

## **PLANNING COMMITTEE**

TUESDAY, 24TH NOVEMBER 2020, 6.30 PM

THE LANCASTRIAN, TOWN HALL, CHORLEY AND VIA MICROSOFT TEAMS

### **AGENDA**

#### **APOLOGIES**

1 **MINUTES OF MEETING TUESDAY, 3 NOVEMBER 2020 OF PLANNING COMMITTEE**

(Pages 3 - 6)

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 four 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 **19/01050/FUL - WILBROOK, BLUE STONE LANE, MAWDESLEY**

(Pages 7 - 16)

B **20/00923/FUL - LAND OPPOSITE B&Q, PRESTON STREET, CHORLEY**

(Pages 17 - 24)

C **20/01048/PIP - WISE MARY'S FARM, 263 HOGHTON LANE, HOGHTON**

(Pages 25 - 32)

D **20/01139/S106A - CARDWELL HOUSE, RAWLINSON LANE, HEATH CHARNOCK, CHORLEY**

(Pages 33 - 38)

4 **REVIEW OF CHORLEY COUNCIL'S VALIDATION CRITERIA FOR PLANNING APPLICATIONS**

(Pages 39 - 40)

Report of the Director of Customer and Digital (enclosed).

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

GARY HALL  
CHIEF EXECUTIVE

Electronic agendas sent to Members of the Planning Committee Councillor June Molyneux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Neville Whitham and Alan Whittaker.

Electronic agendas sent to Planning 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](http://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****PLANNING COMMITTEE****MEETING DATE****Tuesday, 3 November 2020****MEMBERS PRESENT:**

Councillor June Molyneaux (Chair), Councillor Christopher France (Vice-Chair) and Councillors Aaron Beaver, Martin Boardman, John Dalton, Gordon France, Danny Gee, Tom Gray, Yvonne Hargreaves, Alex Hilton, Alistair Morwood, Neville Whitham and Alan Whittaker

**OFFICERS:**

Adele Hayes (Service Lead - Planning), Iain Crossland (Principal Planning Officer), Alex Jackson (Legal Services Team Leader) and Nina Neisser (Democratic and Member Services Officer)

**OTHER MEMBERS:**

Councillor Paul Sloan

**20.P.69 Minutes of meeting Tuesday, 6 October 2020 of Planning Committee**

**Decision – That the minutes of the hybrid Planning Committee meeting held on 6 October 2020 be approved as a correct record for signature by the Chair.**

**20.P.70 Declarations of Any Interests**

There were no declarations of interest made.

**20.P.71 Planning applications to be determined**

The Director of Customer and Digital submitted six items for consideration. In considering the applications, Members of the Planning Committee took into account the agenda reports, the addendum and the verbal representations and submissions provided by officers and individuals.

**a 19/01142/FUL - Land Adjacent To 715 Preston Road, Preston Road, Clayton-Le-Woods**

Registered speakers: Tim Barwood-Vincent (Objector) and Rachael Leather (Agent).

After careful consideration, it was proposed by Councillor Alistair Morwood, seconded by Councillor Gordon France and a decision was subsequently taken (11:1:0) **that planning permission be granted, subject to conditions in the report.**

**b 19/01050/FUL - Wilbrook, Blue Stone Lane**

This item was withdrawn from the agenda.

**c 20/00868/FULMAJ - Royal Umpire Caravan Park, Southport Road, Ulnes Walton, Leyland**

*Cllr Aaron Beaver joined the call for consideration of this item and the remainder of the meeting.*

Registered speakers: Pam Sloan (Parish Councillor), Councillor Paul Sloan (Ward Councillor), and Rachael Leather (Agent).

After careful consideration, it was proposed by Councillor Alex Hilton, seconded by Councillor Alan Whittaker and a decision was subsequently taken (unanimously) **that planning permission be refused for the reasons set out below:**

- 1. The proposal would not preserve the openness of the Green Belt and is therefore inappropriate development in the Green Belt and harmful by definition. Inappropriate development should not be approved except in very special circumstances. The factors put forward as very special circumstances are not considered to outweigh the harm to the Green Belt. The proposal is therefore contrary to the National Planning Policy Framework.**

**d 20/00987/FUL - Mediterranean At Robin Hood, Blue Stone Lane, Mawdesley, Ormskirk**

This item was withdrawn from the agenda.

**e 20/00835/CB3MAJ - Stagecoach North West, Ribble Motor Services Bus Depot, Eaves Lane, Chorley, PR6 0PU**

Registered speakers: Karen Sutcliffe (Objector) and Harvinder Randhawa (Agent).

After careful consideration, it was proposed by Councillor Gordon France, seconded by Councillor Danny Gee and a decision was subsequently taken (12:1:0) **that planning permission be granted subject to conditions in the addendum and a Section 106 agreement to secure a £6,000 contribution to be paid to Lancashire County Council for monitoring the Travel Plan for the site.**

**f 20/00861/CB3MAJ - Land To The Rear Of Brookfield, Alker Lane, Euxton**

Registered speakers: Joan Thompson (Objector) and Ben Battye (Agent).

After careful consideration, it was proposed by Councillor Danny Gee, seconded by Councillor Alistair Morwood and a decision was subsequently taken (unanimously) **that planning permission be granted subject to conditions in the addendum and a Section 106 agreement in relation to the monitoring of the travel plan.**

**20.P.72 Appeals Report**

Members noted the report of the Director of Customer and Digital which set out planning appeals and decisions received between 28 September and 26 October 2020.

Two planning appeals were lodged, and one appeal had been dismissed. One enforcement appeal had been lodged.

**20.P.73 Diversion of Public Right of Way (Footpath No 5 Whittle-Le-Woods)**

After careful consideration, a decision was subsequently taken (unanimously):

- 1. That the Director of Governance be authorised to make the Chorley Borough Council (Public Footpath No 5 Whittle-Le-Woods) Public Footpath Diversion Order 2020 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 development of 6 detached houses with associated infrastructure following demolition of existing buildings at Cheeky Monkeys, Factory Lane, Whittle-Le-Woods Chorley PR6 7YA.**
- 2. That in the event that no objections are received to the making of the order or where an objection is received by the statutory deadline and it is subsequently withdrawn then the Director of Governance be authorised to confirm the making of the Chorley Borough Council (Public Footpath No 5 Whittle-Le-Woods) Public Footpath Diversion Order 2020.**
- 3. The Director of Governance 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.**

**20.P.74 Any urgent business previously agreed with the Chair**

The Chair confirmed that there would be an additional planning meeting taking place on Tuesday, 24 November 2020 at 6.30pm.

Chair

Date

This page is intentionally left blank

**APPLICATION REPORT – 19/01050/FUL**

**Validation Date: 6 February 2020**

**Ward: Eccleston And Mawdesley**

**Type of Application: Full Planning**

**Proposal: Erection of 4no. detached dwellinghouses, following the demolition of the existing dwelling and associated outbuildings**

**Location: Wilbrook Blue Stone Lane Mawdesley Ormskirk L40 2RG**

**Case Officer: Amy Aspinall**

**Authorising Officer: Adele Hayes**

**Applicant: Mr Simon Malcolm**

**Agent: Mr Peter Dickinson, Peter Dickinson Architects**

**Consultation expiry: 2 November 2020**

**Decision due by: 26 November 2020 (Extension of time agreed)**

---

**RECOMMENDATION**

1. It is recommended that planning permission is granted, subject to conditions.

**SITE DESCRIPTION**

2. The application site is located within the Green Belt and is comprised of a detached dwellinghouse and its curtilage, and land which has lawful domestic use that has been confirmed through the granting of a certificate of lawfulness. The land is occupied by various buildings and associated hard standing. To the rear of the site is agricultural land, and the site is viewed in the context of linear development of residential properties along Blue Stone Lane.

3. The site falls to be considered as previously developed land, as defined in the National Planning Policy Framework (the Framework) at Annex 2: Glossary which states:

*“Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.*

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks full planning permission for the erection of 4no. detached dwellinghouses which would utilise the current vehicular access off Blue Stone Lane, although it would be widened, including the provision of footways either side. The proposed development

also includes the demolition of the existing bungalow and all associated outbuildings within the site. The gated field access to the south along Nook Lane would be retained.

## REPRESENTATIONS

5. 1no. representation has been received citing the following grounds of objection:

- The proposed development is another example of multiple / enlarged dwellings on existing sites which is putting serious pressure on the current infrastructure in terms of traffic, surface water and mains drainage.
- Bluestone Lane is the principal road through Mawdesley and the planning site is very near a right angle bend and a junction (where we understand even more housing is planned on the site of the old Robin Hood pub, most recently called the Mediterranean Restaurant).
- Traffic is heavy at peak times and motorists often ignore the speed limit.
- This stretch of road is poorly lit and is also a favoured route for large groups of cyclists. To have an additional 10-12 cars turning in and out of this site (and potentially as many again from the Robin Hood site) will significantly increase the risk of a serious accident.
- There are drainage issues on Blue Stone Lane and Nook Lane
- It is queried how many more houses or enlarged properties the current main drain along this road can accommodate and whether the Council communicates with United Utilities and North West Water about these issues.
- It is also queried whether the LPA have assurances that the volume of planning applications that are approved will not further jeopardise existing residents.

## CONSULTATIONS

6. Mawdesley Parish Council: No comments have been received.

7. CIL Officers: Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.

8. Greater Manchester Ecology Unit: Have no objection and recommend conditions.

9. Lancashire County Council Highway Services: Have no objection and recommend conditions.

10. United Utilities: Have no objection and drainage conditions are advised.

## PLANNING CONSIDERATIONS

### Principle of development in the Green Belt

11. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

13. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.



14. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".

15. To engage with the exceptions of paragraph 145 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.

16. This part of Mawdesley is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:

"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."

17. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

18. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a large detached bungalow and a number of associated outbuildings which are spread across the site, including a double access / driveway and associated hardstanding areas. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

19. The proposal involves the demolition of all existing buildings which occupy the site, in order to offset the harm caused to openness which would arise from the proposed development. In volumetric terms, the proposed dwellings would have approximately 17% uplift in volume compared to the existing volumes provided in the application. However, there is a further building on site which would be demolished to accommodate the proposal, and this has not been included in the submitted calculations. When taking this building into account, the resultant increase in volume would be approximately 8%. It would, however, have a reduced footprint by approximately 14% than the existing buildings combined.

20. When considering the increase in volume, national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 8% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt.

21. The proposed dwellings would be spread across the site and would be of two storeys in height, whereas the existing buildings are approximately 2 metres lower in height. The proposal would have a uniformed layout with a smaller footprint, with the built form located closer to the road frontage, and gardens backing onto the fields. Although there would be a change in how the site looks, when taking the above factors into account it is not considered that the redevelopment of the site for 4no. dwelling would have a greater impact on the openness of the Green Belt than the existing development.

22. The proposal is considered to accord with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt.

23. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

#### Impact on the character and appearance of the area

24. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area

25. The site is already in domestic use as a single dwellinghouse and associated land and outbuildings which have a lawful domestic use. The appearance of the site is already residential, albeit there is only 1no. dwelling. The proposal includes 4no. detached dwellings set in a uniformed layout that would be served off a single access, with dwellings set back from the road, but still providing a frontage. The design of the dwellings is of a simple form with a contemporary palette of materials including the use of render and timber cladding. First floor accommodation is provided in the roof space, which provides a modest scale development which would not be harmful to the character and appearance of the area.

26. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan 2012 -2026 in respect of design considerations.

#### Impact on neighbouring amenity

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

28. Plot 4 would be situated adjacent to the existing property known as 'Sherwood' which is a detached bungalow. It would be located slightly further away from this neighbouring property than the existing dwellinghouse. There would be no habitable room windows at first floor in the side elevation facing this neighbouring dwelling, except for roof lights which would be above 1.7 metres from floor level and would not, therefore, result in any overlooking or loss of privacy impacts. In addition, there would be no breach of the 45 degree guideline when measured from the nearest habitable room to the rear elevation of Sherwood. This property benefits from planning permission for various alterations, however, these would not be compromised by the current application.

29. Other neighbouring dwellings are well separated from the application site so as to not be adversely impacted upon by overlooking, loss of privacy or overbearing effect.

30. Each proposed dwellinghouse would have sufficient private amenity space to carry out day-to-day domestic activities and would afford acceptable living conditions to future occupiers.

31. The proposed development is considered to be a compatible use with neighbouring residential properties and would not give rise to adverse impacts of noise and disturbance given the small-scale domestic nature of the proposal.

32. The proposed development is considered to accord with the provisions of policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of amenity.

#### Highway safety

33. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

34. During the course of the application revised plans have been received to address the comments of Lancashire County Council Highways (LCC). This includes the permanent closure of the northern most access, the widening of the existing access, including the provision of footways either side of the access and to the front of the site.

35. The site would be served by 1 no. access point, although the field access off Nook Lane would be retained to maintain access to that field. The provision of 2 metre wide footways are required to satisfy the needs of the pedestrian safety given the 40mph speed of the road and to allow connectivity; and these are shown on the proposed site plan. The access and highway works would be secured by condition and would also require an appropriate S278 agreement with LCC Highways.

36. A neighbouring objection has been received which raises concerns about traffic at peak times, the speed of the road which is stated to be ignored by motorists, in addition to the road being poorly lit and used for large groups of cyclists. The cumulative impact of proposed housing at the Robin Hood pub is also raised in the objection and the significant increase of accidents from 10-12 cars turning in and out of the application site. It should be noted, however, that the Robin Hood pub already has unrestricted traffic movements through its lawful use and notwithstanding this, LCC Highways have assessed the application and raise no objection on highway safety grounds.

37. Each proposed dwellinghouse would have 4 no. bedrooms and parking provision for 3 no. vehicles is provided per plot, in line with the Council's parking standards as set out in Appendix A of the Chorley Local Plan.

38. Whilst the neighbour comments in relation to traffic and highway safety are noted, LCC Highway Services are satisfied with the proposal and in the absence of any objection from them it is not considered that a reason for refusal could be sustained. The proposal is considered to accord with policy BNE1 of the Chorley Local Plan 2012 - 2026 in respect of highway safety matters.

#### Ecology

39. The application is accompanied by various ecological surveys and includes a great crested newt survey, bat emergence survey and mitigation measures.

40. An eDNA survey has been carried out for three ponds within the vicinity of the proposed development. No evidence of great crested newts was recorded and the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) advise that the risk of great crested newts being impacted upon by the development is very low.

41. An emergence survey was carried out following the identified presence of bat droppings within the attic of the existing bungalow and, therefore, the property was classified as having moderate potential for a bat roost. The droppings were DNA tested to identify species, which returned positive for common pipistrelle. Other buildings on site were assessed as having either negligible (the brick-built outbuilding) or low potential (the timber building and the large garage).

42. In terms of overall bat activity recorded at the site, the report considers the activity to have been very limited, with most activity around the timber building although it has low suitability for bats.

43. The report identifies that of the bat activity recorded when surveying the bungalow, much of the recorded flight lines and foraging was recorded in the rear gardens of the neighbouring property to the north; and that there is the possibility of a roost being located in the neighbouring property. The report suggests that this could be a sign that a colony of common pipistrelle inhabit the area, as the species is highly mobile.

44. The Council's appointed ecologists at GMEU have assessed the surveys and advise that it is unlikely that the roost is critical to the favourable conservation status of the bat species (the common pipistrelle) and that that other roosting opportunities must be present nearby. GMEU confirm that they are satisfied that the proposed mitigation measures are adequate and that it is likely that Natural England will not object. A condition in relation to securing the Natural England licence is recommended by GMEU.

45. In considering the three tests of the Habitat Regulations 2017, the proposal would deliver social and economic benefits through the delivery of housing on a brownfield site, which would contribute to the Council's housing land supply. Secured by appropriate conditions, the proposal would deliver environmental enhancements through the landscaping of the site which would include biodiversity gains including features such as bird and bat boxes. In terms of test 2, to do nothing would mean that the public benefits cannot be delivered and the enhancements, in particular for bats, would not be delivered. Identified roost is not critical to the favourable conservation status of the population of the bat species and as such it would be maintained. It is considered that the tests are met. The identified day roost is of low conservation concern, but nonetheless, favourable conservation status of the population of the species would be maintained.

46. Having regard to the above, and the recommended condition, it is not considered that the proposal would be detrimental to nature conservation interests or European protected species.

#### Public open space

47. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

48. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

49. Specifically, the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

50. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

51. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek

contributions towards provision for children/young people on developments of 10 dwellings or less.

52. There is currently a surplus of provision in Ecclestone and Mawdesley in relation to this standard, however, the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would, therefore, be required from this development, however no new provision is currently identified. In the absence of an identified scheme, a public open space commuted sum cannot be secured at this time.

#### Sustainability

53. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

54. "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

55. "Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

56. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This could be controlled by a condition.

#### Drainage

57. Although an objection raises concerns in relation to drainage and capacity in the area, United Utilities have been consulted on this application and raise no objections. They do, however, recommend drainage conditions in relation to surface water drainage and that foul and surface water should be drained on separate systems.

#### Community Infrastructure Levy (CIL)

58. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

#### Drainage

**CONCLUSION**

59. The proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be detrimental to the character and appearance of the area, nor would it adversely affect the amenity afforded to neighbouring residential properties. The proposed development would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions.

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

60. Suggested conditions

To follow.

**RELEVANT HISTORY OF THE SITE**

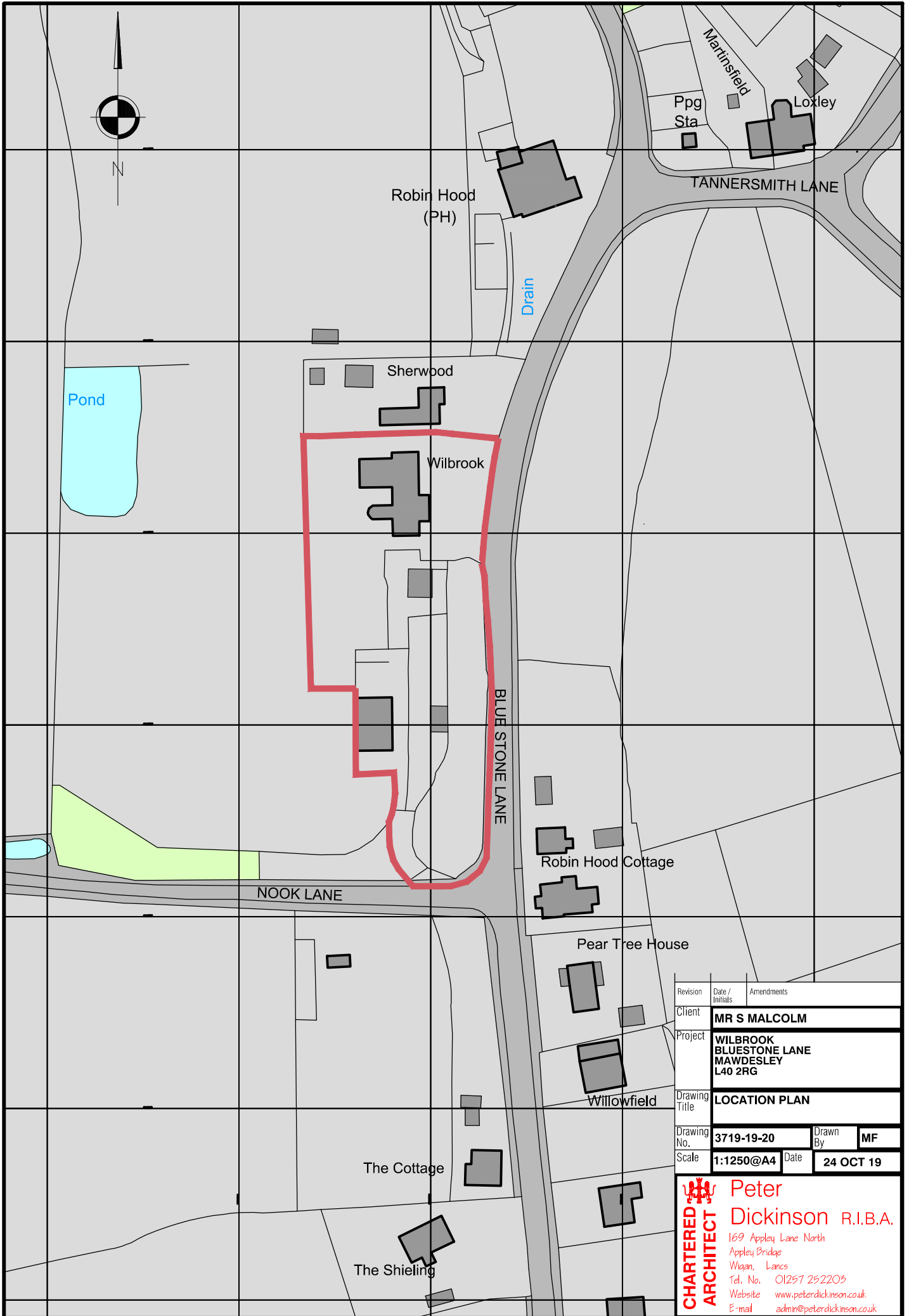
**Ref:** 18/01120/CLEUD      **Decision:** PEREUD      **Decision Date:** 29 July 2019  
**Description:** Application for a Certificate of Lawfulness for an existing use comprising domestic use of building and land

**Ref:** 94/00195/FUL      **Decision:** PERFPP      **Decision Date:** 26 April 1994  
**Description:** New vehicular access to from through drive

**Ref:** 81/00387/REM      **Decision:** PERRES      **Decision Date:** 19 May 1981  
**Description:** Bungalow

**Ref:** 80/01151/OUT      **Decision:** PEROPP      **Decision Date:** 19 January 1981  
**Description:** Bungalow to replace existing cottage

**Ref:** 79/00694/FUL      **Decision:** PERFPP      **Decision Date:** 22 October 1979  
**Description:** Kitchen/bathroom extension



Revision	Date / Initials	Amendments
Client	<b>MR S MALCOLM</b>	
Project	<b>WILBROOK BLUESTONE LANE MAWDESLEY L40 2RG</b>	
Drawing Title	<b>LOCATION PLAN</b>	
Drawing No.	<b>3719-19-20</b>	Drawn By <b>MF</b>
Scale	<b>1:1250@A4</b>	Date <b>24 OCT 19</b>

**CHARTERED ARCHITECT** **Peter Dickinson R.I.B.A.**  
 169 Appley Lane North  
 Appley Bridge  
 Wigan, Lancs  
 Tel. No. 01257 252205  
 Website www.peterdickinson.co.uk  
 E-mail admin@peterdickinson.co.uk

This page is intentionally left blank



**APPLICATION REPORT – 20/00923/FUL**

**Validation Date: 1 September 2020**

**Ward: Chorley North East**

**Type of Application: Full Planning**

**Proposal: Erection of two storey apartment block containing 4no. two bedroom apartments including on site parking**

**Location: Land Opposite B And Q Preston Street Chorley**

**Case Officer: Mike Halsall**

**Applicant: R & G Developments Ltd**

**Agent: Mr Tony Lawson, LMP Ltd.**

**Consultation expiry: 8 October 2020**

**Decision due by: 11 December 2020 (Extension of time agreed)**

---

**RECOMMENDATION**

1. It is recommended that the application is approved, subject to conditions.

**SITE DESCRIPTION**

2. The application site is located on land on the opposite side of Preston Street to the B & Q store to the north of Chorley town centre, behind a row of terraced dwellings that front Trafalgar Street. Preston Street bounds the site to the north east, the terraced dwellings to the south and a nursery to the west. The land level drops from west to east across the application site.
3. The site currently consists of hardstanding and vegetated scrubland which appears to be a target for littering / fly tipping on this visually prominent section of the approach to Chorley town centre.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission for the erection of a two storey apartment block containing four 2-bed apartments, with on-site parking facilities. Vehicular access would utilise an existing entrance located to the south west from Trafalgar Street, situated between the terraced properties and the entrance to the nursery.
5. Site levels would need to be altered slightly to create a level development platform for the apartment block, including the construction of a retaining wall, as shown on the submitted site plans.

**REPRESENTATIONS**

6. No representations have been received.

## CONSULTATIONS

7. United Utilities: Have responded with no objection to the proposal and have suggested that the applicant employ sustainable drainage options at the site. It is considered that this can be adequately controlled by planning condition.
8. Lancashire County Council Highway Services (LCC Highways): Have responded to state that the proposed 4no. off-street parking spaces represent half of the number required by the Council's parking standards, however the site is in a sustainable location and so the lower number is considered acceptable. LCC Highways requested a covered cycle store be provided as part of the proposal. A store has been added to the submitted plans and its implementation can be controlled by planning condition.
9. Regulatory Services - Environmental Health: Have no objections in principle to the proposed developed and given the close proximity of residential properties to the site, recommend that the applicant adheres to the information contained within the Chorley Council document 'Code of Practice for Construction and Demolition'. This code is intended to give guidance to contractors on the measures that Chorley Council expects them to take to minimise the environmental impacts of their work on the local community and gives information on working hours, noise, plant and equipment, piling and vibration.

This can be secured by a planning condition.

10. Waste & Contaminated Land: Have no objection and recommend a condition.

## PLANNING CONSIDERATIONS

### Principle of the development

11. The application site is located within a settlement area as shown on the Local Plan 2012-2026 policies map and is covered by Policy V2 which states that there is a presumption in favour of appropriate sustainable development, subject to material planning considerations and the other policies and proposals within the plan.
12. A small section of the application site is covered by policy HW2 of the Chorley Council Local Plan 2012-2026: Protection of Existing Open Space, Sport and Recreational Facilities, which states:
 

*“Land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless:*

  - a) *Alternative facilities of an equivalent or enhanced standard are provided nearby before the existing facilities cease to be available; or*
  - b) *It can be demonstrated that the loss of the site would not lead to a deficit of provision in the local area in terms of quantity and accessibility; and*
  - c) *The site is not identified as being of high quality and/or high value in the Open Space Study; and*
  - d) *It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area; and*
  - e) *The site does not make a significant contribution to the character of an area in terms of visual amenity.”*
13. The section of the site covered by policy HW2 is mostly an area of hardstanding that serves as an entrance to the application site. The rest is overgrown scrubland. The land, therefore, serves no recreational purpose and has no visual amenity value. It is, therefore, considered there is no conflict with this policy and the proposal is acceptable in principle in this location.

### Impact on the character and appearance of the area

14. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting,

layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area

15. The proposed building would have a maximum height to ridge of 7.4m and 4.9m to eaves. The design of the apartment block is such that it would appear similar to that of two semi-detached dwellings and the final choice of external facing materials can be controlled by planning condition. Given the current poor appearance of the site, it is considered that the proposal would improve the appearance of the site.
16. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan 2012 -2026 in respect of design considerations.

#### Impact on neighbouring amenity

17. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.
18. The site levels would mean that the finished floor level of the apartments would be approximately 2m lower than that of the adjacent nursery to the west and less than 1m higher than that of the nearest terraced dwelling to the south. The orientation of the apartment block would be at a right angle to the rear elevations of the terraced dwellings on Trafalgar Street and the only facing window within the apartment block would serve a stairwell.
19. The difference in land levels and the existing screen fences to the boundary of the nursery mean that there would be no overlooking of the nursery or its playground from the proposed apartments, or vice versa.
20. There is an interface distance of 13m between the rear elevation of the nearest terraced dwelling on Trafalgar Street and the main side elevation of the proposed apartment block. The only facing habitable room window within the terraced dwelling serves a kitchen/diner at ground floor level. Part of the apartment block would be closer at 11m but this would serve the stairwell with a lower ridge height of 6.5m.
21. The proposed development is considered to accord with the provisions of policy BNE1 of the Chorley Local Plan 2012 – 20126 in respect of amenity.

#### Highway safety

22. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026) stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.
23. The proposal would provide four off-road parking spaces which is half that identified in the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026. The policy however allows for a lower level of provision for sustainable locations such as the proposed site and the provision of covered cycle parking would encourage such sustainable forms of transport to be used by future occupiers of the apartments. LCC highways have raised no objection to the proposal. As such, it is considered that the proposal complies with policy ST4 of the Chorley Local Plan 2012 – 2026.

Public open space (POS)

24. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
25. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.
26. Specifically, the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.
27. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.
28. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.
29. Local Plan Policy HS4A sets a standard of 0.08 hectares of public open space provision for children/young people per 1,000 population. There is currently a deficit of provision in Chorley North East in relation to this standard, a contribution towards new provision in the ward is, therefore, required from this development. However, a financial contribution for off-site provision can only be requested if there is an identified scheme for new provision and none are currently identified. No contribution can, therefore, be requested for this scheme.

Ecology

30. Policy BNE9 of the Chorley Local Plan 2016-2026 states that priority will be given to protecting, safeguarding and enhancing habitats for European, nationally and locally important species.
31. The application site is considered to be of low ecological value; however, it is considered that a planning condition be attached as a precautionary measure requiring a check for nesting birds take place prior to site clearance works. Ecological impacts are considered unlikely and the proposal is considered acceptable in this regard.

Community Infrastructure Levy

32. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

**CONCLUSION**

33. The application proposes a sustainable form of development, and is accordingly recommended for approval, subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 95/00556/ADV      **Decision:** REFADV      **Decision Date:** 4 December 1995  
**Description:** Display of advertisement hoarding

**Ref:** 19/00440/ADV      **Decision:** PERADV      **Decision Date:** 8 July 2019  
**Description:** Application for advertisement consent for the display of 1no. illuminated digital advertisement display panel

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	18-149-L01	1 September 2020
Proposed Plans and Elevations	18/149/P02	1 September 2020
Proposed Site Layout and Section	18/149/P01 Rev A	2 October 2020

*Reason: For the avoidance of doubt and in the interests of proper planning.*

3. Prior to their installation, images of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

4. Surface water drainage measures shall be designed in accordance with the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof).

*Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.*

5. Clearance of vegetation will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections that have been submitted to and approved in writing by the Council.

*Reason: To ensure breeding birds are protected during construction.*

6. The approved covered cycle store shall be implemented in accordance with the approved details before first occupation/use of the development. The facilities shall be retained at all times thereafter.

*Reason: To encourage sustainable transport modes.*

7. The Chorley Council document "Code of Practice for Construction and Demolition" shall be adhered to throughout the construction period.

*Reason: To protect the amenities of the nearby residents.*

8. Prior to any development commencing on the site a report shall be submitted to and approved by the Local Planning Authority to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and preliminary risk assessment. If the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

*Reason: To protect the environment and prevent harm to human health by ensuring the site is suitable for the proposed end-use.*



0m 125m

Scale: 1:1250

Revision Notes:



CLIENT  
R & G Developments Ltd.

PROJECT NAME  
Proposed Apartments on land to the rear of

9 - 19 Trafalgar Street, Chorley, PR7 1HE

DRAWING NAME  
Location Plan

SCALE	DRAWN BY	DATE	DRAWING NUMBER	REVISION
1:1250 @ A4	ASL	18/07/20	18-149-L01	-

This page is intentionally left blank



**APPLICATION REPORT – 20/01048/PIP**

**Validation Date: 7 October 2020**

**Ward: Brindle And Hoghton**

**Type of Application: Permission In Principle**

**Proposal: Permission in principle application for the erection of up to four dwellinghouses and associated development**

**Location: Wise Marys Farm 263 Hoghton Lane Hoghton Preston PR5 0JD**

**Case Officer: Mr Iain Crossland**

**Applicant: Mr Noblett**

**Agent: Mr Chris Betteridge, De Pol Associates**

**Consultation expiry: 23 October 2020**

**Decision due by: 27 November 2020 (Extension of time agreed)**

---

**RECOMMENDATION**

1. It is recommended that permission in principle is granted subject to conditions.

**SITE DESCRIPTION**

2. The application site comprises a motor vehicle repair workshop and a residential dwelling in the settlement area of Hoghton, close to the administrative border of Chorley and South Ribble. The site is irregular in shape, extending to approximately 0.2 hectares and includes a two storey elongated brick building that is sited at an angle with the main carriageway. This building contains the workshop and residential dwelling. To the immediate east of the main building is a single storey garage and yard area, which also forms part of the vehicle repair business. The land to the north and west of the site appears to be more domestic in nature. The site is contained as a whole by a variety of boundary treatments including hedgerows and trees, together with a low stone wall on the carriageway boundary. The site is currently served from an existing vehicular access off Hoghton Lane to the immediate east of the application site.
3. The character of the area is that of a rural village with mainly linear development surrounded by open agricultural land, whilst the site itself is located between dwellings within a ribbon of residential development.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks permission in principle for the erection of up to four dwellinghouses and associated development.

**REPRESENTATIONS**

5. Representations have been received from the occupiers of 13no addresses citing the following grounds of objection:
  - Impact on highway safety
  - Loss of a heritage asset

- Adverse impact on the character of the area
- Adverse impact on the amenity of neighbouring occupiers
- Overdevelopment of the site
- Houses are not needed / unnecessary in Hoghton
- Depreciation of surrounding house values
- Area not identified for growth
- The site should not be considered brownfield due to the scale of the workshop operations / no business activity currently being undertaken
- The site is not part of a working farm
- Development would not be infilling and would be contrary to policy HS3 Private Residential Garden Development, Policy HS6 on replacement dwellings and Policy HS7 on Rural Infilling
- The character of the area is linear but the site plan would develop into the site away from the highway
- Development would be suburban in character
- Development cannot be delivered as it would interrupt a right of access

6. One representation in support has been received.

### CONSULTATIONS

7. Hoghton Parish Council: Have commented that this is considered an over development of the site and two houses would be more acceptable than four; this could set a precedent for the development of the adjoining land; and there is also a problem of access to a busy main road on a bad bend and this would add to traffic particularly as development has been approved not far from this site further up the main road.
8. United Utilities: Have no objection.

### PLANNING CONSIDERATIONS

9. Paragraph 012 of the National Planning Practice Guidance (NPPG) provides guidance on applications for Permission in Principle and states that *“the scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these ‘in principle’ matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.”*
10. It is noted that a number of objections have been received raising a range of issues, most commonly relating to highway impacts and the loss of the existing former farm building. These and the majority of issues raised relate to other matters that cannot be considered at this stage and would need to be assessed as part of any future application for detailed consent. Highway and heritage matters, ecology, character and amenity issues fall outside of what the Local Planning Authority can assess as part of this current application, as set out in the NPPG.
11. In terms of location and land use, the site is situated within the settlement area of Hoghton as identified within the Chorley Local Plan 2012-2026, and is in a mixture of uses comprising both a motor vehicle repair workshop and residential use. Policy V2 of the Chorley Local Plan 2012 - 2026 sets out that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development subject to material considerations and other policies and proposals within the plan. This should be read in conjunction with Core Strategy policy 1: Locating Growth.
12. Hoghton is not specified as an area for growth within Core Strategy policy 1 and falls to be considered as an ‘other place’. Criterion (f) of Core Strategy policy 1 reads as follows:

*“In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes.”*

13. It is considered that Hoghton can be classified as a ‘smaller village’. It is also considered that the proposed development of four dwellings is small scale and the application site itself is well contained between existing development with residential development on either side of the site to the east and west. In this sense the proposal represents small scale development that would result in appropriate infilling within the village, when considered in the context of this strategy policy.
14. One of the core principles of the National Planning Policy Framework (The Framework) is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with some access to public transport, some limited local amenities such as a local shop, community centre and public houses, and the means to access other nearby amenities relatively easily. The Framework also states that development in sustainable locations should be approved without delay. This presumption in favour of sustainable development is reflected in policy V2 of the Chorley Local Plan.
15. The development of four dwellings would be an appropriate amount of development, within the settlement boundary of a village of this size. There are a range of dwelling types within the village and in the locality of the application site itself, including detached, semi-detached and terraced houses. These are in a range of traditional design styles faced in both red brick and stone. The site itself is of a scale and form that could accommodate up to four dwellings that could be designed and laid out in such a way as to reflect the scale and siting of neighbouring dwellings so as to harmonise with the character of the area, whilst providing adequate amenity for future occupiers and without resulting in unacceptable harm to the amenity of existing neighbouring occupiers.
16. It is noted that the indicative site plan demonstrates how the positioning of dwellings could be laid out on the site. This shows a rather scattered approach with one dwelling to the rear of existing houses and a courtyard type arrangement. This layout does not reflect the character of the area and would potentially be harmful to neighbour amenity, however, the layout is indicative only at this stage and is not for consideration as part of this application. Given the width of the site frontage it is considered possible that a development of four dwellings could be designed that would have an active street frontage reflecting the current pattern of development along Hoghton Lane, whilst ensuring that adequate off street parking can be provided. Such an arrangement could equally involve semi-detached or terraced dwellings of a type reflecting local scale, and would not require developing into the backland area of the site. On this basis it is considered that up to four dwellings could be accommodated on the site subject to appropriate design in consideration of the character of the area, and impact on neighbour amenity.
17. The application site is in a mixture of uses and is considered to comprise a single planning unit. It is not, therefore possible to apply policy HS3 of the Chorley Local Plan 2012 -2026, which covers private residential garden development, to the assessment of this application. For the same reason it is not possible to apply policy HS6 of the Local Plan, which covers replacement dwellings, as the application building is not a dwelling but is a compound mix of uses as is the site.
18. The application site is previously developed land and contains buildings. As such it is not an undeveloped gap and, therefore, policy HS7 of the Local Plan, which covers rural infilling, is not appropriate in this instance.
19. Whilst it is noted that the former farm building has been in situ for some considerable time and may have some historical and local importance, it is not locally or statutory listed. Any consideration of the historic importance of the building and the impact of its possible loss would need to be assessed as part of any future application for detailed consent.

20. Overall, and on the basis of the above it is considered that the 'principle' of the proposed development of up to four dwellings is acceptable in compliance with the National Planning Policy Framework, Policy 1 of the Core Strategy and Policy V2 of the Chorley Local Plan 2012 – 2026.

#### Other matters

21. Depreciation of surrounding house values: This is not a material planning matter.
22. The site should not be considered brownfield due to the scale of the workshop operations / no business activity currently being undertaken: The lawful use of the site is as a vehicle repairs garage regardless of the current intensity or arrangements of operations on the site.
23. Development cannot be delivered as it would interrupt a right of access: Evidence has been submitted to demonstrate that a right of access may cross part of the site. This would not be a reason in itself to prevent the grant of permission in principle. It may impact upon the form of any eventual development proposal or may prevent the implementation of a planning permission but not the grant. This is essentially a civil matter to be resolved outside the planning process and therefore the application can proceed to determination.

#### Community Infrastructure Levy

24. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. CIL Liability is not calculated on applications for Permission in Principle but will be CIL Liable on approval of the technical details (if approved).

### **CONCLUSION**

25. The principle of erecting four dwellings at the application site is considered acceptable in terms of location, land use and the amount of development. It is, therefore, recommended that permission in principle is granted, subject to conditions.

### **RELEVANT HISTORY OF THE SITE**

**Ref:** 4/3/00967                      **Decision:** REFFPP                      **Decision Date:** 7 November 1955

**Description:** Installation of petrol pumps in farmyard

**Ref:** 4/3/01243                      **Decision:** PERFPP                      **Decision Date:** 23 September 1957

**Description:** To use existing garage and yard for motor repair workshop and vehicle park

**Ref:** 4/3/01769                      **Decision:** REFFPP                      **Decision Date:** 23 August 1960

**Description:** 15' x 6'10" signboard advertising lubrication oils

**Ref:** 4/3/01771                      **Decision:** PERFPP                      **Decision Date:** 23 August 1960

**Description:** Use of existing garage and farm yard for motor repair shop and vehicle park.  
Renewal of consent sought

**Ref:** 90/00223/OUT                      **Decision:** PEROPP                      **Decision Date:** 9 July 1990

**Description:** Outline application for residential development on site of existing motor vehicle repair garage

**Ref:** 94/00151/FUL                      **Decision:** PERFPP                      **Decision Date:** 26 April 1994

**Description:** Residential development on site of existing motor vehicle repair garage

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National

Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

<b>Title</b>	<b>Plan Ref</b>	<b>Received On</b>
Location Plan	HLD 1/9/20	02 October 2020

*Reason: For the avoidance of doubt and in the interests of proper planning.*

This page is intentionally left blank



Scale 1:1250



© Crown copyright and database rights 2020 Ordnance Survey 100048957. The representation of road, track or path is no evidence of a boundary or right of way. The representation of features as lines is no evidence of a property boundary.

Supplied by: www.ukmapcentre.com  
Serial No: 191769  
Centre Coordinates: 360165.427054  
Production Date: 21/08/2020 16:25:07

263 Hoghton Lane Hoghton Preston PR5 0JD

HLD 1/9/20.

This page is intentionally left blank



**APPLICATION REPORT – 20/01139/S106A**

**Validation Date: 26 October 2020**

**Ward: Heath Charnock And Rivington**

**Type of Application: Section 106 Amendment**

**Proposal: Request under Section 106A of the Town and Country Planning Act 1990 (as amended) and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 to discharge a planning obligation (Unilateral Undertaking removing Permitted Development Rights) dated 12th May 2013 associated with planning approval reference 12/01121/FUL, which was for the erection of a replacement dwelling**

**Location: Cardwell House Rawlinson Lane Heath Charnock Chorley PR7 4DF**

**Case Officer: Caron Taylor**

**Applicant: Mr And Mrs M Bamford**

**Agent: N/A**

**Consultation expiry: 18 November 2020**

**Decision due by: 25 January 2021**

---

**RECOMMENDATION**

1. It is recommended that the application is refused for the following reason:

It is considered that the Unilateral Undertaking still meets the test sets out in the National Planning Policy Framework and its discharge could result in harm to the openness of the Green Belt contrary to planning policies.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt on Rawlinson Lane, Heath Charnock. The existing property is a detached dwellinghouse.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

3. The dwellinghouse was permitted under planning permission ref: 12/01121/FUL. A Unilateral Undertaking proposing not to implement permitted development rights under Schedule 2, Part 1 Classes A-C (extensions, additions to the roof and alterations to the roof) was put forward for consideration and accepted as a material consideration in permitting the application. The applicant now wishes to have the Unilateral Undertaking discharged.
4. The dwelling is complete and occupied.

**PLANNING CONSIDERATIONS**

5. Guidance on the use of planning conditions and obligations can be found in the National Planning Policy Framework (The Framework) at paragraph 54 onwards. This states:

54. *Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*

55. *Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.*

56. *Planning obligations must only be sought where they meet all of the following tests.*

- a) *necessary to make the development acceptable in planning terms;*
- b) *directly related to the development; and*
- c) *fairly and reasonably related in scale and kind to the development.*

### **Applicant's case and response**

6. The applicant states that the planning obligation fails the tests of necessity and reasonableness. They state that Circular 11/95 paragraph 87 states: *"Both development orders and Use Classes Order, however, are designed to give or confirm a freedom from detailed control which will be acceptable in the great majority of cases. Save in exceptional circumstances, conditions should not be imposed which restrict either permitted development right granted by development order or future changes of use which the Use of Classes Order would otherwise allow. The Secretaries of State would regard such conditions as unreasonable unless there were clear evidence that the uses excluded would have serious effects on amenity of the environment, that there were no other forms of control, and that the condition would serve a clear planning purpose."*

7. In light of the above presumption against conditions restricting permitted development, the planning obligation by Unilateral Undertaking has been unreasonably imposed.

8. The applicant goes on to state that in light of the above presumption against conditions restricting permitted development, the planning obligation by Unilateral Undertaking has been unreasonably imposed.

9. To respond to this, firstly Circular 11/95 was cancelled in 2014. However, notwithstanding this it accepts that in exceptional circumstances conditions could be imposed that restricted permitted development rights. At the time the application for the dwelling was considered it was considered an exceptional circumstance.

10. It is clear from the officer's report at the time that the dwelling, being a 47.8% increase in volume over the dwelling that it was to replace would be materially larger and was, therefore, contrary to Green Belt policy. The council have adopted policies and supplementary planning documents that consider a 30% increase in volume to be acceptable in the Green Belt and to not be materially larger.

11. However, at the time of the application the applicant/agent put forward an argument that rather than build a smaller house that complied with the 30% increase policy and then use permitted development rights to extend it once it was substantially complete, they would build a larger dwelling from the outset as a single building operation equivalent to a 30% increase plus the size of extensions that could be built later using permitted development rights. They offered up a Unilateral Undertaking to not then exercise permitted development rights that the larger dwelling would normally benefit from if granted planning permission.

12. Therefore, although their proposal at that time would have resulted in an increase in volume of the property over the 30% permissible under planning policy, it would be no larger than if they

built a smaller house and then extended it using permitted development rights, therefore having no greater impact on the Green Belt overall.

13. The Unilateral Undertaking was considered as a material consideration in the decision-making process and the safeguards it proposed were considered sufficient to allow a larger dwelling than normally permitted by planning policies.

14. It must be made clear that the Unilateral Undertaking was not imposed by the council, rather it was offered up by the applicant/agent at the time of application as a way of making an otherwise unacceptable development acceptable, exactly as intended by the government guidance in relation to planning conditions and obligations.

15. It is fair to say that had the Unilateral Undertaking not been provided the application would in all likelihood have been refused as the proposal was contrary to policy for the reasons already set out in this report. The Unilateral Undertaking was not imposed upon the applicant by the council, other than that the council advised the planning application would be unacceptable without it. If the applicant did not wish to be bound by the agreement in the future as they now find themselves, they should not have offered up the Unilateral Undertaking, but rather made an appeal against a refused planning application and put their case forward to an Inspector.

16. The applicant states that if the Unilateral Undertaking is discharged the appearance of the area would not be impacted upon by any development that falls within the realms of permitted development and it would not be allowed under permitted development rights for an extension to impact upon the amenities of neighbours, as any potential alteration, extension or outbuilding, would have to be designed in accordance with permitted development guidelines.

17. This is not the reason the Unilateral Undertaking was considered a material consideration in the decision-making process. The issue at the time of the application was harm to the Green Belt and the Unilateral Undertaking is still considered necessary to prevent that harm if permitted development rights were to be exercised on top of the larger size of dwelling that has now been constructed.

18. It is, therefore, considered that the Unilateral Undertaking that was offered up and taken into account as a material consideration in the decision-making process still meets the tests set out in the Framework. It is:

- a. necessary to make the development acceptable in planning terms for the reasons that have been set out;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

19. It is accepted that the dwelling the subject of the planning application is the 'original dwelling' for the purposes of future planning applications and their assessment against Green Belt policy. However, if the Unilateral Undertaking was discharged as requested by this application the dwelling would benefit from both permitted development rights and consideration of extensions under planning policy up to 50%. This would be harmful to the openness of the Green Belt.

20. The applicant has quoted other applications that have been permitted with no condition imposed [and it must be added no Unilateral Undertaking taken into consideration] removing permitted development rights. The reports for these applications have been reviewed and each clearly state the increase in volume of the dwelling that they were to replace as follows:

12/00145/FUL this was a 30% increase in volume so complied with policy.

12/00071/FUL this was less than a 30% increase in volume.

10/00802/FUL approximately 31% increase.

10/00286/FUL 30.9% increase.

19/00781/FUL 29% increase.

17/00719FUL 23% increase.

16/00905/FUL and 17/00731/FUL -1.4% reduction in volume, -4.7% reduction in footprint, -0.4% reduction in height and -78% reduction in hardstanding area. The case officer did impose a condition removing permitted development rights which the applicant applied to have removed. The condition was removed when the case was reviewed as it was considered unnecessary as the application complied with policy in terms of the impact on the Green Belt as it was a reduction in volume.

21. Therefore, each of the proposals above complied with policy in terms of not being materially larger than the dwelling/buildings they replaced, unlike the dwelling approved on this site where the Unilateral Undertaking was taken into account as a material consideration in allowing a dwelling that was an increase of 47.8%, well above the normally permitted 30% increase.

22. The applicant quotes a planning application from 2005 ref: 05/0148/FUL where a 72% increase was permitted. This however, pre-dates both the Framework and local policy and guidance. This permission was granted under former Planning Practice Guidance Note No.2 and superseded local planning guidance which did allow larger increases at that time, it is not therefore relevant to the current case.

23. The applicant has also quoted applications regarding change of use of land from agricultural use to garden being permitted, however these applications are not relevant to current matter as the proposal did not involve extensions to garden.

## CONCLUSION

24. It is considered that the Unilateral Undertaking still meets the test sets out in the Framework and its discharge could result in harm to the openness of the Green Belt contrary to planning policies. The application is, therefore, considered to be unacceptable and is recommended for refusal.

## RELEVANT HISTORY OF THE SITE

**Ref:** 12/00119/FUL      **Decision:** PERFPF      **Decision Date:** 17 April 2012

**Description:** Erection of a replacement dwelling

**Ref:** 12/00489/FUL      **Decision:** PERFPF      **Decision Date:** 8 August 2012

**Description:** Application to remove condition no. 12 (which removed permitted development rights) of planning permission no. 12/00119/FUL, which permitted the erection of a replacement dwelling on the site

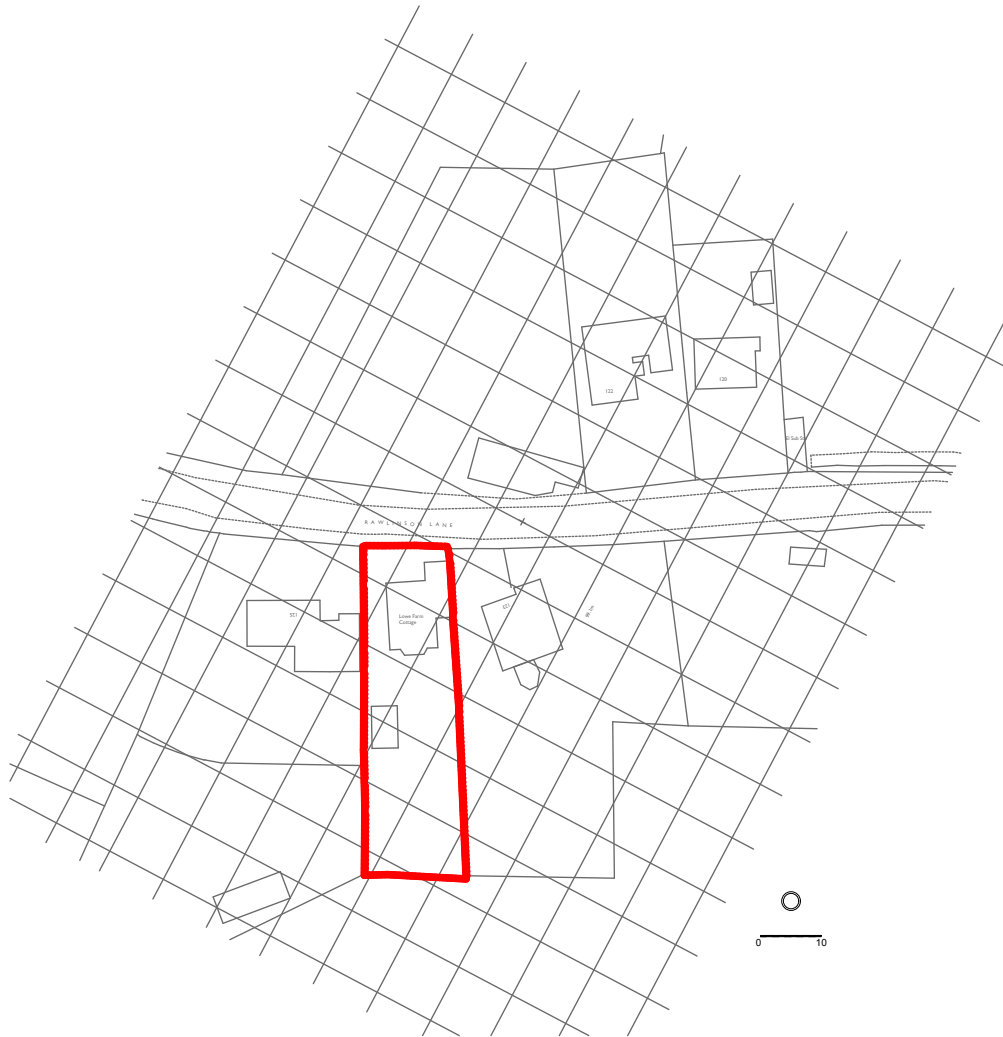
**Ref:** 12/01121/FUL      **Decision:** PERFPF      **Decision Date:** 17 May 2013

**Description:** Erection of a replacement dwelling, detached garage, detached garden room and relocated access. (Amendment to plans approved by 12/00119/FUL)

**Ref:** 13/01139/DIS      **Decision:** PEDISZ      **Decision Date:** 23 January 2014

**Description:** Application to discharge conditions numbered 4 (facing materials), 6 (ground and slab levels), 7 (landscaping), 9 (boundary treatments), 11 (hard ground surfacing materials) and 12 (driveway and parking area) of planning 12/01121/FUL

**RELEVANT POLICIES:** In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.



19 Ribblesdale Place Preston Lancashire PR1 3NA Tel. 01772 821444 Fax: 01772 204657 E-mail:office@woodassoc.co.uk

**NOTES**

**Mr and Mrs Bamford**

Low Farm Cottage

**LOCATION PLAN**

DO NOT SCALE FROM THIS DRAWING.  
 ALL DIMENSIONS ARE TO BE CHECKED ON SITE BEFORE CONSTRUCTION COMMENCES.  
 WOOD ASSOCIATES OWNS THE COPYRIGHT TO THIS DRAWING. IT SHALL NOT BE REPRODUCED, DISTRIBUTED OR OTHERWISE USED WITHOUT THE CONSENT OF THE COPYRIGHT OWNER. UNLESS PAYMENT HAS BEEN ACCEPTED BY THE OWNER SUCH CONSENT IS DEEMED NOT TO HAVE BEEN GIVEN.  
 THIS DRAWING SHALL ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS PREPARED. DRAWINGS CARRIED OUT FOR THE PURPOSES OF PLANNING APPROVAL SHALL NOT BE USED FOR OBTAINING PRICES OR FOR CONSTRUCTION PURPOSES

scale 1:1250 at A4 drawing no. 1723 / A.02 date 23/11/2010

This page is intentionally left blank



Report of	Meeting	Date
Director (Customer & Digital)	Planning Committee	24 November 2020

#### REVIEW OF CHORLEY COUNCIL'S VALIDATION CRITERIA FOR PLANNING APPLICATIONS

1. The current validation checklist was published in August 2018 and, therefore, needs reviewing to ensure that the list is relevant and proportionate. National Planning Practice Guidance provides that the local list can either be revised (subject to public consultation), or where no changes are necessary, the list can be republished.
2. It is considered that the existing local list is satisfactory and fit for purpose to allow the Local Planning Authority to request sufficient information upon receipt to enable planning applications to be properly assessed.
3. Only very minor changes have been made, such as updating links and an update on consultation by developers and pre-application discussions during the COVID-19 crisis.
3. The local list would then be republished on the Council's website without the need for public consultation.

**RECOMMENDATION:** It is recommended that the local list is republished, subject to minor changes to reflect current government legislation and guidance.

Report Author	Ext	Date	Doc ID
Caron Taylor	5222	12 November 2020	***

This page is intentionally left blank