

Development Control Committee

Tuesday, 15 September 2009

Present: Councillor Harold Heaton (Chair), Councillor Geoffrey Russell (Vice-Chair), Councillors Ken Ball, Julia Berry, Judith Boothman, Alistair Bradley, Henry Caunce, Mike Devaney, David Dickinson, Dennis Edgerley, Christopher France, Keith Iddon, June Molyneaux, Simon Moulton, Mick Muncaster and Ralph Snape

Officers: Jane Meek (Corporate Director (Business)), Chris Moister (Legal Services Manager), Paul Whittingham (Development Control Manager) and Dianne Scambler (Democratic and Member Services Officer)

09.DC.72 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Roy Lees.

09.DC.73 DECLARATIONS OF ANY INTERESTS

No declarations of interest were declared.

09.DC.74 MINUTES

RESOLVED – That subject to the amendment that Councillor Julia Berry did not leave the room for planning application 09/00463/FUL the minutes of the Development Control Committee meeting held on 18 August 2009 be held as a correct record for signing by the Chair.

09.DC.75 PRESENTATION ON THE SCHEME OF DELEGATION

The Development Control Team Leader, Mr Paul Whittingham delivered a short presentation to Members on the Council's Scheme of Delegation.

Mr Whittingham explained:

- Why the scheme of delegation is needed
- How the decisions are delegated
- Why some applications are excluded from Delegated Powers
- Exceptions to the scheme
- Delegations by the Corporate Director (Business) in consultation with the Chair and Vice Chair of Committee
- Delegations by the Corporate Director (Business) and Development Control Team Leader

Members had concerns that there were some applications, determined under the delegated powers scheme as they fell into the relevant criteria for doing so, but that needed to come to Committee for decision as there had special circumstances.

The Chair asked Members to work in partnership with the officers to highlight any potential issues that could result in the decision not being delegated and bringing any such planning applications to Committee for decision.

The Corporate Director (Business) assured Members that there would always be the need for a Development Control Committee to determine major and sensitive applications and that the Delegated Powers Scheme was about striking the right balance in the decision making process.

It was also intended to deliver a further Planning in Practice training session to all Members of the Council and that the Scheme of Delegation would be covered within this session.

09.DC.76 PLANNING APPLICATIONS AWAITING DECISION

There were no planning applications to be determined at this Committee meeting.

09.DC.77 PLANNING APPEALS NOTIFICATION REPORT

The Corporate Director (Business) submitted a report giving notification of one appeal that had been allowed by the Planning Inspectorate and two planning applications that had been granted by Lancashire County Council.

RESOLVED – That the report be noted.

09.DC.78 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS) IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE COMMITTEE

The Committee received for information, tables listing three applications for Category 'B' development proposals which had been determined by the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee at meetings held on 18 August and 2 September 2009.

RESOLVED – That the tables be noted.

09.DC.79 DELEGATED DECISIONS DETERMINED BY THE CORPORATE DIRECTOR (BUSINESS)

The Committee received for information, a schedule listing the remainder of the planning applications determined by the Corporate Director (Business) under delegated powers between 5 August and 31 August 2009.

RESOLVED – That the schedule be noted.

09.DC.80 TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257 CHORLEY BOROUGH COUNCIL (PUBLIC FOOTPATH NO. 5, ADLINGTON) PUBLIC PATH STOPPING UP ORDER 2008

The Corporate Director (Governance) submitted a report asking Members to consider the confirmation of a Public Path Extinguishment Order effecting the "stopping up" of part of Public Footpath No. 5, Adlington.

The proposal to effect a "stopping up" of part of Public Footpath No. 5, Adlington had been approved by the General Purposes Committee on 18 October 2007 and no objections had been received following publication of the proposal in the press and posting of notice on site.

It was proposed by Councillor Dennis Edgerley, seconded by Councillor Chris France and was subsequently **RESOLVED** that the **Corporate Director (Governance) be authorised to confirm as an unopposed Order the Chorley Borough Council (Public Footpath No. 5, Adlington) Public Path Stopping Up Order 2008, made pursuant to Section 257 of the town and Country Planning Act 1990, formally authorising the “stopping up” of part of Public Footpath No. 5, Adlington, in order to permit development to be carried out in accordance with the granting of planning permission, namely construction of a garage on land adjoining 24 Highfield Road, North, Adlington.**

09.DC.81 ENFORCEMENT ITEM - TRAVELLERS SITE-LAND AT HUT LANE, HEATH CHARNOCK

The Corporate Director (Business) submitted a report seeking Members further authority to take enforcement action in relation to the travellers site/land at Hut Lane, Heath Charnock and asking for delegated authority be granted to the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee to serve a Stop Notice.

Retrospective planning permission had been refused on the site by Committee on 18 August for the siting of residential caravans and other operational works on land at Hut Lane. At the same time Members authorised enforcement action to be taken in respect of the unauthorised development that had taken place.

The planning refusal and enforcement notices had now been issued and it was anticipated that appeals would be lodged against those decisions.

The Corporate Director (Business) had received further reports that other works have been carried out to the land which they consider breaches the undertaking given by the travellers not to carry out any further development on the land and had considered that they do not on this occasion.

If further development were to take place that was considered a breach then immediate action would need to be taken to prevent further unauthorised development including the service of a Stop Notice. Such action under the current scheme of delegation could only be authorised by the Committee.

RESOLVED – That the Corporate Director (Business) in consultation with the Chair and Vice Chair of the Committee be delegated to issue a Stop Notice if required to prevent undue delay.

Chair