

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 23RD MAY 2017, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

AGENDA

APOLOGIES

1 **MINUTES OF MEETING TUESDAY, 25 APRIL 2017 OF
DEVELOPMENT CONTROL COMMITTEE**

(Pages 3 - 8)

2 **DECLARATIONS OF ANY INTERESTS**

Members are reminded of their responsibility to declare any pecuniary interest in respect of matters contained in this agenda.

If you have a pecuniary interest you must withdraw from the meeting. Normally you should leave the room before the business starts to be discussed. You do, however, have the same right to speak as a member of the public and may remain in the room to enable you to exercise that right and then leave immediately. In either case you must not seek to improperly influence a decision on the matter.

3 **PLANNING APPLICATIONS TO BE DETERMINED**

The Director (Customer and Digital) has submitted three items for planning applications to be determined (enclosed).

Plans to be considered will be displayed at the meeting or may be viewed in advance by following the links to the current planning applications on our website.

<https://planning.chorley.gov.uk/online-applications/search.do?action=simple&searchType=Application>

**A 17/00115/COU - MORROW BROTHERS PACKAGING
LIMITED, UNIT F, BUCKSHAW LINK, ORDANCE ROAD,
BUCKSHAW VILLAGE, CHORLEY, PR7 7EL**

**B 17/00225/OUT - LAND ADJACENT 8 MILLER AVENUE,
ABBAY VILLAGE**

**C 17/00173/FUL - LAND 60M NORTH TO THE REAR OF 34-42
AND INCLUDING 42 CHORLEY LANE, CHARNOCK RICHARD**

4 **PUBLIC FOOTPATH DIVERSION**

(Pages 9 - 14)

Report of the Chief Executive (enclosed).

5 **APPEALS AND OTHER DECISIONS REPORT**

Report of Director (Customer and Digital) enclosed.

7 **ANY URGENT BUSINESS PREVIOUSLY AGREED WITH THE CHAIR**

GARY HALL
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Development Control Committee Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, Charlie Bromilow, Henry Caunce, John Dalton, Danny Gee, Tom Gray, Keith Iddon, Alistair Morwood, Mick Muncaster, Richard Toon, Paul Walmsley and Alan Whittaker.

Electronic agendas sent to Development Control Committee reserves for information.

If you need this information in a different format, such as larger print or translation, please get in touch on 515151 or chorley.gov.uk

To view the procedure for public questions/ speaking click here

<https://democracy.chorley.gov.uk/ecSDDisplay.aspx?NAME=SD852&id=852&rpId=0&sch=doc&cat=13021&path=13021>



MINUTES OF DEVELOPMENT CONTROL COMMITTEE

MEETING DATE Tuesday, 25 April 2017

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

RESERVES: Councillor Eric Bell

OFFICERS: Asim Khan (Director (Customer and Digital)), Paul Whittingham (Planning Services Manager), Caron Taylor (Senior Planning Officer), Eleanor (Planning Assistant), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

APOLOGIES: Councillor John Dalton

OTHER MEMBERS: Councillors Roy Lees, Margaret Lees and Marion Lowe

17.DC.271 Minutes of meeting Tuesday, 4 April 2017 of Development Control Committee

RESOLVED – That the minutes of the Development Control Committee held on 4 April 2017 be approved as a correct record for signature by the Chair.

17.DC.272 Declarations of Any Interests

There were two declarations of interests:

Councillor Paul Walmsley declared an interest on item 3e 17/00083/FULHH – 124 Rawlinson Lane, Heath Charnock, Chorley, PR7 4DF and left the meeting for consideration of this item.

Councillor Charlie Bromilow declared an interest on item 3k 16/01134/FUL – Land North of 21 Woodfield, Bamber Bridge and left the meeting for consideration of this item.

17.DC.273 Planning applications to be determined

The Director of Customer and Digital submitted thirteen reports 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 by officers and individuals.

The Chair informed the Committee that item 3f 16/01021/OUT – Higher Healey Farm, Higher House Lane, Heapey, Chorley would be considered first and that the officer would explain the change to the recommendation to defer the item that had been subject to a site visit. The officer explained that following the Committee site visit, the detail of the passing place would be required to be considered by the committee and that the ADAS report should be provided in full.

RESOLVED (unanimously) – That the item be deferred.

a 16/00804/FULMAJ - Land 120M South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Councillor Christopher France entered the room.

Registered speakers: Rachel Salter (objector), Councillor Roy Lees (ward councillor) and Michael Watts (agent)

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

b 16/00805/FULMAJ - Land 120M South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Registered speakers: Rachel Salter (objector), Councillor Roy Lees (ward councillor) and Michael Watts (agent)

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

c 16/00806/OUTMAJ - Land 120M South West of 21 Lower Burgh Way, Lower Burgh Way, Chorley

Registered speakers: Rachel Salter (objector), Councillor Roy Lees (ward councillor) and Michael Watts (agent)

RESOLVED (unanimously) – That the decision be deferred to allow Members of the Development Control Committee the opportunity to visit the site of the proposals.

d 17/00016/FULMAJ - St Bede's Parish Hall, Brownley Street, Clayton-le-Woods, Chorley, PR6 7JF

Registered speaker: Dave Swanton (supporter)

RESOLVED (unanimously) – That full planning permission be approved subject to a Section 106 agreement securing a financial contribution towards the provision of public open space and conditions in the report, in addition to a construction management plan imposing detailed hours for deliveries; the

wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

17/00083/FULHH - 124 Rawlinson Lane, Heath Charnock, Chorley, PR7 4DF

Councillor Paul Walmsley left the room for consideration of this item.

RESOLVED (unanimously) – That part retrospective planning permission be approved, subject to conditions in the report.

Councillor Paul Walmsley returned.

16/01021/OUT - Higher Healey Farm, Higher House Lane, Heapey, Chorley

This item was addressed first and subsequently deferred (as above).

16/01149/FUL - Croston Park Nursing Home

Registered speaker: Chris Mitchell (applicant)

RESOLVED (10:1:4) – That full planning permission be approved, subject to conditions in the report as amended to secure the enhancement of the bunds to allow vegetation to grow and ensure the condition of the bund is maintained; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

Councillor Whittaker proposed that the application be deferred for a site visit. The motion was seconded by Councillor Beaver. A vote was taken and the motion was lost (3:12:0).

16/01150/LBC - Croston Park Nursing Home

Registered speaker: Chris Mitchell (applicant)

RESOLVED (10:1:4) – That full planning permission be approved, subject to conditions in the report as amended to secure the enhancement of the bunds to allow vegetation to grow and ensure the condition of the bund is maintained; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

Councillor Whittaker proposed that the application be deferred for a site visit. The motion was seconded by Councillor Beaver. A vote was taken and the motion was lost (3:12:0).

16/00697/FULMAJ - Withnell Hall (Former Lake View Nursing Home) Chorley Road, Withnell

Registered speaker: Chris Brown (applicant)

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report and addendum and a Section 106 agreement.

j 17/00276/P3PAJ - St George's House, St George's Street, Chorley, PR7 2AA

RESOLVED (unanimously) – That prior approval be granted, subject to a condition in the report as amended in the addendum.

k 16/01134/FUL - Land North of 21 Woodfield, Bamber Bridge

Councillor Charlie Bromilow left the room for consideration of this item.

RESOLVED (unanimously) – That full planning permission be approved, subject to conditions in the report and addendum.

Councillor Charlie Bromilow returned.

l 16/01184/FUL - Pear Tree Farm, Pear Tree Lane, Euxton, Chorley, PR7 6DU

RESOLVED (12:3:0) – That full planning permission be approved, subject to conditions in the report.

Councillor Gee proposed that the application be refused. The motion was seconded by Councillor Gray. A vote was taken and the motion was lost (12:3:0).

m 17/00124/FUL - Throstle Nest Farm, Bolton Road, Anderton, Chorley, PR6 9HN

RESOLVED (13:0:2) – That full planning permission be approved, subject to conditions in the report, in addition to conditions regarding the removal of the canopy if not used for a period of ten years and limiting the times of floodlighting use following discussion with the applicant; the wording of which be delegated to the Director of Customer and Digital in consultation with the Chair and Vice-Chair.

17.DC.274 **Enforcement Report - Babylon Lane**

RESOLVED (unanimously) – That no further action be taken at this time due to insufficient evidence to support the Council issuing an Enforcement Notice.

17.DC.275 **Breach of Condition Report**

RESOLVED (unanimously) – That it was expedient that a Breach of Condition notice be issued in respect of the following breach of planning control; Approval of Reserved Matters 14/01128/REM, Condition 2; to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to between the existing and proposed properties.

17.DC.276 **Appeals and Other Decisions Report**

The Director of Customer and Digital submitted a report for information on planning appeals received from the Planning Inspectorate between 1 April 2017 and 24 April 2017.

One appeal had been lodged against a delegated decision to refuse full planning permission and one appeal lodged against a delegated decision to refuse full planning permission had been dismissed.

RESOLVED – That the report be noted.

17.DC.277 Any urgent business previously agreed with the Chair

The Chair informed the committee that Paul Whittingham, Planning Services Manager, who was present at the meeting, would be leaving the authority. This was therefore the last committee meeting he would attend. On behalf of the committee, Councillor Paul Walmsley thanked Paul Whittingham for his hard work and dedicated service at Chorley Council and extended best wishes for the future.

Chair

Date

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Report of	Meeting	Date
Chief Executive	Development Control Committee	23 May 2017

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO.11, ULNES WALTON) PUBLIC PATH DIVERSION ORDER 2017

PURPOSE OF REPORT

1. To consider the making of a Public Footpath Diversion Order, in order to divert public footpath no.11, Ulmes Walton as shown on the attached plan to facilitate the development at The Mill Hotel consisting of the erection of four detached dwellings approved by planning permission referenced 16/00452/OUTMAJ and dated 10th February 2017.

RECOMMENDATION(S)

2. That the Head of Legal, Democratic and HR services be authorised to make the Chorley Borough Council (Public Footpath No 11 Ulmes Walton) Public Footpath Diversion Order 2017 pursuant to Section 257 of the Town and Country Planning Act 1990, in order to permit the development to be carried out in accordance with the grant of planning permission namely the erection of four detached dwellings at The Mill Hotel, Moor Road, Croston.
3. That in the event that no objections are received to the making of the order or where an objection is received and it is subsequently withdrawn by the statutory deadline then the Head of Legal, Democratic and HR Services be authorised to confirm the making of the Chorley Borough Council (Public Footpath No 11 Ulmes Walton) Public Footpath Diversion Order 2017.
4. The Head of Legal, Democratic and HR Services is authorised to arrange advertisements in the local press, to serve notice on site and on prescribed persons and to certify the order as being complied with having regard to any representations from the Public Rights of Way Team (PROW) at Lancashire County Council (LCC) or to confirm the order in the absence of representations from PROW and certify its terms as being complied with.
5. That in the event Lancashire County Council's PROW team propose any amendments to the plan attached to this report, the amended plan shall replace the existing plan and be appended to the order and advertised accordingly.

EXECUTIVE SUMMARY OF REPORT

6. A planning application under reference 14/00761/OUTMAJ for the demolition of the Mill Hotel and erection of seven dwellings was approved on 18th November 2014 and a further planning application under reference 16/00452/OUTMAJ for the construction of four detached dwellings at the former Mill Hotel, Moor Road, Croston was approved on the 10th February 2017. In order to facilitate the development the landowner has submitted an application to divert the existing public right of way.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

7. 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. Planning approval for the demolition of The Mill Hotel, Moor Road, Croston and erection of seven dwellings was granted on 17th December 2015 and further approval for the development of four detached dwellings at the former Mill Hotel, Chorley Moor Road, Croston was granted on 10th February 2017. The demolition work has now largely been completed.
9. There is an existing right of way (Footpath No 11 Ulmes Walton) that runs through the site on the former hotel car park therefore the landowners have now submitted an application for the diversion of the current footpath.
10. The current footpath runs from point A in a north/east direction for the distance of 170 metres as shown in a bold black line on the appended plan.
11. It is proposed that the footpath is diverted from points A to C so as to run to the west of The Mill Hotel site from points B to C for a distance of 120 metres as shown in a bold broken black line on the appended plan and the proposed footpath will then re-join the existing footpath.
12. The diversion of the footpath is necessary to facilitate the development.
13. In the event that members are minded to approve the making of the Order, a public notice describing the order must be advertised in the local press and the order placed on deposit for public inspection. This public notice and order plan must also be placed at each end of the length of public footpath to be diverted. Owners of land affected by the order and various statutory consultees must be contacted and served with the order and notice and allowed the opportunity to make objections within 28 days from the date of notice.
14. In the event that no objections are received or any objections so received are subsequently withdrawn the Council may confirm the Order as an unopposed order.
15. On confirmation of the order similar steps to those outlined above must be repeated enclosing a copy of the confirmed order. Objectors may challenge the validity of the Order in the High Court within six weeks after notice of the confirmation is published on the grounds that the confirmation is outside the Council's powers or that there has been a procedural defect. The diversion order does not come into effect until Chorley Borough Council certifies that the provisions of the order have been complied with. It is reasonable to take into account the views of LCC because the County will be responsible for maintaining the newly diverted route and ensuring that it remains unobstructed. However the decision to certify is ultimately one for Chorley Council as the order making authority.

IMPLICATIONS OF REPORT

16. 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

17. The cost of the Footpath Diversion Order will be met from existing base budget resources. The applicant has agreed to meet the costs of the application.
18. Maintenance responsibility of public footpaths rests with Lancashire County Council as part of the wider public footpath network.

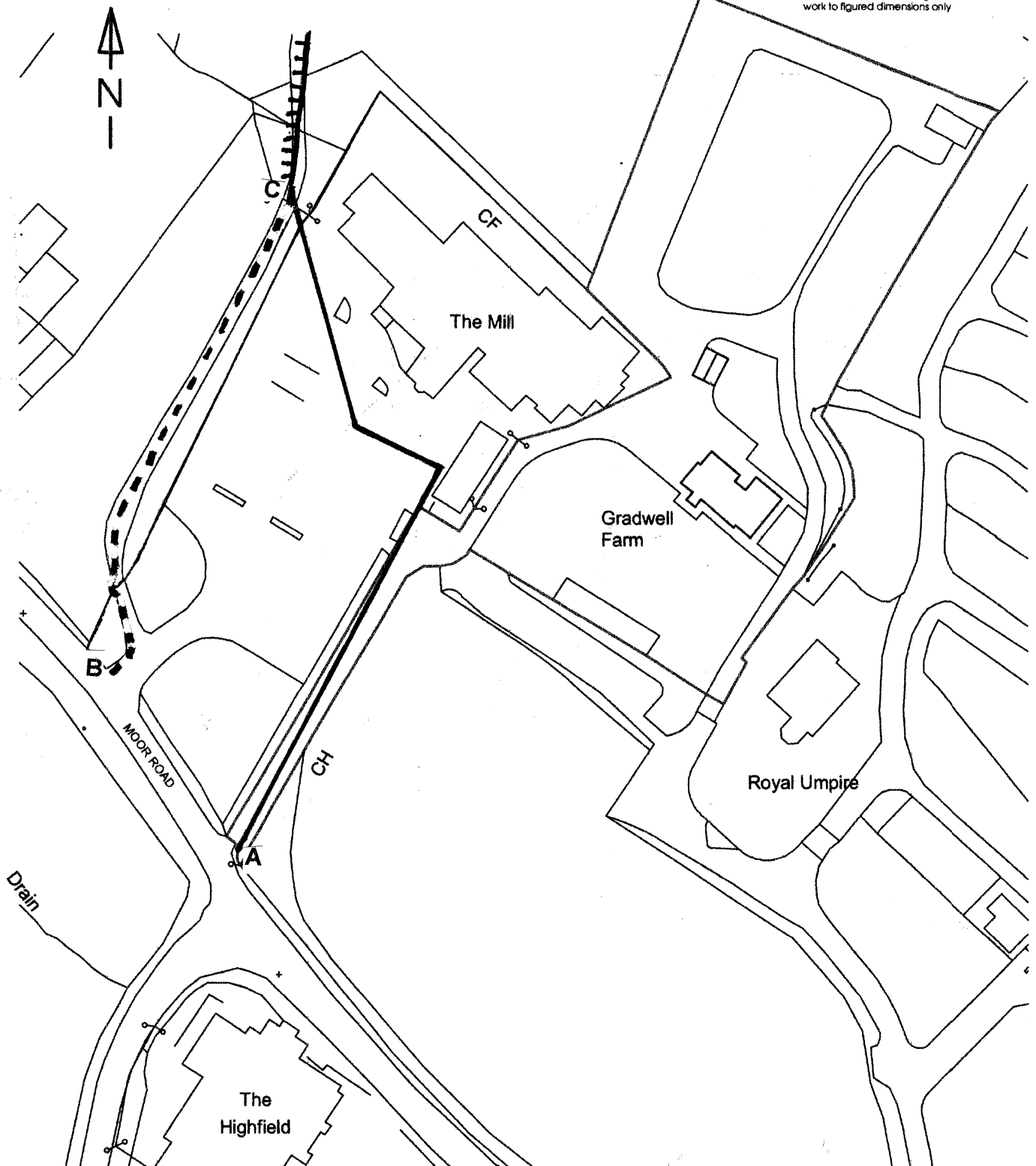
COMMENTS OF THE MONITORING OFFICER

19. The legal basis for the making and confirmation of the order and the procedural requirements are addressed within the body of the report.

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Stefanie Leach	5170	5 th May 2017	

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The Mill Hotel Chorley Moor Road Croston Lancashire PR26 9HP – Proposed diversion of footpath in connection with residential redevelopment of the site.

Scale 1:1250 at A4

Grid reference – SD 503190
 350334 419048

 Existing footpath

 Footpath to be extinguished **A – C**

 Proposed footpath **B – C**

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