

DEVELOPMENT CONTROL COMMITTEE

TUESDAY, 28TH OCTOBER 2014, 6.30 PM

COUNCIL CHAMBER, TOWN HALL, CHORLEY

I am now able to enclose, for consideration at the above meeting of the Development Control Committee, the following reports that were unavailable when the agenda was published.

Agenda No Item

7 PLANNING APPEALS AND OTHER DECISIONS

(Pages 3 - 12)

To consider a report of the Director of Public Protection, Streetscene and Community (enclosed).

GARY HALL
CHIEF EXECUTIVE

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Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Development Control Committee	28 October 2014

PLANNING APPEALS AND DECISIONS RECEIVED FROM LANCASHIRE COUNTY COUNCIL AND OTHER BODIES BETWEEN 22 SEPTEMBER AND 21 OCTOBER 2014

PLANNING APPEALS LODGED

1. Appeal by Mr David Haughton against the delegated decision to Refuse Full Planning Permission for Erection of dormer bungalow at Land Adjacent To 227 Moor Road, Croston (Planning Application: 14/00490/FUL Inspectorate Reference APP/D2320/A/14/2226834). Inspectorate letter received 9 October 2014.

PLANNING APPEALS DISMISSED

2. Appeal by Redrow Homes Ltd. - Lancashire Division against the Committee decision to Refuse Reserved Matters Permission for Reserved matters application for the erection of 19 dwellings adjacent to the retail area of the Southern Commercial Area (re-plan of the dwellings approved as part of reserved matters approval 08/01098/REMMAJ and 12/00463/REMMAJ) at Land South Of Buckshaw Avenue, Buckshaw Village PR7 7EZ (Planning Application: 14/00264/REMMAJ Inspectorate Reference APP/D2320/A/14/2222150). Appeal is dismissed Inspectorate letter received 25 Septemebr 2014.
3. Appeal by Mr A. Pitalia against the delegated decision to Refuse Full Planning Permission for Proposed amended house type to Plot 3 of previously approved plans at Kendal House, Bolton Road, Anderton, Horwich BL6 7RW (Planning Application: 14/00364/FUL Inspectorate Reference: APP/D2320/A/14/2222239). Appeal is dismissed Inspectorate letter received 1 October 2014.

PLANNING APPEALS ALLOWED

4. None.

PLANNING APPEALS WITHDRAWN

5. None.

ENFORCEMENT APPEALS LODGED

6. None.

ENFORCEMENT APPEALS DISMISSED

7. None.

ENFORCEMENT APPEALS ALLOWED

8. None.

ENFORCEMENT APPEALS WITHDRAWN

9. None.

HIGH HEDGES APPEALS LODGED

10. None.

LANCASHIRE COUNTY COUNCIL DECISIONS

11. None.

All papers and notifications are viewable at Civic Offices, Union Street, Chorley or online at www.chorley.gov.uk/planning.

JAMIE CARSON
DIRECTOR PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

Report Author	Ext	Date	Doc ID
Robert Rimmer	5221	21.10.2014	***

Appeal Decision

Hearing held on 16 September 2014

Site visit made on 16 September 2014

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th September 2014

Appeal Ref: APP/D2320/A/14/2222150

Land off Ordnance Road, Buckshaw Village, Southern Commercial, Chorley, Lancashire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Redrow Homes (Lancashire) Ltd against the decision of Chorley Borough Council.
 - The application Ref 14/00264/REMAJ, dated 10 March 2014, sought approval of details pursuant to condition No 1 of a planning permission Ref 9/02/00748/OUTMAJ, granted on 16 December 2002.
 - The application was refused by notice dated 11 June 2014.
 - The development proposed is the erection of 19 dwellings and associated garages, landscaping, roads, parking areas, drains, sewers and boundary treatments.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The *Chorley Local Plan 2012 – 2026* (CLP) is at an advanced stage in its preparation. The Inspector's Partial Report found that the plan was sound with the exception of matters relating to Gypsies and Travellers and indicated that subject to the modifications set out in the report, significant weight could be given to policies that are amended accordingly. In the light of this, I consider it appropriate to give significant weight to Policy BNE1 of the CLP referred to by the Council in its reason for refusal because it is likely to be adopted in its current form.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is an L-shaped site located close to the retail centre for the Buckshaw Village development. Two sides of the site front onto Ordnance Road, the main loop road that runs through this area. Part of the site also lies immediately adjacent to Barnes Wallis Way. This forms part of a pedestrian

- and cycleway that links the northern residential areas, the retail centre and the railway station on the southern edge of the village and was a key principle in the *Buckshaw Southern Commercial Area Design Code (November 2006)* (DC). Notwithstanding the fact that, for operational reasons, the location of the station had to be altered slightly, this remains a key route through the village.
5. At present the retail centre consists of a supermarket and associated car parking and a row of shops with apartments above them. A similar row of shops with apartments above is proposed on the opposite side of Barnes Wallis Way. The shops have been built close to the back of the pavement and have been designed with a mixture of more modern and traditional shop fronts to help to create the feel of a typical high street that has evolved over time. The row of shops are three storeys in height and whilst the supermarket is lower, the towers on its corners add to its scale and height so that it does not appear out of keeping with the other retail development and contributes to the high density character of the centre.
 6. The design and layout of the residential areas that have, or that are in the process of being built, in the vicinity of the retail centre reflect their location close to the higher density retail core. Although incorporating a variety of both modern and more traditional designs, their position close to the footway with car parking to rear, together with their height and massing gives this locality a different and more urban character. This contrasts with the more traditional suburban layouts and designs found on the residential areas on the other side of Ordnance Road and Buckshaw Avenue and is important in creating legibility in the overall development. In addition, whilst the mixed use core of the village may not spread out along the corridor to the extent proposed in the DC, the stretch of the route between Buckshaw Avenue and Ordnance Road, still largely respects the aspirations of the DC.
 7. The location of the appeal site between the retail core and Ordnance Road means that it forms a part of this more urban area and it is important that the scale, massing and layout of its development reflects this. The site's frontages to both Ordnance Road and Barnes Wallis Way increases the importance of ensuring that these very visible edges have the distinctive urban character that has been established on the other residential schemes surrounding the retail centre.
 8. The appellants have argued that the location of the supermarket car parking along the southern end of Barnes Wallis Way, together with the repositioning of the railway station, prevents the continuation of this urban corridor to its junction with Ordnance Road and beyond to the station. In their view, this reduces the need for the site to provide a transition between the more high density retail core and the more suburban housing areas.
 9. However, I do not agree. It is unfortunate that the station had to be repositioned as it means that, other than the supermarket, the town centre is not visible from the station entrance. In addition I agree that the supermarket car parking fronting Barnes Wallis Way is not ideal in design terms. Nevertheless, I consider that this increases the important role the site, and in particular the corner of Barnes Wallis Way and Ordnance Way, has in providing the necessary legibility to the area and a sense of arrival to the centre.

10. The proposed development would have a two storey block of flats located along the frontage to Barnes Wallis Way. Whilst this would be set relatively close to the back of the pavement, its limited height and the presence of the rear garden for plot 1104 and the car parking for the apartments on either side would mean that the massing along this frontage would be inadequate. As a result the proposal would not continue the strong urban feel created by the development currently being undertaken to the immediate north east of the site and would be detrimental to the character and appearance of the area. In particular the car parking on the corner would not create the strong corner feature needed at this location.
11. The rest of the proposal consists of two storey detached and semi-detached houses, the majority of which would front towards the western boundary with Ordnance Road. The scale and massing of these houses, together with the fact that they are set back from the road frontage by an access road gives the development a suburban layout that would be out of keeping with the more urban development surrounding the retail centre. Whilst I note that the houses to the north of the service road do not front Ordnance Road as is proposed here, the massing and height of these houses and their limited set back from the road, together with the large habitable room windows facing the road, is sufficient to ensure that they create the necessary strong presence along this frontage.
12. The windows and doors in the houses on the appeal site would have a vertical emphasis. This, together with the limited range of materials and the proposed boundary treatments, would give a contemporary feel to the scheme, which would contrast with the more traditional suburban housing design utilised on the development on the opposite side of Ordnance Road. However, these design features would not, in themselves, be sufficient to give the proposal the high density, urban appearance required by its location.
13. I note the concerns expressed by the appellant regarding the apartment market. However, I observed during my site visit that apartments are not the only way that buildings of an appropriate scale and mass can be provided, as a number of the other developments in the immediate area included a large number of houses, yet their layout and design create a distinctly urban feel.
14. Overall therefore, I consider that the proposed development would not respect the character and appearance of the surrounding area. As such it would be contrary to Policies 5 and 17 of the *Central Lancashire Core Strategy (adopted July 2012)* and Policy BNE1 of the CLP which seek to ensure that new development does not have a detrimental impact on the character and appearance of the local area through its density, scale, layout, massing, height and design.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Graham Trehwella	Cass Associates
Richard Roberts B Arch (Hons)	Cass Associates
RIBA MSc	
Robin Buckley	Redrow Homes

FOR THE LOCAL PLANNING AUTHORITY:

Nicola Hopkins	Chorley Borough Council
Peter McAnespie	Chorley Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Hearing Notification Letter submitted by the Local Planning Authority
- 2 Decision Notice for Planning Application 9/02/00748/OUTMAJ submitted by the Local Planning Authority
- 3 Decision Notice and Site Layout Plan for Planning Application 14/00662/REMAJ submitted by the Local Planning Authority

Appeal Decision

Site visit made on 8 September 2014

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st October 2014

Appeal Ref: APP/D2320/A/14/2222239

Kendal House (Plot 3), Bolton Road, Anderton, Chorley BL6 7RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anil Pitalia (Spamedica) against the decision of Chorley Borough Council.
 - The application Ref 14/00364/FUL, received by the Council on 31 March 2014, was refused by notice dated 6 June 2014.
 - The development proposed is proposed amended house type to Plot 3 of previously approved plans.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the original application form states that the development is "Based on approval ref 13/00624/FUL Level 6 dwelling, Plot 3, Bolton Road, Anderton, Chorley BL6 7RW. Proposed first floor rear extension over sun lounger". However, the Council contested the accuracy of this and suggested that it should be changed to the description used in the heading above. This change was not disputed by the appellant and the appeal form acknowledges that the description has been altered. Therefore I have determined the appeal on the basis of this revised description.

Background

3. The appeal property forms one of four detached dwellings that have, or are in the process of being built, on the site of the former Squirrel Public House. It has been stated that the original application¹ for the construction of these dwellings, which was granted permission in 2011, was considered to be inappropriate development but that very special circumstances existed to justify the harm to the Green Belt. The house on this plot has been subject to three further permissions² in 2013 and 2014 which amended the approved house type and the location of the garage.

¹ Application Reference 11/00131/FUL

² Application References 12/01099/FUL, 13/00624/FUL and 13/01155/FUL

Main Issues

4. The main issues in the appeal are:
- Whether the proposal represents inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development whether the harm to the Green Belt, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development³.

Reasons*Whether inappropriate development*

5. Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework) set out the forms of development that are not inappropriate within the Green Belt. The Framework establishes in paragraph 89 that, other than in connection with a small number of exceptions, the construction of new buildings within the Green Belt should be regarded as inappropriate.
6. Policy DC1 of the *Chorley Borough Local Plan Review (adopted August 2003)* (CBLP) sets out the forms of development that are not inappropriate in the Green Belt. This does not fully accord with the Framework, which the Council have acknowledged sets out the current national guidance for Green Belts.
7. It has been suggested that the proposal represents an extension to the dwelling currently being built and that the Framework allows extensions or alterations to buildings provided that they do not result in disproportionate additions over and above the size of the original. Be that as it may, as set out above it was agreed that the proposal before me is not for an extension, but for an amended house type – i.e. a new dwelling.
8. A new dwelling does not fall into any of the types of development listed in either the Framework or Policy DC1. Consequently, the scheme would be inappropriate development, which paragraph 87 of the Framework states, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

9. Openness is an essential characteristic of the Green Belt. It was established at the time of the original application that the size and volume of the four dwellings exceeded the size and volume of the public house that previously occupied the site and so they would have greater impact on openness. The proposed amended house type would increase both the volume and the footprint of the dwelling originally approved on the site and would represent an increase in the volume of that currently being built. As such, the openness of the Green Belt would be further reduced.

³ This decision has taken account of the judgement of Patterson J in *Redhill Aerodrome Ltd v SSCLG, Tandridge District Council, Reigate and Banstead Borough Council* [2014] EWHC 2476 (Admin)

10. The appellant has suggested that as the only difference between this house and the approved house type is an additional first floor element at the rear, this would largely be screened from view and so the proposal would not have any greater impact on openness. However, this does not mean that the proposal would not affect the openness as a lack of visibility does not mean there would not be a loss of openness. Consequently, there would be a degree of harm arising from the loss of openness, in addition to that arising from the inappropriate nature of the development.

Other Considerations

11. The appellant has put forward a number of other considerations which he considers would justify the proposal. The change of the house type reflects the desire of the appellant to provide a "granny annexe" for his parents within the main part of the house. Although it has been stated that the parents have lived with the family since 1996, I note the various health issues they now have. However, I have not been provided with any substantive evidence to show that the appeal scheme is the only way suitable accommodation can be provided within the existing property. In any event personal circumstances will seldom outweigh more general planning considerations, and it is likely that the dwelling would remain long after the current personal circumstances cease to be material.
12. It has been stated that if the original application for the whole of the site had been judged under the Framework rather than Planning Policy Guidance 2 (which was then current) then it would not have been inappropriate development as the Framework allows for the partial or complete redevelopment of previously developed sites. As such, very special circumstances would not have needed to be demonstrated. However, applications and appeals have to be judged on the development plan and other material considerations that exist at the time and this previous application is not a matter that is before me. As indicated above I conclude that this scheme is inappropriate development in terms of current national policy.
13. I note that previously the Council have accepted that very special circumstances existed which led to the granting of permissions on the site. However, each application and appeal has to be determined on its own merits, and the fact that very special circumstances existed previously does not mean that they necessarily do in every case on the same site.
14. A unilateral undertaking has been submitted by the appellant that would restrict future permitted development alterations and extensions to the property. Whilst this would only control future developments and the impact they would have on the openness of the Green Belt, it, together with the stated support from the owner of the adjacent Plot 2, favour the scheme.

Green Belt Conclusion

15. The proposal would be inappropriate development in the Green Belt which is harmful by definition. According to the Framework (paragraph 88) substantial weight has to be given to any harm to the Green Belt. In addition, the proposal would result in a reduction in the openness of the Green Belt. I conclude that, taken together, the factors cited in its favour do not outweigh the harm to the Green Belt the scheme would cause. Consequently, very

special circumstances do not exist to outweigh the harm that the proposal would cause to the Green Belt.

Planning Balance and Conclusion

16. The Council has indicated that the proposed dwelling would be acceptable in terms of its character and appearance and would have no adverse impact on the living conditions of neighbouring residents. I have no reason to disagree with this assessment. However, these matters are, at best, neutral factors.
17. Having considered all other matters raised, nothing has been found to alter my conclusion that the proposed development would have a harmful effect on the Green Belt which would significantly and demonstrably outweigh the benefits of the proposal. As a result, I consider that the proposal would be contrary to both the Framework and Policy DC1 of the CBLP.
18. For the reasons set out above, I conclude that the appeal should be dismissed.

Alison Partington

INSPECTOR