

PLANNING COMMITTEE

TUESDAY, 8TH DECEMBER 2020, 6.30 PM

THE LANCASTRIAN, TOWN HALL, CHORLEY AND VIA MICROSOFT TEAMS

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

Agenda No Item

D	20/01004/FUL - STALK FARM, HIGH STREET, MAWDESLEY, ORMSKIRK	(Pages 57 - 68)
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GARY HALL
CHIEF EXECUTIVE

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APPLICATION REPORT – 20/01004/FUL

Validation Date: 23 September 2020

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of 3no. detached dwellinghouses, following the demolition of existing stables and store and removal of existing lodge

Location: Stalk Farm High Street Mawdesley Ormskirk L40 3TD

Case Officer: Amy Aspinall

Applicant: MWB Residence Ltd

Agent: Mr Chris Weetman, CW Planning Solutions Ltd

Consultation expiry: 16 October 2020

Decision due by: 11 December 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 in the Green Belt and is known as Stalk Farm, which is a private equestrian facility comprised of stables, a manege and hardstanding areas and a field with large pond towards the rear. To the south of the site is St Peter's Church which is a grade II listed building.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks full planning permission for the erection of 3no. detached dwellinghouses and associated parking. The proposed development also includes the demolition of all existing buildings on site and removal of the lodge.

REPRESENTATIONS

4. No representations have been received.

CONSULTATIONS

5. Mawdesley Parish Council: No comments have been received.
6. CIL Officers: Comment that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.
7. Greater Manchester Ecology Unit: Recommend conditions.
8. Lancashire County Council Highway Services: Have no objection.

9. United Utilities: Have no objection.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

10. 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.

11. 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.

12. 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. (exception g).

13. Whilst the application site is comprised of both greenfield and previously developed land, the proposed development itself is focused solely on the previously developed area of the site. Accordingly, exception (g) is engaged.

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. 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.

17. 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 previously developed area of the site is occupied by equestrian buildings and a lodge which are clustered towards the front of the site with hardstanding and a manege either side, to the north and south. With a lawful equestrian use also comes with associated parking and equestrian paraphernalia. 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.

18. 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 an uplift of approximately 4% in volume compared to the existing volumes as provided in the application.

19. 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 4% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt.

20. The proposed dwellings would be more spread out across the developed part of the site, beyond the footprint of the existing buildings, but on either hardstanding areas or the manege. Two of the plots would be two storeys in height, with plot 1 being a dormer bungalow. Whilst the heights of the proposed buildings would be higher than the existing development and, therefore, more visible particularly from the road, the footprint of the buildings and hardstanding areas would be reduced and more landscaping and garden areas would be introduced, resulting in a more overall enhancement of the site. 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 3no. dwellings would have a greater impact on the openness of the Green Belt than the existing development.

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

22. In relation to the scale of development in this location in Mawdesley, this would fall under 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.

Design and heritage

23. 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.

24. Policy BNE8 (Protection and Enhancement of Heritage Assets) of the Chorley Local Plan 2012 -2026 seeks to ensure, among other things, that proposals conserve, and where appropriate, enhance the setting of heritage assets.

25. The site currently has an equestrian use, and the developed area of the site is characterised by buildings of low architectural merit and lacking in maintenance and repair. The existing development itself makes little positive contribution to the character and appearance of the area.

26. The application site is situated adjacent to St Peter's Church which is grade II listed and has an associated graveyard and former rectory (not listed). Historic mapping from 1845 and 1890 shows that the immediate setting to the Church was essentially the Church, the enclosure of the Church yard and post 1845 the construction of the Rectory to the east. There is no evident historic association of the application site. The setting of the church is, however, affected by surrounding development which screens the church to the extent that it is only really fully appreciated at close range. In this context it is not considered that the application site contributes in any meaningful way to the setting of the grade II listed church.

27. The proposed dwellings would be accessed from High Street by the existing arrangements. The layout provides a semi-circle type arrangement within the site, as opposed to linear

arrangement typically found along this road, with individual driveways forking off from the access points. The proposed dwellings, although individually designed, have similar design features which ties the proposal together. Whilst a low density development, the building to plot ratios are not uncharacteristic of residential properties in the immediate area.

28. The proposed development does not particularly provide a frontage to High Street, as properties would be set back, however, this is not of concern given that the existing, well established boundary hedges are identified for retention. They are considered to provide an attractive frontage and is part of the rural character of the streetscene, which is preferable to having a built-up frontage. In addition, the existing soft boundary also provides screening of the site from views from the listed church.

29. The proposed development is considered to have a neutral effect on the significance of the historic setting of St Peter's Church and would, therefore, preserve the special interest of the listed building. The proposal is considered to meet the statutory obligation of s66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 which is 'to preserve' and accords with Local Plan policy BNE8.

30. Additionally, whilst the proposed development itself would be more visible in the streetscene than the existing development, it is not considered that this would be harmful to the character and appearance of the area, having regard to the provisions of Local Plan policy BNE1.

Impact on neighbouring amenity

31. 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.

32. The nearest residential properties are situated well in excess of 21 metres from each proposed dwellinghouse and there would be no adverse impacts associated with overlooking, overbearing effects or loss of sunlight.

33. 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.

34. The proposed residential use of part of this site is considered to be a compatible use with neighbouring uses and would not give rise to adverse impacts of noise and disturbance given the small-scale domestic nature of the proposal.

35. The proposal is considered to be compliant with Local Plan policy BNE1 in respect of amenity considerations.

Impact on ecological interests

36. 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.

37. 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.

38. Policy BNE11 (Species Protection) of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will not be granted for development which would have an adverse effect on

a priority species unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an effect on a priority species planning conditions or agreements will be used to:

- a) Facilitate the survival of the individual species affected;
- b) Reduce the disturbance to a minimum; and
- c) Provide adequate alternative habitats to sustain the viability of the local population of that species.

39. The application is accompanied by a Preliminary Ecological Appraisal and a Great Crested Newt (GCNs) Survey (eDNA).

40. The pond towards the rear of the site was assessed as being of 'Good' suitability for great crested newts, with favourable terrestrial habitat quality. The pond itself is not subject to development but is in close proximity to the development area.

41. The eDNA survey results were positive and established the presence of GCNs in the pond. As the pond was assessed as being of good suitability for GCN it is also likely to provide breeding habitat. The survey results do not, however, establish the population of GCNs.

42. The submitted survey identifies the Impact Risk Areas around the pond and identifies a range from optimal habitat (High Risk) to hostile areas (Low Risk). The application site itself contains a high risk and low risk areas, although the development area is mainly of low ecological value to GCNs. The survey identifies approximately 0.15 hectares of GCN habitat to be lost in order to facilitate the proposed development.

43. The survey identifies that the proposed demolition and construction works across the site have a high possibility of disturbing, injuring and killing GCN confirmed in the pond that is situated within 50 metres of the works. In addition, the survey also advises that GCN can be present throughout the site i.e. in crevices below hardstanding, in buildings and in vegetation etc; creation of excavations are likely; woody vegetation, piles of manure and existing hardstanding is proposed to be cleared; works are likely to occur in the autumn/winter months to avoid the breeding bird season, and a confirmed GCN pond is located within 50 metres. The construction site further has the potential to disrupt GCN dispersing to wintering/shelter habitat in the west. The survey does conclude, however, that the impacts are low and restricted to site impact only, although the Natural England Rapid Risk Assessment would still result in a 'Red' offence being committed against a European Protected Species (EPS), in this case loss of 0.15ha GCN habitat within 100 metres of a confirmed pond.

44. The Council's appointed ecologists at Greater Manchester Ecology Unit have assessed the application and supporting ecological information and advise that although parts of the development site provide cover and moderate to high value terrestrial habitat, the majority is low value to GCNs. In addition, they also highlight that there are significant areas of habitat to the east of the site with connectivity to the wider countryside. GMEU advise that they are satisfied that the loss of the site to the proposed development could be mitigated and that the favourable conservation status of GCNs can be maintained.

45. GMEU recommend that that mitigation should include habitat enhancement and creation around the pond and along the eastern boundary of the site.

46. The Habitats Directive is imposed through the Conservation of Habitats and Species Regulations 2019. This sets out the three derogation tests which must be considered, particularly having regard to how likely that Natural England would grant a licence.

(1) - Regulation 53(2) (e) states: a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment".

(2) - Regulation 53(9) (a) states: the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative",

(3) - Regulation 53(9) (b) states: the appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."

47. The proposed development would deliver social and economic benefits through the delivery of housing and the creation of jobs during construction. Benefits of the scheme include habitat enhancement around the pond and boundary and this could be secured by an appropriate condition. This would compensate for the loss of habitat within the development site and is shown on the submitted plans as an ecological enhancement area.

48. The alternative is to retain the site in its lawful equestrian use and no habitat enhancement or mitigation would be secured. The Council's appointed Ecologist advises that it is highly likely that Natural England would grant a licence.

49. In terms of the overall favourable conservation status of GCNs the impacts are unlikely to be significant to the favourable conservation status to the protected species within Lancashire. In addition, the mitigation as set out at section 6 of the Great Crested Newt Survey would ensure the following:

- like for like habitat to compensate for the habitat being lost,
- achieve a biodiversity net-gain as a key achievement of the scheme, and,
- maintain the favourable distribution of the species in Lancashire.

50. As stated above, this would be secured by an appropriate condition.

51. Full regard has been had to the derogation tests which are considered to be met and the advice obtained from GMEU. Subject to appropriate mitigation, it is not considered that the proposed development would be detrimental to the favourable conservation status of great crested newts.

52. The ecological survey has assessed the building on site for bats which was identified as having negligible bat roosting potential. GMEU are satisfied with the findings of the report, therefore, it can be concluded that the proposed development would not be detrimental to bats.

53. Bird nesting habitat is present on site and within the buildings to be demolished. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended and as such any vegetation removal or demolition of the buildings should take place outside bird breeding season. This could be conditioned accordingly.

54. Subject to appropriate conditions and securing mitigation and enhancements, the proposal accords with policies BNE9 and BNE11 of the Chorley Local Plan 2012 – 2026.

Highway safety

55. 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.

56. The proposed development would utilise the existing access points to High Street. Plot one would have a dedicated access, with plots 2 and 3 sharing an access, with separate driveways leading to each property. Each plot would benefit from sufficient parking provision in line with the Council's parking standards.

57. Lancashire County Council have assessed the application and advise that they are of the opinion that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. A condition to maintain the visibility splays is recommended.

58. Having regard to the advice obtained from LCC Highways it is not considered that the proposal would prejudice highway safety. It, therefore, accords with Local Plan policy BNE1 in respect of highway matters.

Public open space

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. There is, however, currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, therefore, a contribution towards new provision in the ward cannot be required from this development.

65. The site is not within the accessibility catchment (800m) of any areas of provision for children/young people that are identified as being low quality and/or low value in the Open Space Study and, therefore, a contribution towards improvements cannot be required from this development.

Sustainability

66. 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:

67. "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."

68. "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."

69. 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

70. This could be controlled by way of condition.

Self-build

71. The application sets out that the dwellings would be self-build. This is a benefit of the scheme.

CONCLUSION

72. 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 prejudice highway safety, or adversely affect the amenity afforded to neighbouring residential properties. Subject to appropriate mitigation, it not considered that the proposed development would be detrimental to the favourable conservation status of great crested newts which are present on site.

73. The proposed development would make a contribution to the Council's housing land supply, in particular self-build plots and this is a clear benefit of the scheme. 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.

RELEVANT HISTORY OF THE SITE

Ref: 74/00340/FUL	Decision: REFFPP	Decision Date: 26 June 1974
Description: Conversion of barn to dwelling		
Ref: 76/00033/FUL	Decision: REFFPP	Decision Date: 22 March 1976
Description: Conversion of barn to dwelling		
Ref: 79/00640/FUL	Decision: REFFPP	Decision Date: 1 October 1979
Description: Horse training/breeding business and bungalow for proprietor		
Ref: 81/00667/FUL	Decision: PERFPP	Decision Date: 3 August 1981
Description: Detached stable block		

Ref: 82/00675/OUT

Decision: PEROPP

Decision Date: 1 February 1983

Description: Outline application for detached bungalow and farm buildings for feedstuffs and livestock and siting of residential caravan prior to commencement of work

Suggested conditions

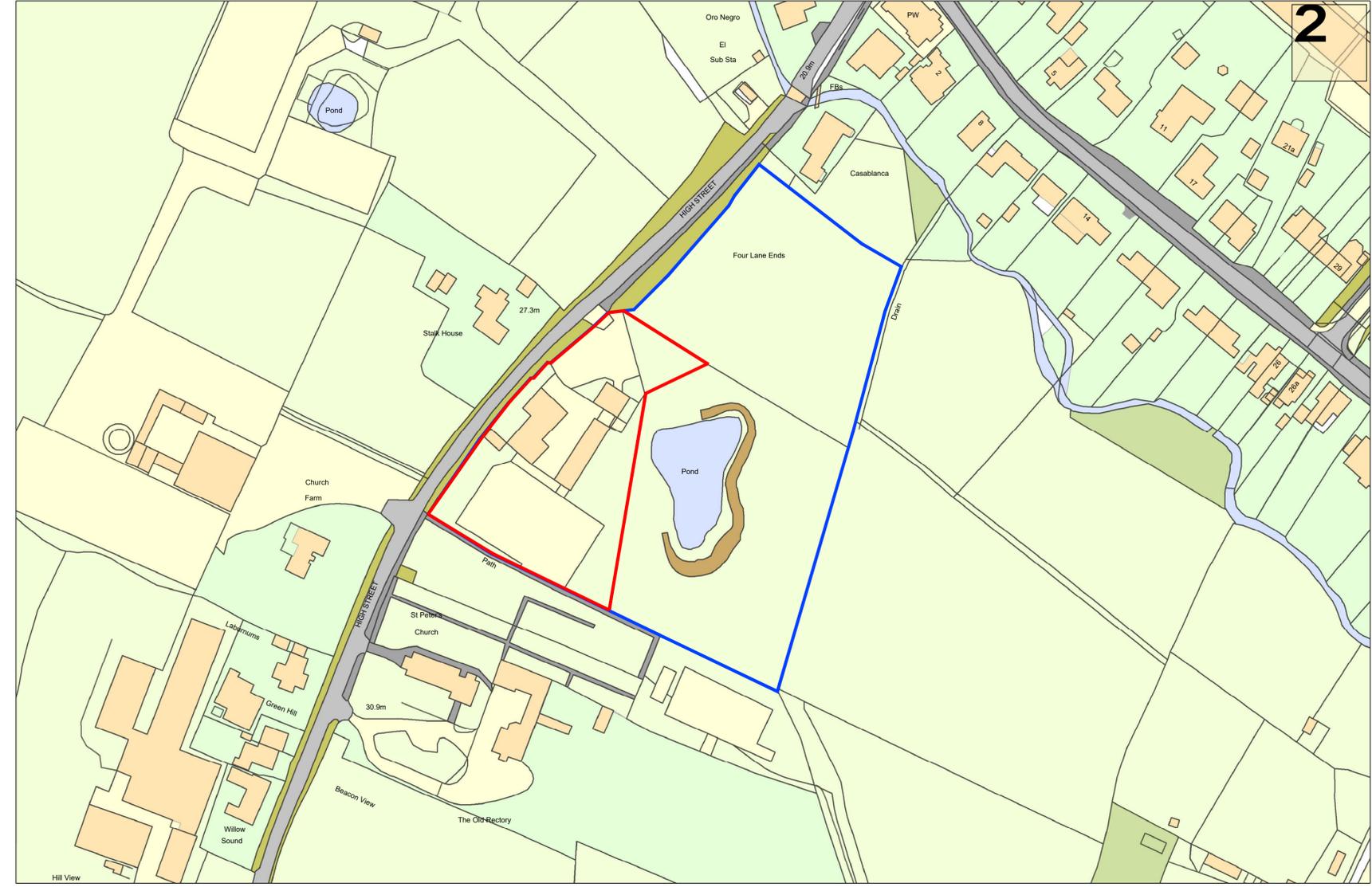
To follow

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NOTES:
 This drawing is meant for design intent only.
 This drawing should not be scaled from.
 All dimension are to be checked and confirmed by the
 contractors prior to construction.
 mwbResidence accepts no responsibility for construction.



Stalk Farm



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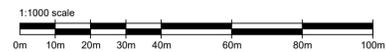
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P01	Initial Issue
REVISION	NOTES



Project No: 222
 Client: Mr W Knowles
 Project Address:
 Stalk Farm,
 Mawdesley,
 Lancs, L40 3TD
 Date: 07.07.20
 Drawing Title:
 Proposed Site Boundary
 Scale: 1:1000 @ A1
 Drawn by: MTL
 Checked by: MWB

Drawing No:
600
 STATUS:
 PRELIMINARY



Agenda Item 3d

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