, PR7 5TF

The Chair accepted a late request to speak in support of the planning application.

Registered speaker: Daniel Hull (the applicant's representative)

A motion was put forward to defer a decision on the application, to allow members of the Committee the opportunity to visit the site of the proposals, which was seconded. When put to the vote, the motion was lost (2:10:2).

RESOLVED (10:2:2) - That full planning permission be approved subject to the conditions detailed within the report in the agenda, the additional condition in the addendum, and that condition 3 in the report be amended to restrict the hours of opening as follows:

- **Between 4pm and 11pm Monday to Thursday (inclusive)**
- **Between 4pm and 12am (midnight) on Friday**
- **Between 12pm (noon) and 12am (midnight) on Saturday**
- **Between 12pm (noon) and 11pm Sunday**
- **Between 12pm (noon) and 12am (midnight) on the three Sundays of the year prior to the two bank holidays in May and the one bank holiday in August**
- **Between 12pm (noon) and 1am the following morning on Christmas Eve and New Year's Eve**

Reason: To safeguard the amenities of local residents.

15.DC.158b 15/00936/FUL - St Peters Vicarage, Harpers Lane, Chorley

RESOLVED (unanimously) - That full planning permission be approved subject to conditions detailed within the report in the agenda and an additional condition in the addendum and with a condition regarding open space instead of a S106 agreement.

15.DC.158c 15/00832/FUL - The Sirloin Inn, Station Road, Hoghton, Preston, PR5 0DD

Registered speaker: Dr Peter Dixon (objector)

RESOLVED (8:3:3) – That retrospective planning permission be approved subject to conditions detailed within the report in the agenda.

15.DC.158d 15/00768/OUT - Euxton Mills Hotel, Wigan Road, Euxton, Chorley, PR7 6JD

RESOLVED (11:2:1) – That the outline planning permission be approved subject to conditions detailed within the report in the agenda, the additional conditions in the addendum (as an alternative in relation to open space to a S106 agreement) and that an additional condition that required the remaining car park to be laid out as per the approved plans be imposed.

15.DC.158e 15/00728/FUL - Royal Mail Chorley Delivery Office, Unit 7 East Chorley Business Centre, East Way, Chorley, PR6 0BJ

Registered speakers: Ward Councillor Julia Berry, and Jake Crompton (the applicant's agent)

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

15.DC.158f 15/00786/FUL - Astley Park, Park Road, Chorley

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

15.DC.159 Section 106 Agreements

The Council's Monitoring Officer submitted a report which advised members of the Committee of the recent successful Judicial Review challenge to the Ministerial Statement of 28 November 2014, and sought approval to the amended treatment of S106 agreements that had yet to be completed as a result of the challenge.

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 meant that the Council should act as if it never existed. There were a number of applications where the Committee resolved to approve contrary to the statement but the decision had yet to be issued. Where this was the case, the report proposed 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 to allow for deficit and new provision).

Members of the Committee discussed the report.

RESOLVED –

- 1. That the report be noted**
- 2. That any resolution to approve an application where the decision had yet to be issued, be amended to include by way of a S106 agreement any tariff based payments in accordance with local policies.**

15.DC.160 Enforcement

15.DC.160a Formation of car parking area, Five Acres Plant Centre, Dawbers Lane, Euxton

Members of the Committee considered a report of the Director of Public Protection, Streetscene and Community which sought members' authority to take enforcement action in respect of the unauthorised formation of a car parking area at Five Acres Plant Centre, Dawbers Lane, Euxton.

Planning permission had been refused for the unauthorised development involving a large area of hardstanding on land within the greenbelt for car parking. No appeal had been lodged against the refusal of planning permission, nor had the hardstanding been removed and as such was causing harm to the greenbelt.

The Principal Officer advised that there had been strong indications that a planning application was due to be submitted week commencing 2 November.

RESOLVED (unanimously) – That it was expedient to issue an Enforcement Notice to remedy the breach by stopping the use of land as a car park and removing the material laid to form the hardstanding from the land. Officers to await the outcome of the decision on any planning application being submitted before taking enforcement action.

15.DC.160b Non-compliance with planning conditions attached to planning permission 13/00600/FUL, land 60m north to the rear of 34-42 and including 42 Chorley Lane, Charnock Richard

The Director of Public Protection, Streetscene and Community submitted a report, which sought authority to take enforcement action in respect of the non-compliance with condition 12 attached to planning permission 13/00600/FUL.

Planning condition number 12 attached to the permission required that works for the construction of the new estate/access road were to be constructed in accordance with Lancashire County Council highways specification as part of a Section 278 highways agreement before the development commenced. The reason for the condition was to ensure that satisfactory access was provided to the site before construction commences and to ensure future residents had a satisfactory means of access to their properties.

It was considered that the failure to provide approved highway specification would result in an unsatisfactory access and might create a highway safety issue while the development was under construction and conflict with other road users.

RESOLVED (unanimously) – That authorisation be given to the Director of Public Protection, Streetscene and Community to take appropriate enforcement action which could include the service of enforcement notices, Breach of Condition Notices and Temporary Stop Notices.

15.DC.161 Appeals and other decisions

The Director of Public Protection, Streetscene and Community submitted a report for information on planning appeals received from Lancashire County Council and other bodies between 3 August 2015 and 27 October 2015.

Three appeals has been lodged with the Planning Inspector for planning permission refusal, and five planning appeals which had been dismissed.

The report also provided information on nine decisions made by Lancashire County Council from 27 February 2015 to 15 October 2015.

RESOLVED – That the report be noted.

Chair

Date