

APPLICATION REPORT – 21/01116/OUT

Validation Date: 15 September 2021

Ward: Eccleston, Heskin And Charnock Richard

Type of Application: Outline Planning

Proposal: Outline application with all matters reserved for demolition of buildings and residential development for up to nine detached dwellings

Location: Hunters Lodge Motel Preston Road Charnock Richard Chorley PR7 5LH

Case Officer: Johndaniel Jaques

Applicant: Mr Peter Gilkes, Peter E Gilkes & Company

Agent: Mr Peter E Gilkes, Peter E Gilkes & Company

Consultation expiry: 20 October 2021

Decision due by: 8 March 2022 (Extension of time agreed)

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site is located in the Green Belt as defined by the Chorley Local Plan Policies Map. It is occupied by a motel and restaurant which is mainly single storey with a high pitched roof, although at the rear there is a two storey dormer element to the motel. At the rear of the site there are several outbuildings and storage containers. There are large areas of hardstanding used for parking across the site. There are also several trees on the site, mainly along the southern boundary.
3. To the south of the site is a residential dwelling known as The Oaks, and to the north of the site is agricultural land with a residential property Woodlands further north.
4. The land to be developed constitutes previously developed land, having regard to the definition set out in 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

5. The application seeks outline planning permission for the erection of up to nine dwellings. All existing buildings on site would be demolished. The application is in outline only, with all matters reserved.

REPRESENTATIONS

6. Sixteen representations have been received citing the following grounds of objection:
 - There are errors and inconsistencies in the submission.
 - Da Vinci's restaurant and the Hunters Lodge Motel are viable businesses that provide 18 jobs. These jobs and businesses would be lost and missed greatly by locals and visitors. They are a community asset. They are not closed as the application suggests and lease arrangements would be broken.
 - Existing tenants have invested a lot of money into the premises.
 - Many staff who live at Hunters Lodge would be made homeless.
 - The area does not need more executive houses with recently built ones struggling to sell, and services and infrastructure are under pressure.
 - This does not provide social or affordable housing which is in demand, and the size of the plot has been reduced by erecting a fence to avoid having to provide affordable housing.
 - Many accidents occur on the A49 with speeding traffic on this blind bend, and this will increase traffic.
 - This is overdevelopment and would spoil the streetscene
 - Allowing this will open the floodgates for more housing destroying countryside.
 - This does not meet the criteria for development in the Green Belt.

Three supporting representations have been received which make the following comments:

- The site is an eyesore with scrap cars stored there whereas a small development of more houses in the parish is welcome.
- People's concerns are inconsistent, they raise dangerous accidents but also say the businesses are busy, so the current site creates more traffic than 9 houses would.
- People complained about noise when a nightclub operated at the site.

CONSULTATIONS

7. Charnock Richard Parish Council – Object strongly and comment that the loss of amenity due to loss of a fully functioning hotel and restaurant would not be outweighed by the benefit of up to 9 detached dwellings. There is no proven need for more houses of this type in the village, and the lack of services and amenities would make the proposal unsustainable. The business not only served residents of Charnock Richard but the wider Chorley area. The proposal would result in an overdevelopment of the site and would result in a 70% increase in the volume of floorspace on the site, which is unacceptable and is over-intensification. Contrary to what the planning application form states the proposal would result in a loss of employment of local people in the village. Another serious concern is the proposed access to the development, given extremely poor sightlines when exiting the site onto a section of derestricted road, the main A49. Accidents are frequent at this location and highway safety would be compromised for homeowners exiting the site onto Preston Road and for motorists using the A49.
8. Lancashire County Council Highway Services (LCC Highway Services) – Advise that the development is acceptable in principle, subject to requirements being met and that there would be less trips associated with the proposed development than the existing motel. Conditions are recommended.
9. Greater Manchester Ecology Unit (GMEU) – Recommend conditions.

10. Council's Tree Officer – Recommends a condition to secure adherence to the tree protection plan and method statement.
11. United Utilities – Have raised no objections and recommend conditions.
12. CIL Officer – Advises that CIL Liability is not calculated at outline application stage, however, the development will be CIL liable on approval of the final reserved matters application.

PLANNING CONSIDERATIONS

Principle of development

13. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the National Planning Policy Framework (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.
14. 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.
15. Paragraph 149 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 149 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.
16. Whilst the test for previously developed 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 in 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".
17. To engage with the exceptions of paragraph 149 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.
18. This part of Charnock Richard 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."
19. Policy BNE5 of the Chorley Local Plan 2012 – 2026 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.

20. 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 building extending centrally across the site and to the north in a 'T' shape and a large formal parking area to the front of the site, with hardstanding and other structures to the rear. 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.
21. The application proposes to demolish the existing buildings in order to offset the harm caused to openness which would arise from the proposed development proposal involves the demolition of all buildings on the site, which helps to offset the harm caused to openness which would arise from the proposed development.
22. In volumetric terms, the proposed dwellings combined would utilise the existing volumes on site, (for clarity this would not include the canopy at the front of the site), and the application states that this was include an uplift of 30%, although the calculations exceed this as the uplift in volume is calculated at 31.7%.
23. When considering any uplift in volume in the Green Belt, 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 same approach to the development, an increase of up to 30% would not be a material increase when considering the impact on the openness of the Green Belt. The application documentation proposes a slightly higher volume, this is only indicative and the uplift could be controlled to a maximum of 30%.
24. Other factors to consider include the removal of buildings which are spread across the site, some of which are not visually attractive and the siting of up to nine detached dwellings set within gardens would provide a sense of openness within the development. Scale is not applied for at this stage, but it is considered that two storeys as a maximum would be an appropriate scale given the height of the existing building and having regard to the heights of dwellings to the north and south of the site; and would potentially reduce the overall footprint of development. This could be controlled by way of a planning condition. A suitably designed scheme with appropriate landscaping could be drawn up to enhance the appearance of the site as a whole, which in its current form detracts from the character and appearance of the area with the frontage also being dominated by a large car park. 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 up to 9no. dwellings would have a greater impact on the openness of the Green Belt than the existing development.

Impact on the character and appearance of the area

25. 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.
26. Parts of the application site especially to the rear of the motel have a generally tired and unkempt appearance which undermine the overall appearance of the site and the main building itself is not particularly of any architectural merit. The redevelopment of the site provides the opportunity to enhance the site as a whole subject to design considerations as set out in Chorley Local Plan policy BNE1 which would be dealt with at Reserved Matters stage.

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. Given this is an outline application the impact of the proposal on neighbour amenity would be a detailed matter which would be assessed at Reserved Matters stage. Any proposed scheme would need to ensure that an acceptable layout is achieved with adequate separation distances, to avoid adverse impacts on neighbouring residential amenity, and that of future occupiers.
29. In terms of land use compatibility, the proposed residential use would be compatible with neighbouring uses.

Highway safety

30. 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.
31. LCC Highway Services have assessed the application and advise that the proposal is acceptable in principle and that there would be less trips associated with the residential development than the motel.
32. LCC Highway Services set out several requirements which any reserved matters application must address in particular as part of the layout, and these include the widths of internal access roads and parking requirements.
33. Whilst the indicative plan shows that the existing access would be utilised, this is not a detailed matter, however, any access would need to accord with the relevant standards and requirements of LCC Highway Services.

Whilst it is noted that objections have been received in relation to highway safety matters, including (among other things) the speed of traffic on the road, the access on a blind bend and accidents, in the absence of any objection from LCC Highway Services, a reason for refusal on highway grounds would not be warranted as part of this outline application.

Impact on ecological interests

34. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 stipulates that biodiversity and ecological network resources will be protected, conserved, restored and enhanced; and that priority will be given to, among other things, protecting, safeguarding and enhancing habitats for European, nationally and locally important species. In addition, the policy states that development must adhere to the provisions which includes: Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs.
35. The application is accompanied by an ecological survey which found no evidence of roosting bats, or evidence of bat occupation, either current or historic, at the site. This has been

reviewed by the Council's ecology advisors at Greater Manchester Ecology Unit (GMEU) who raise no objections. However, they advise that several conditions are secured to ensure that the recommendations set out in the survey report are adhered to.

36. Having regard to the above and the advice obtained from GMEU it is not considered that the proposed development would be detrimental to nature conservation interests and accords with policy BNE9 of the Chorley Local Plan.

Impact on Trees

37. 4no. Cypress trees would be felled as part of the proposed development. The Council's Tree Officer considers that these have limited arboricultural value but recommends that they are replaced. A condition is recommended to secure this, as is one to ensure that the tree protection plan and method statement need to be adhered to so retained trees are protected.

Public open space

38. 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.
39. 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.
40. Specifically, the guidance 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.
41. 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.
42. 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.
43. There is currently a deficit of provision in Chisnall 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 however, there are no new identified schemes and as such a financial contribution cannot be required.
44. Therefore, a public open space commuted sum is not requested for this scheme.

Sustainability

45. 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:

“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.”

“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.”

46. 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 can be controlled by conditions.

Contamination

47. Paragraph 183 of the Framework sets out that sites should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Due to the sensitive end-use of the development (residential housing with gardens), and the current use of the site which includes hardstanding areas used for car parking it is considered prudent for the applicant to submit a report to identify potential sources of contamination and any remediation measures as necessary. This is to be conditioned.

Drainage

48. United Utilities have recommended several drainage conditions.

Community Infrastructure Levy (CIL)

49. 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 is not calculated at outline stage but it will be CIL liable on approval of the final reserved matters application and the charge is subject to indexation in accordance with the Council’s Charging Schedule.

Other matters

50. Loss of employment has been raised in objections, however, the site does not fall to be considered under policy Core Strategy policy 10.
51. Objections also consider that the application will open the flood gates to more housing in the countryside. Any application received by the Local Planning Authority would be determined in accordance with the relevant policies of the Development Plan and any material considerations.
52. Objectors are concerned that the homes are not affordable, however, the application does not trigger affordable housing provision.

CONCLUSION

53. The proposal accords with exception (g) of paragraph 149 of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The application is in outline form only, and full details would be reserved for later consideration in respect of detailed design, amenity, access, parking and landscaping. Nature conservation interests would not be harmed. The principle of residential development for up to nine dwellings on this site, including the demolition of the existing buildings is considered to be acceptable in planning policy terms. The application is, therefore, recommended for approval accordingly, subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 5/5/08691	Decision: WDN	Decision Date: 10 August 1973
Description: Bungalow Cafe		
Ref: 75/00263/FUL	Decision: REFFPP	Decision Date: 30 June 1975
Description: Change of use of dormitory/garage to wholesale warehouse and distribution depot		
Ref: 76/00029/FUL	Decision: PERFPP	Decision Date: 9 February 1976
Description: Extensions (kitchen/toilets) and alterations		
Ref: 76/00530/FUL	Decision: PERFPP	Decision Date: 14 September 1976
Description: Bungalow and Motel		
Ref: 76/00753/ADV	Decision: PERADV	Decision Date: 7 December 1976
Description: Illuminated signs		
Ref: 76/00860/FUL	Decision: PERFPP	Decision Date: 7 December 1976
Description: Temporary siting of caravan		
Ref: 77/00329/FUL	Decision: PERFPP	Decision Date: 2 August 1977
Description: Bungalow		
Ref: 77/01016/FUL	Decision: PERFPP	Decision Date: 14 February 1978
Description: Motel (12 bedrooms)		
Ref: 77/01045/FUL	Decision: PERFPP	Decision Date: 24 January 1978
Description: Garage		
Ref: 78/00669/ADV	Decision: PERADV	Decision Date: 21 August 1978
Description: Illuminated wall sign		
Ref: 78/00748/FUL	Decision: PERFPP	Decision Date: 12 September 1978
Description: Extension (bar/reception/breakfast room/cellar/store/kitchen areas)		
Ref: 78/01214/FUL	Decision: PERFPP	Decision Date: 9 March 1979
Description: First floor motel extension		
Ref: 79/00801/FUL	Decision: PERFPP	Decision Date: 6 August 1979
Description: Cold water storage tank		
Ref: 80/00835/OUT	Decision: PEROPP	Decision Date: 23 December 1981
Description: Extension to Motel (20 bedrooms)		
Ref: 81/00904/FUL	Decision: PERFPP	Decision Date: 5 January 1982
Description: Conversion of existing double garage to function room with link to existing function room		

Ref: 82/00399/FUL **Decision:** PERFPP **Decision Date:** 29 May 1986
Description: Extension (17 bedrooms and swimming pool)

Ref: 84/00245/FUL **Decision:** PERFPP **Decision Date:** 2 October 1984
Description: Part change of use to public house, new reception area with toilets and entrance porch and toilets to function room

Ref: 85/00477/FUL **Decision:** PERFPP **Decision Date:** 9 July 1985
Description: New entrance for function room

Ref: 85/00570/ADV **Decision:** WDN **Decision Date:** 9 October 1985
Description: Display of double sided internally illuminated sign on forecourt

Ref: 86/00693/FUL **Decision:** PERFPP **Decision Date:** 3 February 1987
Description: Conversion of ground floor of house to four hotel bedrooms and bathrooms

Ref: 87/00244/ADV **Decision:** PERADV **Decision Date:** 26 May 1987
Description: One free standing post mounted advertisement sign and four illuminated lantern signs

Ref: 89/00279/FUL **Decision:** PERFPP **Decision Date:** 19 July 1989
Description: Conservatory

Ref: 93/00232/ADV **Decision:** PERFPP **Decision Date:** 13 May 1993
Description: Display of illuminated advertisement sign

Ref: 95/00398/ADV **Decision:** PERADV **Decision Date:** 29 November 1995
Description: Display of externally illuminated freestanding advertisement sign

Ref: 01/00393/ADV **Decision:** PERADV **Decision Date:** 18 June 2001
Description: Consent to display 2 illuminated signs

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

To follow