

Report of	Meeting	Date
Corporate Director (Business)	Development Control Committee	22.07.2008

## PLANNING APPEALS- NOTIFICATION

### PURPOSE OF REPORT

- 1 To advise Committee of a recent appeal which has be lodged at Land To Rear Of 243-289 Preston Road, Clayton-Le-Woods. The recent decision letter in respect of 54 Lancaster Lane is a material consideration in respect of the determination of this appeal and the formulation of the Councils case.
- 2 Planning permission was refused at Preston Road for erection of 27 residential properties at Development Control Committee on 1<sup>st</sup> April 2008 for the following two reasons:
  1. The proposed development is considered to be contrary to Policy 7 of the Joint Lancashire Structure Plan and the accompanying 'Access and Parking' Supplementary Planning Guidance due to the inadequate parking provision on site.
  2. The proposal would constitute overdevelopment of the site and would create a cramped form of development. As such the proposal is considered to be contrary to Policy HS4 of the Adopted Chorley Borough Local Plan Review and Government advice contained in PPS3: Housing.

### RECOMMENDATION

- 3 That the report be noted.

### CORPORATE PRIORITIES

- 4 This report relates to the following Strategic Objective: -  
Ensure Chorley is a performing Organization.

### FURTHER INFORMATION

- 5 Since the refusal of planning permission the appeal at 54 Lancaster Lane has been determined. As the two sites are similar the appeal decision will be a material consideration when determining the appeal at Preston Road.
- 6 The issue of overdevelopment was considered by the Appeal Inspector at the Lancaster Lane appeal and he states within his decision that 'PPS3 states that the density of existing development should not dictate that of new development by stifling change or requiring

replication.' He goes on to state that 'the neighbouring housing development would almost certainly result in a higher density than the appeal proposal and hence also be seen as overdevelopment.'

- 7 Traffic generation was also raised as a concern which the Appeal Inspector attached little weight to because the highway authority raised no objection and the traffic generation would be relatively low. The first reason for refusal related to lack of parking however the Highways Authority did not object to the scheme
- 8 The Council are seeking legal advice from a Barrister at Kings Chambers in respect of this appeal and this advice will be reported at Development Control Committee. He will provide advice on the likely success at appeal and methods to limit liability for costs being awarded.

J E MEEK  
CORPORATE DIRECTOR (BUSINESS)

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Nicola Hopkins	5214	7/07/2008	