

EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Any consideration that relates to the use and development of land. Material considerations must be genuine planning consideration, ie they must be related to the purpose of planning legislation and must also fairly and reasonably relate to the issue in question.

- Previous planning decisions on the application site
- Previous appeal decisions on the site and on other sites where similar and/or the same development has been proposed
- Traffic generation from the development proposed
- Road access to the site of the development
- Nature conservation/impact on protect species (ie bats/great crested newts) and habitats
- Landscaping needed/proposed as part of the development
- Noise and disturbance resulting from the proposed use/development
- Loss of trees on the site and the impact of the development on trees covered by a Tree Preservation Order
- The layout and density of the building/development proposed
- Overlooking and loss of privacy
- Local, Strategic and National planning policies
- Proposals in the Development Plan/Local Development Framework
- Government Circulars, Orders and Statutory Instruments
- The impact of the development on a Listed Building and/or the setting of a Listed Building
- The design, appearance and materials of the proposed development
- Smells generated by the development
- Impact on Highway safety
- Impacts during construction works (eg noise associated with crushing or hours of working) – mainly applicable to larger developments
- Adequacy of parking, loading and turning facilities associated with the proposed development
- Impact on visual amenity (but not loss of a private view)
- Loss of light or overshadowing resulting from the development
- Chorley Council Planning Policies/Local Development Framework documents/ Supplementary Planning Guidance and Supplementary Planning documents
- Archaeological impacts
- Impact on a Conservation Area
- Hazardous materials/ground contamination

EXAMPLES OF NON-MATERIAL CONSIDERATIONS THAT CANNOT BE TAKEN INTO ACCOUNT WHEN ASSESSING A PLANNING APPLICATION

- Loss of property value
- Loss of private view
- Private disputes between neighbours, eg land ownership
- Restrictive covenants
- Fence lines/boundary positions
- Personal morals or views about the application
- Ownership disputes
- Applicant's motives
- Competition
- Issues covered by other legislation eg Highways Act
- Impacts during construction work (eg general noise and disturbance)
- Competition between firms
- Other legal matters affecting land
- Disputes over private access rights

- Personal morals or views about the applicant

THE ROLE OF THE PLANNING SYSTEM

The planning system seeks to guide appropriate development to the right place and prevent inappropriate development taking place. It aims to secure sustainable development to which there are three dimensions, economic, social and environmental. Achieving sustainable development means being able to provide necessary homes, jobs and services in a way that protects and enhances the best qualities of the built and natural environment. All planning applications are considered against the Development Plan which for Chorley consists of the following:

- Central Lancashire Core Strategy (adopted July 2012) and associated Supplementary Planning Documents (SPD)
- Local Plan – Adopted Chorley Borough Local Plan Review (saved policies) and associated Supplementary Planning Guidance (www.chorley.gov.uk)
- Emerging Chorley Local Plan (www.chorley.gov.uk)
- National Planning Policy Framework (NPPF) (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>)

In terms of the emerging Chorley Local Plan, the Inspector has issued her partial report on the findings into the soundness of the Chorley Local Plan 2012-2026 which is a material consideration in the consideration of any planning application. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies and Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination September 2014 to consider Gypsy and Traveller matters, which would enable the adoption of the local plan, following a supplementary report.

Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However because of the very advanced stage in the examination process that the main modifications set out in the Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*

The Council accepted the Inspector’s modifications for Development Management purposes at its Executive Committee on 21st November 2013. It is therefore considered that significant weight can be given to her report, and to the policies and proposals of the emerging Local Plan, as amended by the main modifications. 1

The adopted Chorley Borough Local Plan Review will eventually be replaced by the Chorley Local Plan and a portfolio of documents, including Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs).

The National Planning Policy Framework (NPPF) and the Planning Practice Guidance are material considerations and can be found at (<http://planningguidance.planningportal.gov.uk/>). Government Circulars can also be found here.

Guidance in the planning system and how it operates can be found on the Planning Portal website (www.planningportal.gov.uk). The Planning Portal website illustrates Householder Permitted Development Rights in a very clear and easy to understand way using interactive 3D diagrams.