

## Planning Committee

Wednesday, 2nd February 2022, 6.30 pm

Council Chamber, Town Hall, Chorley and YouTube

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

#### 3    **Planning applications to be determined**

The Director (Planning and Development) has submitted five 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) 21/00550/FUL - Land Rear Of And Adjacent To 44A Mill Lane, Coppull**

(Pages 3 - 10)

**b) 21/00793/FUL - Springfields, Sandy Lane, Mawdesley, L40 2QB**

This item has been withdrawn from the agenda.

**c) 21/00958/OUT - Lower House Fold Farm, Trigg Lane, Heapey, Chorley, PR6 9BZ**

(Pages 11 - 26)

**d) 21/01023/FUL - Drinkhouse Farm, Drinkhouse Road, Croston, Leyland, PR26 9JH**

(Pages 27 - 40)

**e) 21/01104/FUL - Mediterranean At Robin Hood, Blue Stone Lane, Mawdesley**

(Pages 41 - 58)

**f) 21/01331/REM - Latvian Consulate Pemberton House Farm Park Hall Road, Charnock Richard, Chorley, PR7 5LP**

(Pages 59 - 64)

#### 5    **Appeals Report**

(Pages 65 - 66)

To receive and consider the report of the Director of Planning and Development.

Gary Hall  
Chief Executive

Meeting contact Matthew Pawlyszyn on 01257 515034 or email [matthew.pawlyszyn@chorley.gov.uk](mailto:matthew.pawlyszyn@chorley.gov.uk)

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**APPLICATION REPORT – 21/00550/FUL**

**Validation Date: 17 August 2021**

**Ward: Coppull**

**Type of Application: Full Planning**

**Proposal: Change of use to storage of scaffolding and associated equipment, including storage of racking and a container unit (retrospective)**

**Location: Land Rear of And Adjacent To 44A Mill Lane Coppull**

**Case Officer: Johndaniel Jaques**

**Applicant: Mrs Anne-Marie Woodcock**

**Agent: Extended Design Limited**

**Consultation expiry: 22 September 2021**

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

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**RECOMMENDATION**

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

The change of use of the land to storage of scaffolding and associated equipment, including the storage of racking and a container unit, causes noise and disturbance that are unacceptably harmful to the amenity of residential occupiers who live close to the site. This is contrary to the National Planning Policy Framework and policy BNE 1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026.

**SITE DESCRIPTION**

2. The application site is located at the side and rear of 44A Mill Lane in Coppull, to the south of that property. It is a rough hardstanding/geo textile surfaced and grassed area. There are gates at the entrance to the site and a gravel board fence to the southern boundary. To the boundary with 44A Mill Lane is a timber fence. There is no boundary treatment or definition to the west or north west site boundaries.
3. The surrounding area is mainly residential in character, however, there is a commercial self-storage operation located to the south of the application site. The rear elevations of dwellings that lie on Mavis Drive, to the west of the site, look out over the site, and the terraced properties on Mill Lane, to the east of the site, are also in close proximity to it.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. The application seeks planning permission retrospectively for a change of use to storage of scaffolding and associated equipment, including storage of racking and a container unit. The racking is constructed from metal scaffolding poles. The applicant submits the use began on 1 July 2020, and the hours of operation are between 0800 – 1800 hours, 7 days a week.
5. A noise survey assessment report has been submitted to support the application. This concludes that there is a potential adverse impact to properties on Mill Lane, however the subjective assessment is that the activity is in line with adjacent uses given the low

frequency and short duration of noisy events at the site. In terms of the impact on properties at Mavis Drive, a 2.4m high fence is recommended to reduce the impact to a level that it would not be significantly adverse.

## REPRESENTATIONS

6. Two letters have been received to the original proposal and a further three letters have been received following receipt of the noise survey, including from Cllr Holgate, citing the following grounds of objection:
  - The land is being used to work from rather than just as storage which causes noise early in the morning (06:30-07:00am) on some days.
  - The noise is not minimal and disturbs those who are working at home.
  - The noise comes from clattering metal poles, loading a pickup truck, grinding rust off equipment, loud music from inside vehicles and generally having no consideration for those who live near the site.
  - It is impossible for residents to know when they can relax in their gardens / conservatories as the noise can be at any time and often many times a day.
  - It is queried whether all of the land could be used beyond the site boundary which would mean operations would be closer to properties on Mavis Drive?
  - The racking system extends beyond that shown on the site plan and closer to residential properties, and has been extended higher than was originally the case (it is at least 4m high). Not only is it an eyesore but it is in effect a giant set of tubular bells and a 2.4m high fence would not mitigate noise from this.
  - The submitted noise assessment is seriously flawed because the commissioner of the report knew in advance when the noise monitoring was to take place and, therefore, arranged the works schedule to create a far lesser noise and activity impact than what is usual. Therefore, permission should be refused.
  - The noise survey records noise at much lower levels than the objectors which peak at 85db, because when it was carried out activities were undertaken to in a way that reduced noise.
  - The noise assessment is full of inaccuracies and attempts to show that the proposal does not cause serious noise and disturbance to surrounding properties when the opposite is the case.
  - The site has been operating without the benefit of planning permission because they have no regard for residents.
  - The portacabin to provide welfare facilities was installed after the initial operations on the site started, meaning there were no toilet facilities on the site for some months.
  - The noise report says that loading and unloading of the scaffolding truck takes place typically 1-2 times per week, which is inaccurate. There are 2 trucks and sometimes both are loaded twice in one day. On the 18 October there were 4 separate visits to load the pick-up truck and the wagon. In late October there were 9 visits, which is not as busy a time as in the summer when residents cannot enjoy their gardens.
  - The Supplementary Planning Statement submitted by the agent states on page 3 that "2 flatbed trucks have access to the site no more than 4 times a day". This accords with the reality of residents' experience of loading and unloading at the site but contradicts what the noise assessment sets out that this only takes place 1-2 times a week.
  - The noise assessment says there is no ongoing complaint, which is not the case.
  - The noise report attempts to show it complies with the Framework, but clattering of scaffolding poles does not enhance the local environment and is not appropriate between two rows of residential properties, as it has a significant adverse impact on resident's lives.
  - This type of enterprise should be based on an industrial estate, not between residential properties.
  - The noise survey reports levels of noise which it says are required to be avoided or prevented. For example the rating level during the daytime is 11dba higher than the typical background which BS 4112 sets out is "likely be an indication of a significant adverse impact".
  - The planning application states hours of opening to be between 8am and 6pm to include Saturday and Sunday. The noise assessment states the hours of operation as between

7am and 6pm and only until 1pm on a Saturday with no mention of a Sunday. The objector has video evidence of loading on a Sunday.

- The applicant is just saying what they think they need to and if planning is passed they will not respect any restrictions.

## **CONSULTATIONS**

7. Coppull Parish Council – Have objected on grounds of the loss of amenity for neighbours, noise pollution and that it contravenes the residential use of land. They have reiterated their original comments following the submission of the noise survey.
8. Environmental Health – Have commented that although the noise assessment report follows a BS4142:2014 protocol, it may not reflect the true situation on the site. Some recommendations are made on the basis that noise is of short duration or frequency, but it is difficult to prove that this is not accurate. There is an ongoing noise complaint at the site, so the noise assessment report is not accurate regarding that. Environmental Health have not undertaken monitoring at the site, due to the relatively short durations of activity that have been recorded since by a complainant since October. However, the complainant does appear to have information suggesting frequent use of the site. Mitigation is proposed in the form of a 2.4m high acoustic barrier, but this would not have any effect on noise caused from use of the higher scaffold racking system. Current information is insufficient to show that a statutory noise nuisance does exist. However, if activity does increase (compared to the activity recorded by the complainant since October) and cause a statutory noise nuisance, there appear to be few mitigation options that could be used. It is also noted that the noise assessment report says that activities on the site as applied for are to commence at 7am on weekdays with some operations on Saturday mornings. In general, if noisy activities were to start prior to 7am when the background noise level is lower, any noise may be more apparent to nearby residents which may lead to complaint.
9. Waste & Contaminated Land – Have confirmed that they have no comments to make.
10. Lancashire County Council Highway Services – Have no objections.

## **PLANNING CONSIDERATIONS**

### Principle of development

11. Policy V2 of the Chorley Local Plan 2012 – 2026 states 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 planning considerations. The site lies within the settlement of Coppull and, therefore, the principle of development of the site is considered acceptable subject to other material considerations.

### Economy

12. The National Planning Policy Framework (the Framework) sets out at paragraph 81 that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Paragraph 83 recognises that decisions should recognise and address the specific locational requirements of different sectors. The requirement to support a business that provides jobs and other economic benefits for the area needs to be given some weight in the planning balance, although this would be relatively limited given the nature of the business and jobs provided.

Impact on the amenity of neighbouring occupiers

13. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the development would not:
- cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
  - 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;
  - cause unacceptable degree of noise disturbance to surrounding land uses
14. Although it was a number of years ago, an appeal against the council's decision to refuse planning permission for the change of use of the site(87/00185/FUL) from vacant land to vehicle dismantling was dismissed on the basis that "it would cause unacceptable levels of noise and disturbance to neighbours, would spoil the outlook from neighbouring dwellings and would make the area a very much less pleasant place in which to live".
15. Although there are commercial premises located to the south of the site, the application site lies in close proximity to several residential properties, and the operations carried out at this site differ. Whilst a noise assessment survey report has been provided, this contains inaccuracies, and is not consistent with the submitted Planning Statement in relation to the scale of operations at the site. Although the council's Environmental Health officer have confirmed that no statutory noise nuisance is caused by the operation of the business at this time, there is an ongoing complaint regarding noise from the business operation in this location. They also have concerns that if activity does increase, and causes a statutory noise nuisance, there appear to be few mitigation options that could be used.
16. In consideration of the objections received, it also appears that operations on the site during the monitoring period that the noise survey assessment report was undertaken were reduced to potentially ensure that noise emanating from operations at the site was also reduced. It also bases its conclusions and recommendations on a subjective assessment of the site and activity which it recognises may potentially be more regular, but it relies on information provided by the applicant.
17. It is clear from the objections raised that noise from the use causes disturbance to neighbours which detrimentally affects their enjoyment of their homes and gardens, and therefore their quality of life. The noise originates from the use of the site for the storage of scaffolding and associated equipment, but it is noted that the site is not simply being used as a storage area. It appears that the (scaffolding) business operates from the site as its base, which means that there are likely to be more comings and goings from the site with associated noise and disturbance from the loading and unloading of scaffolding poles and equipment on a regular basis than if it was solely used for storage. This noise can occur a number of times a day and sometimes early in the morning, and also at weekends, and as such it is considered that it has an unacceptable impact on the amenity of neighbouring occupiers through excess noise and disturbance.
18. Although the applicant has sought to restrict the area of the wider site by restricting the red line, it is the case that currently there is nothing to physically prevent the use expanding perhaps on an ad-hoc basis beyond the red line boundary of the site and, therefore, encroaching even closer to residential properties on Mavis Drive. This would be likely to serve to exacerbate noise and disturbance issues. The noise assessment report suggests the erection of a 2.4m high fence along the redline boundary at the rear of the site (to its western and part of the northern boundary) but this would not prevent noise from the use of the racking system causing disturbance to residents. Nor would it prevent disturbance to residents of Mill Lane from the general use of the site when in their homes or rear yards/gardens.

19. It is not considered that any amendments to the proposal would be able to effectively overcome the detrimental issues that the proposal would cause.
20. Therefore, the development is contrary to the Framework and policy BNE1 of (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 in respect of amenity considerations.

#### Highway safety

21. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026 sets out that 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 stated standards unless there are other material considerations which justify the reduction.
22. LCC Highway Services do not have any objections and are of the opinion that the development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.
23. Having regard to the above, it is not considered that the proposal would be detrimental to highway safety.

#### Coal Risk

24. Although the site lies in the Low Risk Coal Referral Area, the proposal would not be affected by this.

### **CONCLUSION**

25. The development is considered to result in noise and disturbance that exceeds that which can be reasonably expected by residential occupiers, and would be harmful to the amenity of residential occupiers who live close to the site. This is contrary to the Framework and policy BNE 1 (Design Criteria for New Development) of the Chorley Local Plan 2012-2026. The harm to amenity is such that it is considered to carry significant weight such that it outweighs the benefits associated with the need to support economic growth, and it is, therefore, recommended that planning permission be refused.

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

**Ref:** 76/01016/FUL      **Decision:** REFFPP      **Decision Date:** 12/04/1977

**Description:** Retention of use of land as builders yard

**Ref:** 77/00864/FUL      **Decision:** WITH      **Decision Date:** 31/12/1977

**Description:** Proposed lock up garages and proposed change of use of office building to small workshop for manufacture of garments

**Ref:** 77/00866/OUT      **Decision:** OUT      **Decision Date:** 03/01/1978

**Description:** Outline application for Lock up garages

**Ref:** 82/00147/FUL      **Decision:** WITH      **Decision Date:** 31/12/1982

**Description:** Use of land to store building materials, erection of single storey storage building, refurbishment of existing offices

**Ref:** 87/00185/FUL      **Decision:** REFFPP      **Decision Date:** 26/05/1987

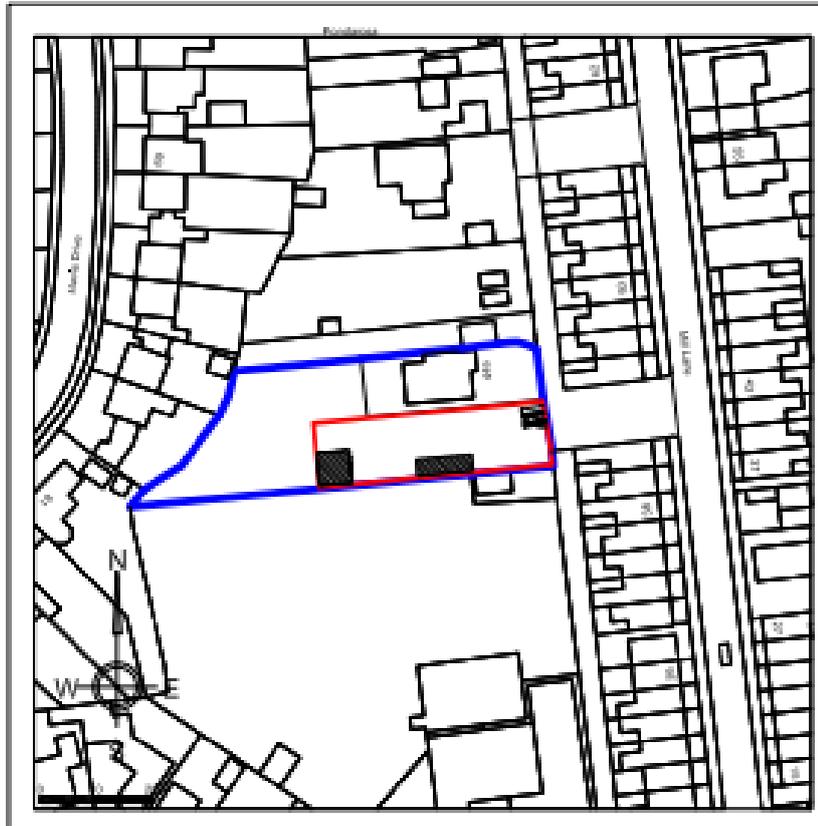
**Description:** Change of use from vacant land to vehicle dismantling (Appeal Dismissed 14/03/1998)

**Ref:** 89/00196/FUL      **Decision:** FPP      **Decision Date:** 13/06/1989  
**Description:** Use of land for storage of caravans

**Ref:** 00/00190/OUT      **Decision:** OUT      **Decision Date:** 24/05/2000  
**Description:** Outline application for the erection of 2 detached houses

**Ref:** 00/00701/FUL      **Decision:** FPP      **Decision Date:** 25/10/2000  
**Description:** Erection of two detached dwellings

**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.



1:1250 LOCATION MAP

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**APPLICATION REPORT – 21/00958/OUT****Validation Date: 7 September 2021****Ward: Chorley North East****Type of Application: Outline Planning****Proposal: Outline planning application for residential development (all matters reserved)****Location: Lower House Fold Farm Trigg Lane Heapey Chorley PR6 9BZ****Case Officer: Mike Halsall****Applicant: Mrs Ann Nikolakis****Agent: Mr Peter E Gilkes, Peter E Gilkes & Company****Consultation expiry: 29 September 2021****Decision due by: 4 March 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that outline planning permission is refused for the following reason:

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development would also harm the openness of the Green Belt and is not a sustainable location for new housing. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and other harm identified. The proposal is, therefore, contrary to the National Planning Policy Framework and policy 1 of the Central Lancashire Core Strategy.

**SITE DESCRIPTION**

2. The application site is located within the Green Belt, to the north of Trigg Lane, which is accessed from Brinscall Mill Road, and is situated approximately 1.5km south east of Wheelton and 1.2km south west of Brinscall. It is situated in a rural location surrounded by open fields, other than a cluster of dwellings and stable buildings located immediately to the north and what appears to be a storage / agricultural building to the south. The site slopes gently downwards from north east to south west.
3. Approximately one third of the circa. 0.5 hectare application site is covered by buildings in a poor state of repair, most recently used for the breaking and salvaging of vehicles, storage and to a lesser extent, the stabling of horses. The site is somewhat unsightly with scrap vehicles and other items scattered across the site.
4. The application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks outline planning permission for residential development on the site, with all matters reserved. The design and access statement and initially submitted illustrative site layout plan identified 8no. four/five bedroom two storey residences spread across the majority of the application site, each with a double garage.

6. However, a revised illustrative layout plan was submitted during the course of the application, following concerns expressed by the case officer, to reduce the area of the site to be built upon and identify 7no., rather than 8no. double garages. This is explained in more detail later in this report.

## REPRESENTATIONS

7. One representation has been received citing the following grounds of objection (summarised):
- Much of Brinscall Mill Road is single track, in very poor condition, with very few passing places
  - The new development would have at least 16 additional cars – entire length of the lane would need to be adopted and brought up to standard in terms of surface and passing places to ensure the safety of its users
8. Six responses, including one from Councillor Margaret France, state (in summary) they have no objection to the proposal but highlight the following:
- Poor condition of Brinscall Mill Road would be made worse by the proposal
  - Passing places are inadequate
  - Opportunities to improve both the adopted and unadopted sections of the road should be secured by any planning permission at the site
  - A condition should be applied requiring occupants of the proposed development to contribute a reasonable proportion towards the maintenance of the road
  - The proposal would improve the appearance of the site and, as such, the amenity of neighbouring properties.

## CONSULTATIONS

9. Heapey Parish Council: No comments have been received.
10. Lancashire County Council Highway Services (LCC Highway Services): Have responded as follows (summarised):

*The proposals are situated along a privately maintained road (Brinscall Mill Road), approximately 678 metres from the closest publicly maintained road. Brinscall Mill Road becomes Rosebud Lane for approximately 162 metres until its junction with Chapel Lane (as measured on LCC's Mapping system "Mapzone"), Rosebud Lane is an adopted road. The privately maintained road is a single-track road that has a public right of way along its length. Due to the isolated nature of the site there are no feasible public transport links available for this site and it is deemed as solely car based. There is a primary and secondary school bus service at the junction of the privately maintained road and the publicly maintained road, however any school aged children would need to walk approximately 840 metres to this stop or be driven there. There are no sustainable travel links to any employment areas, healthcare centres or shops. LCC highways is of the opinion that the proposals do not meet the sustainable transport requirements of the National Planning Policy Framework. The proposals would have minimal impact on Highway safety.*

*The proposals do not meet the requirements of the National Planning Policy Framework 2019 for sustainability. There are no sustainable travel links for health care, shops or employment. There is a bus stop that provides public transport for primary and secondary schools, but this is a considerable walk from the site.*

*The site will be accessed via a new access on to a privately maintained road that is not subject to any future adoption agreement which leads to Trigg Lane. Trigg Lane is a privately maintained road and is not subject to any future adoption agreement. Even if the access was to be built to the standards of LCC's estates road specification it would not be adopted due to the distance between the site and the nearest publicly maintained road.*

11. If the planning application is approved, LCC Highway Services request that access to Public Right of Way FP13 is not prevented during construction work, a Traffic Management Plan is required to be submitted by planning condition and a Highways Condition Survey be carried out from the junction of Trigg Lane and Chapel Lane.
12. Greater Manchester Ecology Unit: Have recommended that conditions be attached requiring a further checks for roosting bats prior to the demolition of the buildings, nesting bird checks should works be undertaken during the nesting season, details of biodiversity enhancement measures and the installation of sensitive lighting. An informative note is also suggested to remind the developer of their responsibilities should protected species be encountered during site development.
13. Regulatory Services - Environmental Health Officer: No comments have been received.
14. Waste & Contaminated Land Officer: Have confirmed that they have no comments.
15. United Utilities: Have responded with their standard letter outlining the requirements for sustainable drainage measures to be incorporated into the final design for the scheme which can be secured by planning condition.
16. Lancashire County Council Emergency Planning Officer: Have confirmed that they have no comments.

## PLANNING CONSIDERATIONS

### Principle of development

17. The application site is located wholly within the Green Belt.
18. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) and states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The relevant sections are set out below:

*137. The Government attaches great importance to Green Belts. 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.*

*138. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.*

*149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) 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; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

19. Policy 1 of the Central Lancashire Core Strategy provides the settlement hierarchy for the plan area and the type and scale of development that should be directed to each settlement category. The site is not specified as an area for growth within Core Strategy policy 1. 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.”
20. It is not considered that the site is located within a village, has a built-up frontage or is a Major Developed Site. As such, the site is not a suitable location for new housing and conflicts with policy 1 of the Central Lancashire Core Strategy.
21. Policy BNE5 criteria (d) of the Chorley local Plan 2012-2026 states that in the case of redevelopment of previously developed land in the Green Belt *‘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.’*
22. Whilst the test for sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of ‘openness’.
23. It is considered that in respect of the Framework that the existing site has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of existing buildings on the application site does not justify any new buildings. The new buildings must also not “have a greater impact on the openness of the Green Belt”.
24. Whether the new buildings have a greater impact on openness is a subjective judgment which is considered further below. Objective criteria could include the volume of the existing building although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149 of the Framework, which is reflected in policy BNE5 of the Local Plan, 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 application site.
25. The Council typically allows replacement buildings within the Green Belt with a built volume of up to 30% greater than those to be replaced. The applicant claims that the existing built volume on-site from the ten existing buildings proposed for demolition is 4,455 cubic metres which would give a 30% uplift figure of 5,791 cubic metres for the proposed dwellings.

However, one of the 'buildings' proposed for demolition, identified as Building F on the submitted Site Plan ref. 350/1040, has no roof or walls and is simply the frame. The Framework does not specify an allowance for the inclusion of demolished or removed buildings, therefore, to engage with the exceptions of paragraph 145 of the Framework, the test relates to the existing development, and, therefore, this structure cannot be considered in the assessment of the impact on openness. The existing development, therefore, has a built volume of 4,253 cubic metres. The 30% uplift, therefore, would give 5,528 cubic metres which could be utilised by the proposed new dwellings.

26. The latest indicative site plan submitted in support of the planning application identifies 8no. detached dwellings and 7no. garages spread across the application site with a combined volume of 5,785 cubic metres which goes slightly beyond the above 30% figure. That said, this proposal is submitted in outline for housing with all matters reserved, therefore, whilst the indicative plan is useful for showing a possible option for the site which would be assessed at reserved matters stage, it is not a material consideration as part of this outline application.
27. It is important to note that when assessing harm to the openness of the Green Belt, one must assess the visual and spatial elements of a proposal. It is noted that the site is in a poor condition with materials strewn across the area, in addition to the existing buildings being in a somewhat dire condition. Whilst the entire site may be considered to be previously developed land, not all of the site contains buildings. The buildings are clustered in the north eastern section of the site. Should this application be approved and the future reserved matters application identify dwellings across the entire site, as shown on the indicative site plan, this would extend the built form of development considerably further into the Green Belt than currently exists. This would undoubtedly have a greater impact upon the openness of the Green Belt than currently exists. As would proposing a built volume over the 30% threshold of 5,528 cubic metres.
28. The above conclusion, along with other concerns relating to the adjacent listed building and the unsustainable location of the site (all discussed later in this report as potential 'additional harm'), has been put to the applicant's agent on two separate occasions (emails dated 22 October 2021 and 3 December 2021). The emails from the case officer suggested that, to make the proposal acceptable in respect of Green Belt considerations, the development would need to be reduced to a maximum of four dwellings, to be restricted to the section of the site where buildings currently exist and with a combined built volume restricted to 5,528 cubic metres. Clearly if the developable site area is restricted and limited to four dwellings, the combined volume of those dwellings would naturally fall well below the volume threshold figure. As the proposal is submitted in outline with all matters reserved, the aforementioned restrictions would need to form the basis of planning conditions.
29. The applicant's agent has responded to the emails in disagreement with the case officer's conclusions (discussed later). A revised indicative site layout plan has been submitted which still identifies 8no. dwellings across the application site but pulls the built form of development back slightly from the southern end of the site. The applicant's agent responded by letter dated 27 October 2021 stating the following with regards to the potential impact upon the Green Belt:

*"The current activities conducted from the buildings which do extend to the west and which the illustrative layout does not extend beyond, together with those to the south are most untidy and where there is a collection of stored and abandoned vehicles and other materials associated with the activities conducted from the main building. We believe the whole of this site should be regarded as Brownfield and therefore it is quite reasonable for replacement buildings to be erected in this part of the site, especially bearing in mind that the volume of the houses in the illustrative layout are within the volume normally permissible (i.e. existing volume plus 30%)."*
30. Neither the above response nor the revised indicative plan submitted in support of the proposal has changed the case officer's conclusions on the scheme's impact upon the openness of the Green Belt. It is acknowledged that the entire site may be classed as

previously developed land, as defined within Annex 2 of the Framework, but this does not mean it is reasonable to erect buildings across the entire site. An assessment of the impact upon the openness of the Green Belt is still required, and this is not limited to whether the 30% threshold is met. Without the applicant's agreement to the restrictive conditions suggested by the case officer, it is considered that the proposal would have a greater and, therefore, unacceptable impact upon the openness of the Green Belt compared to the existing development and is, therefore, inappropriate development.

31. In light of the above, an assessment needs to be made as to whether there is 'any other harm' caused by the development that needs to be added to the harm caused by its inappropriateness.

***Is there any other harm?***

Impact on designated heritage assets

32. As previously noted, the application site is located approximately 12m to the south of the grade II listed Lower House Fold Farm with adjoining barn.
33. Paragraph 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA) are relevant to the '*Special considerations affecting planning functions*'. Section 66 states:  
 (1) *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*  
 (2) *Without prejudice to section 72, in the exercise of the powers of appropriation, disposal and development (including redevelopment) conferred by the provision of sections 232, 233 and 235(1) of the principal Act, a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings.*
34. Great weight and importance is attached to this duty.
35. The National Planning Policy Framework 2021 (The Framework) at Chapter 16 deals with conserving and enhancing the historic environment. It recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The following paragraphs contained therein are considered to be pertinent in this case:
36. The Framework at paragraph 197 states that in determining applications, local planning authorities should take account of:  
 a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
 b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and  
 c) the desirability of new development making a positive contribution to local character and distinctiveness.
37. At paragraph 199 the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
38. At paragraph 200 the Framework confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
39. Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
40. At paragraph 202 the Framework provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
41. Paragraph 205 sets out that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
42. The adopted Central Lancashire Core Strategy (2012) policy 16 (Heritage Assets) states: Protect and seek opportunities to enhance the historic environment, heritage assets and their settings by:
- a) Safeguarding heritage assets from inappropriate development that would cause harm to their significances.
  - b) Supporting development or other initiatives where they protect and enhance the local character, setting, management and historic significance of heritage assets, with particular support for initiatives that will improve any assets that are recognised as being in poor condition, or at risk.
  - c) Identifying and adopting a local list of heritage assets for each Authority.
43. Chorley Local Plan 2012 - 2026 policy BNE8 (Protection and Enhancement of Heritage Assets) states that:
- a) Applications affecting a Heritage Asset or its setting will be granted where it:
    - i. Is in accordance with the Framework and relevant Historic England guidance;
    - ii. Where appropriate, takes full account of the findings and recommendations in the Council's Conservation Area Appraisals and Management Proposals;
    - iii. Is accompanied by a satisfactory Heritage Statement (as defined by Chorley Council's advice on Heritage Statements) and;
  - b) Applications will be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself and the surrounding historic environment and where they show consideration for the following:
    - i. The conservation of features and elements that contribute to the heritage asset's significance and character. This may include: chimneys, windows and doors, boundary treatments, original roof coverings, earthworks or buried remains, shop fronts or elements of shop fronts in conservation areas, as well as internal features such as fireplaces, plaster cornices, doors, architraves, panelling and any walls in listed buildings;
    - ii. The reinstatement of features and elements that contribute to the heritage asset's significance which have been lost or damaged;
    - iii. The conservation and, where appropriate, the enhancement of the setting of heritage assets;

- iv. The removal of additions or modifications that are considered harmful to the significance of any heritage asset. This may include the removal of pebbledash, paint from brickwork, nonoriginal style windows, doors, satellite dishes or other equipment;
  - v. The use of the Heritage Asset should be compatible with the conservation of its significance. Whilst the original use of a building is usually the most appropriate one it is recognised that continuance of this use is not always possible. Sensitive and creative adaptation to enable an alternative use can be achieved and innovative design solutions will be positively encouraged;
  - vi. Historical information discovered during the application process shall be submitted to the Lancashire Historic Environment Record.
44. The policy also states that development involving the demolition or removal of significant heritage assets or parts thereof will be granted only in exceptional circumstances which have been clearly and convincingly demonstrated to be in accordance with the requirements of the Framework.

Applicant's agent's comments on heritage issues

45. The applicant's agent in their letter response dated 27 October 2021 commented as follows:

*'In accordance with the MPFF [sic], the existing Grade 2 Listed Building will be enhanced as the funds from the proposal will enable the original cottage to be converted into a habitable residence.*

*The creation of this residence will be a positive contribution to the conservation of the Heritage and this use will ensure its maintenance by being put to economic and viable use.*

*The new development is desirable as it does make a positive contribution to the local character of the area, by removing the unsightly, almost derelict group of buildings and the activities currently conducted and ensure the distinctiveness of the Heritage asset can then be more greatly appreciated.*

*The proposal complies with P.199 and causes no harm or loss to the asset as it will involve the removal of an overburdening, unsightly dominant building.*

*Under P.202 it is mostly misleading to insinuate that the proposal would lead to less than substantial harm to the significance of a designated heritage asset 'Clearly the proposal causes no harm and indeed is significantly beneficial'. The proposal will ensure improved elements to the setting are protected and do provide a contribution to the surroundings and environment of the asset and therefore the proposal should be treated favourably.'*

*May I remind you, and Joanne McKay of Growth Lancashire that this Application is in Outline form only and therefore the design and detail of the proposed residences can be left to a later date. However, layout as illustrated show the properties standing at a lower level than the Listed Building and therefore be far less dominant, nor the overburdening of the existing buildings. Furthermore it will improve the overall aesthetics of the setting and result in the Listed Building being more visible.*

*Finally, it is difficult to accept the proposal will cause some harm to the contribution made by the setting and a significant of the Heritage asset when removing an old, obsolete, unsightly, neglected, dominant structure will improve the appreciation of the Heritage asset. May I also remind you all of the public comments you have received to date are in favour of the proposal. The only objection was on the grounds of access and the condition of the roadway which, as a consequence, of the site being developed will be obviously be improved.'*

### Enabling Development

46. The applicant's agent has referred on numerous occasions in the planning submission and subsequent correspondence (example in the above quote) to the funds from the proposed development being directed towards the renovation of the listed barn. This is typically known as Enabling Development. Enabling Development is development that would not be in compliance with local and/or national planning policies, and not normally be given planning permission, except for the fact that it would secure the future conservation of a heritage asset. This would require the landowner to enter into a legal agreement to ensure the funds are directed to the heritage asset and that the asset is restored prior to the sale of the dwellings. Despite being asked on numerous occasions, including within the aforementioned emails, whether the applicant wishes to enter into such an agreement, no response has been received on this matter from the applicant's agent. As such, the potential restoration of the listed building does not form a material consideration in the determination of this planning application.

### Heritage Assessment

47. The issue from a heritage viewpoint is whether the proposal would harm the setting of the grade II listed Lower House Fold Farm with adjoining barn, which is considered to be of high significance. The significance of the property is in its aesthetic and historic context, primarily evidenced in the buildings fabric and architectural form/appearance.
48. In relation to setting, Historic England's advice is contained in its Planning Note 3 (second edition) entitled The Setting of Heritage Assets. This describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.
49. The property was likely constructed in the 17th century of coursed squared sandstone with stone dressings including quoins and the adjoining barn is constructed of coursed rubble. The adjoining barn is in a poor state of repair, and along with the attached farmhouse, according to map regression lies in fairly extensive farmland, that has remained largely the same overtime, with the exception of the modern farm buildings to the immediate south.
50. The application lies directly to the front of the listed building, spreading out to the south and west. The existing modern buildings that are located in the immediate setting of the listed building are in a poor state of repair and provide little or no intrinsic value to the significance of the listed building. In the above regard, it is considered that the application site does not contribute any noteworthy level of significance to the listed building and can be considered, for the basis of this assessment, to be of a neutral value. In this context, there are no objections to their demolition.
51. As this is an outline application, in the absence of elevation details, it is difficult to fully assess the potential impact the proposed works may have to the setting of the listed building. Whilst it is accepted that the removal of the existing buildings and breaking and salvaging of vehicles would enhance how the listed building is experienced, the suggestion that the "redevelopment of the site as illustrated would improve the surroundings and aesthetics of the building" and "will have no impact on Lower House Fold Farm" as set out within the Heritage Statement is not accepted.
52. It is considered that the indicative proposal for 8no. large high spec dwellings would likely be overbearing and at odds with the rural character of the small listed stone farmhouse and barn and the similar buildings to the rear of the farmhouse that form part of the historic setting.
53. Even in the absence of design and material details, it is considered that the new residential development would be noticeable and be clearly seen within the same context as the listed

building. As such, the design should reflect the context and draw in the influences of the setting although the indicative layout as shown, appears as a sub-urban solution.

54. Consequently, it is considered that the proposed development would cause some harm to the contribution made by the setting on the significance of the heritage asset. This harm to the overall significance of the listed building is considered to be low/moderate.
55. On this basis, it is considered that the indicative scheme would cause 'less than substantial harm' and should be assessed under p.202 of the Framework. It is for the Local Planning Authority to consider the level of harm in its planning balance at reserved matters stage, considering also any public benefits which relate to or are generated by the scheme.
56. It is considered that the current proposal fails to meet the statutory test 'to preserve' and would cause 'less than substantial' harm to the setting and significance of the grade II listed building. As such, the proposal is at odds with Chapter 16 of the Framework, policy 16 of the Central Lancashire Core Strategy and policy BNE8 of the Chorley Local Plan.
57. With regards to the revisions made to the indicative site layout, retaining the Paddock area to the west of the listed building as part of the converted barn ownership, as suggested in the agents letter, makes little difference to the issues noted above.
58. In light of the above, it is considered that a sensitively designed scheme that differs significantly from that shown on the indicative site plan could be acceptable in terms of its impacts upon the listed building when considered in the planning balance. However, this can only be assessed at reserved matters stage when the final number, type/design and location of dwellings is identified. The final scheme is, therefore, capable of complying with the aforementioned policies with regards to the protection of the designated heritage asset. Whilst the indicative site layout plan is unacceptable, it is not part of the determination of this application and so cannot be used as a reason to refuse this application.

#### Design and amenity

59. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that 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 the development would and would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.*
60. The application is submitted in outline with all matters reserved. As such, the scale, layout, landscaping, access and appearance of the proposal do not form material considerations in the determination of this application. Other issues are discussed below.

#### Ecology

61. Policy BNE9 (Biodiversity and Nature Conservation) of the Chorley Local Plan 2012 – 2026 seeks to safeguard protected and endangered species and their habitats.
62. The Greater Manchester Ecology Unit has no objections to the scheme and has suggested conditions and informatives to be attached to any grant of planning consent, as explained above.

#### Highway safety

62. 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.

63. Policy ST4 (Parking Standards) of the Chorley Local Plan 2012 – 2026 sets out the Council's parking standards and any scheme at reserved matters stage would need to demonstrate a policy compliant level of off-street parking. The suitability of the site access, parking and vehicle manoeuvring areas within the site can only be assessed at reserved matters stage.
64. LCC Highway Services, in their consultation response, highlight the isolated nature of the site with no feasible public transport links available for this site and it is deemed as solely car based. There is a primary and secondary school bus service at the junction of the privately maintained road and the publicly maintained road, however any school aged children would need to walk approximately 840 metres to this stop or be driven there. There are no sustainable travel links to any employment areas, healthcare centres or shops. LCC Highway Services are of the opinion that the proposal does not meet the sustainable transport requirements of the Framework. These concerns have been outlined to the applicant's agent, but no response has been received relating to the sustainability of the site location.
65. The Framework is clear at paragraphs 104 and 105 that the planning system should actively manage patterns of growth in support of sustainable transport objectives. Significant development should be focused in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
66. Further to the above, paragraph 5.15 of the Central Lancashire Core Strategy identifies that the overall strategy for directing where new development and investment will be located in Central Lancashire is set against the backdrop of underlying growth trends. Growth will involve providing for new housing, employment and services, and the infrastructure that goes with these uses. This investment must be achieved in the most sustainable way so as to protect and, where possible, enhance the environmental and social assets of the area (these include the landscape, biodiversity, air and water quality, school and health provision). In particular, choosing the most sustainable locations for development will help minimise the impact of climate change.
67. The proposal does not meet the requirements of the Framework or the Central Lancashire Core Strategy for sustainability.
68. All of the neighbour responses to this application note the desire for the access road to be improved. This would require the landowner to enter into a legal agreement, however, the improvement to the road would need to meet the tests within the Framework for such an obligation. Paragraph 57 of the Framework identifies that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development. The unadopted length of track is approximately 700m long and without knowing the number of dwellings and associated vehicles that are likely to use the site, it is difficult to determine the length and level of improvement of the road that should be required. As such, it would be premature to require the developer to enter into a S106 agreement as part of the outline scheme and this would need to be addressed at reserved matters stage, should this application be approved.
69. In light of the above, it is considered that the site is not suitable for this level of housing and without conditions to restrict the development to fewer houses, to which the applicant is not agreeable, the proposal is unacceptable.

#### Other issues

70. The site is located towards the periphery of a consultation zone associated with an explosives manufacturing and storage facility at Redcliffe International (Shipping) Ltd, Heapey Storage Depot. Lancashire County Council's Emergency Planning Officer has however reviewed the proposal and has no comments to make. The application site is located approximately 800m from the facility in question and there is already housing

located much closer to the facility than the application site. The proposal is, therefore, considered to be acceptable with regards to any risk associated with the aforementioned facility.

#### Other harm to the Green Belt

71. The above has demonstrated that there is additional harm from technical matters in the form of the unsustainable location of the site. Therefore, there needs to be very special circumstances sufficient to outweigh the harm to the Green Belt caused by the inappropriateness of the development, harm to the openness of the Green Belt and harm from the unsustainable location of the site.

#### Benefits of the scheme

72. Whilst the applicant has not put forward a case for very special circumstances, the proposal would have clear benefits in the form of a positive visual impact by removing the unsightly buildings and materials strewn across the site. The applicant has also referred to the potential for the listed building to be improved from the funds received from the development. As discussed previously however, this cannot form a material consideration in the determination of this application as the applicant has not agreed to enter in a legal agreement to make this an 'enabling development'. Ordinarily there would also be some additional limited social benefit from providing more housing in the area, but this is not considered to be attributable in this case due to the unsustainable location of the site. There would clearly be an economic benefit for the applicant as a result of the proposal.
73. The benefit put forward by the applicant's agent in terms of improving the visual appearance of the site has limited weight in the planning balance, as does the economic benefit to the applicant.

#### Do these factors amount to very special circumstances?

74. Although the above factors are accepted to contribute towards outweighing the identified harm to the Green Belt and other harm from the unsustainable location of the site, it needs to be considered if the circumstances put forward amount to very special circumstances.
75. A strong national or regional benefit can be judged to be a very special circumstance that may override Green Belt policy. Although it is considered the proposal would have an environmental benefit to the local area by improving the appearance of the site and economic benefit to the applicant, it is not considered this could be classed as very special. It would not be on a significantly large scale and in addition it is an argument that could quite readily be repeated by numerous untidy sites in the borough. No social benefits of the proposal have been identified. It is, therefore, considered that the benefits of the proposal do not amount to very special circumstances.

#### Balancing exercise

76. A careful balancing of material considerations needs to be applied to the application.
77. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal is harmful to the Green Belt through inappropriateness and not preserving its openness and there is additional harm from the unsustainable site location for the level of housing proposed. On the other hand, policy BNE5 of the Chorley local Plan 2012-2026 seeks to enhance the appearance of redevelopment sites in the Green Belt.
78. In accordance with the Framework when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It is considered in this case that the weight afforded to the benefits of the proposal are limited and localised and does not outweigh the identified harm to the Green Belt and other harm.

Public open space (POS)

79. 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.
80. 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.
81. 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
82. 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.
83. 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.
84. There is currently a deficit of provision in Pennine in relation to provision for children/young people and, therefore, a contribution towards new provision in the ward would normally be required from this development, however, no schemes are currently identified. Therefore, a public open space commuted sum is not requested for this proposal.

Sustainability

85. 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 1<sup>st</sup> 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.”*

86. 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 a condition.

#### Community Infrastructure Levy

87. 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. This proposal would only be liable for CIL at reserved matters stage.

#### **CONCLUSION**

88. The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. The development would also harm the openness of the Green Belt and the application site is not a sustainable location for new housing. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and other harm identified. The proposal is, therefore, contrary to the National Planning Policy Framework and policy 1 of the Central Lancashire Core Strategy.

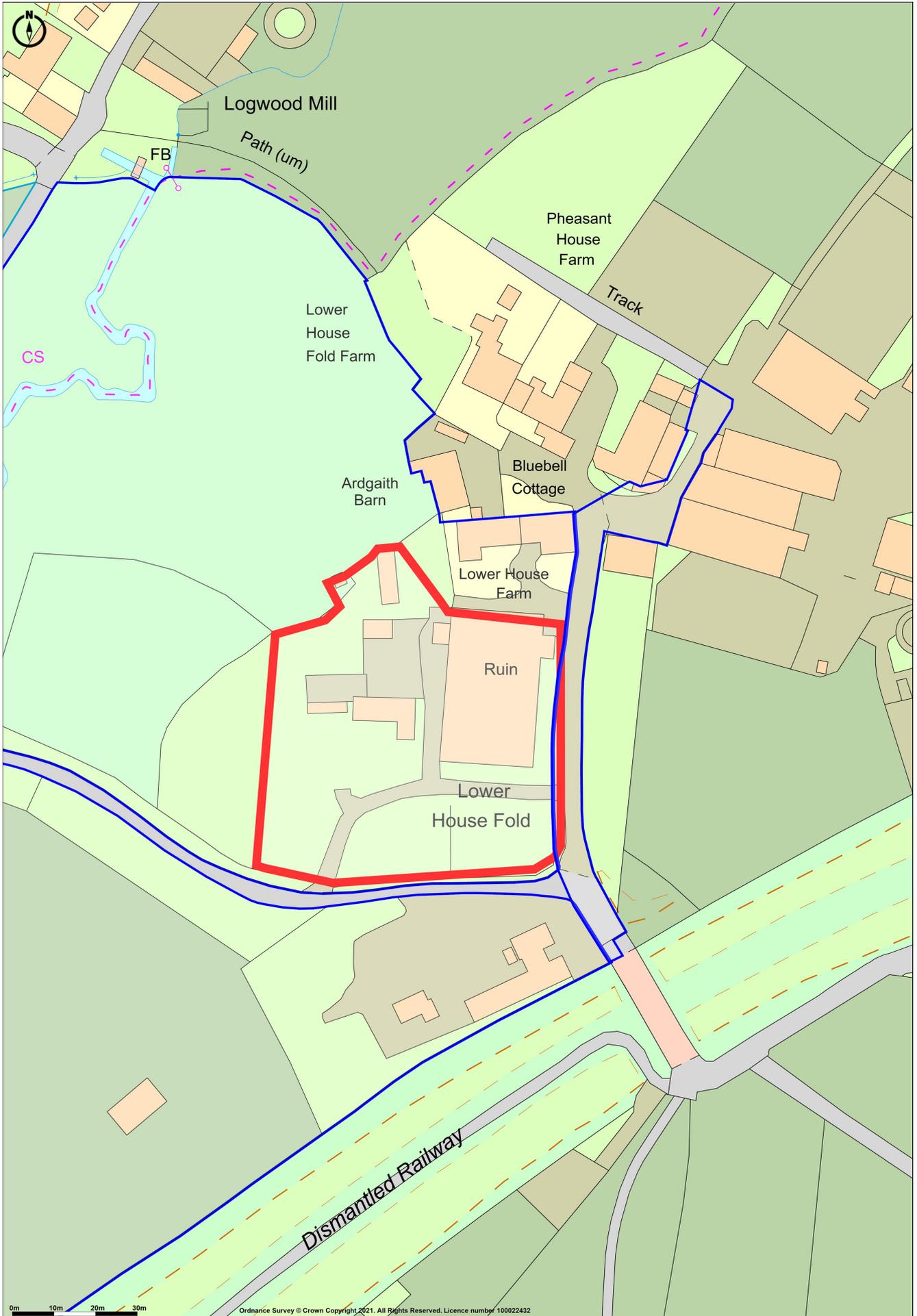
#### **RELEVANT HISTORY OF THE SITE**

**Ref:** 96/00294/COU      **Decision:** PERFPP      **Decision Date:** 9 October 1996  
**Description:** Change of use of cow sheds and dairy to livery stabling and stabling for own horses,

**Ref:** 88/00749/COU      **Decision:** PERFPP      **Decision Date:** 21 February 1989  
**Description:** Change of use of disused farm building into dwelling

**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.

LOWER HOUSE FOLD FARM TRIGG LANE off Brinscall Mill Road HEAPEY



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**APPLICATION REPORT – 21/01023/FUL**

**Validation Date: 21 September 2021**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Erection of four new dwellings with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane**

**Location: Drinkhouse Farm Drinkhouse Road Croston Leyland PR26 9JH**

**Case Officer: Mike Halsall**

**Applicant: Mr David Tomlinson, Bella Homes**

**Agent: Neil Ashworth, FWP**

**Consultation expiry: 5 January 2022**

**Decision due by: 28 February 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that the application is approved, subject to conditions and a Section 106 agreement relating to a public open space contribution.

**SITE DESCRIPTION**

2. The site is located on the south west edge of the village of Croston, adjacent to the settlement boundary, and is accessed from Drinkhouse Road, which serves a number of dwellings on the south west side of the village. The application site is broadly rectangular in shape and extends to approximately 0.4 hectares in area. The site bounds with but is not within Croston Conservation Area. The whole of the site is located within the Green Belt.
3. There is a former barn close to the site entrance that has been converted to a dwelling under prior approval ref: 16/01102/P3PAO.
4. Planning permission ref. 16/00601/FUL was granted in February 2018 for the demolition of agricultural structures on the application site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane. A Section 73 application, ref. 20/00686/FUL, was approved in October 2020 to change the position of one car parking space, amend the site boundary and the external appearance of the dwellings approved under planning permission ref. 16/00601/FUL. The agricultural buildings have since been demolished and a new site access created. This has resulted in the above planning permissions having been implemented and so the applicant currently has the option of building out either one of the two approved schemes.
5. As was always the intention for this site and made clear as part of the previous planning applications, the site has been sold by the former landowner / applicant with the money invested in their farming business. The new owner wishes to make some changes to the approved development on the site, as is often the case when a development site changes hands and the developer reviews the detailed approved plans.

## DESCRIPTION OF PROPOSED DEVELOPMENT

6. The application seeks planning permission for the erection of four dwellings with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane.
7. The proposal has been substantially changed since the original submission of the application following numerous revisions to the submitted drawings having been requested by the case officer. Previous submissions extended the site boundary significantly further into the Green Belt (circa. 55m) and proposed much larger dwellings of a simplistic 'off the peg' design that one might see on any urban housing estate. Further, the height of the dwellings has been reduced from three to two stories to be more consistent with other dwellings in the immediate area and reduce the visual impact of the development. The previous submissions were a stark contrast to the previously approved schemes at this site, the first of which represented a very traditionally designed scheme which mirrored the farmhouse located at the site entrance and the second which presented a contemporary, yet well designed and laid out proposal. It is considered that the proposal now represents a scheme that fits with the principles of the previously approved schemes with a combination of traditional and more modern features that complement one another.
8. The design of the proposed dwellings differs to the previous approvals, including the appearance of the dwellings, a slight uplift in floorspace, integral garages and a slightly larger site boundary, extended approximately 5m to the south to give reasonably sized garden areas of circa 9.5m in length.
9. The existing farmhouse (which is two separate dwellings) would be retained as part of the proposal, as is the case with the existing planning permissions.

## REPRESENTATIONS

10. One representation was received in relation to the originally submitted planning drawings which made the following summarised comments;
  - Wish to see the retention of the farmhouse
  - Wish to see the same condition carried over to this proposal that no access can be gained from the south of the site
  - Wish to see a new construction management plan to restrict parking to be on-site and not on Drinkhouse Road, clear signage for delivery vehicles, hours of operation, dust and noise control, speed of vehicles and want a site manager who takes a pro-active interest
11. The same neighbour responded to the latest set of planning drawings, as follows (summarised):
  - The latest changes seem to be another crude way of leaving a large part of the site available for future housing;
  - Questions who owns the land to the south and west;
  - Cannot view the previous drawings to compare with the latest version; and
  - Confused by the planning process and the changes that have been made.
12. The changes to the site boundary were requested by the case officer to reduce the impact upon the Green Belt. Any further development of the wider agricultural site and associated buildings would need to form the basis of a further planning application upon which neighbours would be notified and asked for their views.

## CONSULTATIONS

13. Croston Parish Council: No comments have been received.

14. Environment Agency: Initially responded to request an update to the Flood Risk Assessment submitted with the application. Upon receipt of the updated assessment, they commented that they are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval.
15. Lancashire County Council Highway Services (LCC Highway Services): Initially responded to request vehicle tracking for refuse collection vehicles be added to the plan. This resulted in minor changes to the site layout to include a vehicle turning area near Plot 1. LCC Highway Services have provided a further response raising no objections to the proposal and recommending a suite of planning conditions to be added to any grant of planning permission for the proposal.
16. Lead Local Flood Authority: Have responded to state they have no comments as this is not a major application.

### **PLANNING CONSIDERATIONS**

#### Principle of development

17. The acceptability in principle of the demolition of the existing agricultural structures and the erection of four dwellings at this site, in the Green Belt, has been established by the grant of planning permission ref. 16/00601/FUL and subsequent variation ref. 20/00686/FUL. Any change to the nature or magnitude of impacts of this proposal, compared to the previous approvals, is identified below.
18. As the buildings previously located on the application site (now demolished) were in agricultural use, the site does not fall within the definition of previously developed land set out in the Framework. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These 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.
19. It was established that there would be definitional harm to the Green Belt by the erection of the approved dwellings as this represents inappropriate development in the Green Belt and also that there would be further harm due to impact on openness. It was however considered that there would not be any further harm in terms of visual impact or in terms of other technical matters. These conclusions remain the same for this new proposal, as discussed in more detail below.
20. When assessing if there are very special circumstances, a number of factors, while ordinary in themselves, can combine to create something very special. These benefits have to be considered and an assessment made as to whether these clearly outweigh the harm so as amount to very special circumstances.
21. Overall, it was previously considered that the proposal would result in benefits to the local highway network by facilitating access for agriculture to the south and making the existing access, gained through the village of Croston, purely for domestic traffic. A new agricultural road was created connecting the remaining agricultural element at Drinkhouse Farm to Beech Grove Farm in Mawdesley, thus removing all HGVs and the majority of farm traffic from the local road network through Croston village.
22. In addition to the above, it was considered that the proposal would support a local business that in itself provides a service to farms in a wider area. Funds from the sale of the application site with planning permission for the four dwellings were directed towards the Beech Gove Farm site on Blackmoor Road, Mawdesley and an additional site in Lathom. The funds were used to update existing seed processing equipment at the Lathom site; erect a new purpose built seed storage building at Beech Grove Farm; relocate the farm workshop from Lathom to Beech Grove Farm and construct a new section of farm track to

connect the remaining Drinkhouse Farm with Moss Lane, allowing it to be accessed from the south, rather than via Drinkhouse Road through Croston.

23. It was considered that together these benefits constituted very special circumstances sufficient to outweigh the harm to the Green Belt caused by inappropriateness added to any other harm. It is not considered that this new proposal would change this conclusion and the applicant has the fall-back position of being able to build-out either of the previously approved schemes. The proposal includes an uplift in floor space of approximately 14% compared to the most recently approved proposal and it is not considered that this is of such a magnitude as to impact upon the acceptability of the proposal. The proposal is, therefore, considered to be acceptable in principle.

#### Impact on character and appearance of locality

24. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that 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.*
25. It is considered that the design of the proposed dwellings is appropriate to the character of the area, laid out surrounding a central courtyard area and of a typically rural house shape and materials but with more modern features, such as large glazed areas to add interest and maximise light.

#### Neighbour amenity

26. *Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.*
27. The proposed changes would not give rise to any unacceptable impacts upon neighbour amenity. The Council's minimum interface distances between habitable room windows is met between the proposed dwellings themselves and also between the proposed dwellings and existing dwellings.

#### Highway safety

28. *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.*
29. Adequate off-road parking spaces are proposed to serve the proposed dwellings. The proposal complies with the Council's parking standard set out at policy ST4 of the Chorley Local Plan 2012 - 2026. No changes are proposed to the previously approved vehicular access arrangements and so the proposal is considered acceptable in terms of access and highway safety. Further, LCC Highway Services have confirmed they have no objection to the proposal.

#### Other issues

30. The same conditions as previously imposed can be attached to any new grant of planning permission at this site to control the issues/impacts that would be unchanged as a result of this proposal. This includes the control of construction impacts, surface and foul water drainage, ecology and landscaping measures and impacts upon archaeological remains. Any pre-commencement conditions that have already been discharged will become compliance conditions.

31. Additional conditions are recommended over and above those included on the previous planning permissions for garages to be retained as such and not converted to living accommodation and for biodiversity enhancement measures to be incorporated into a landscaping scheme.

#### Public open space (POS)

32. 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.
33. 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.
34. 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.
35. 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.
36. 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.
37. In relation to the provision of public open space for children / young people, policy HS4A set a standard of 0.08 hectares per 1000 population. There is currently a deficit of provision in Croston, Mawdelsey & Euxton South in relation to this standard, a contribution towards new provision in the ward is therefore required from this development. The amount required is £134 per dwelling.

#### Sustainability

38. 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 1<sup>st</sup> 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.”*

39. 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.

#### S106 Legal Agreement

40. The original planning permission on this site was subject to a S106 legal agreement to connect the investment items identified within the application with the funds from the redevelopment of the site i.e. for seed processing equipment at the Lathom site; erect a new purpose built seed storage building at Beech Grove Farm; relocate the farm workshop from Lathom to Beech Grove Farm and construct a new section of farm track to connect the remaining Drinkhouse Farm with Moss Lane, allowing it to be accessed from the south, rather than via Drinkhouse Road, Croston. In addition, the applicant agreed to a clawback/overage mechanism in the legal agreement that if the land is sold for more than expected the council will receive this put towards local facilities. There was also a public open space contribution required. The Council’s planning obligations team have confirmed that the requirements of the S106 agreement relating to farm improvements have been discharged when the site was sold. The open space contribution could not be claimed at the time as there were no available schemes to direct the money. There are currently two schemes at Station Road or Croft Field where the £536 can be directed and so this will form the basis of a new S106 agreement.

#### Community Infrastructure Levy

41. 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**

42. It is considered that the revised scheme does not change the previous conclusions with regards to the acceptability of the proposal in principle. The revised technical matters of the application are considered acceptable and it is recommended that the application is approved subject to conditions and a S106 Agreement.

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

<b>Ref:</b> 76/00924/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 4 January 1977
<b>Description:</b> 2 semi-detached houses		
<b>Ref:</b> 76/00446/FUL	<b>Decision:</b> WDN	<b>Decision Date:</b> 18 November 1976
<b>Description:</b> Two houses		
<b>Ref:</b> 78/00516/FUL	<b>Decision:</b> WDN	<b>Decision Date:</b> 31 December 1978
<b>Description:</b> Residential 2 No. 2 storey detached houses		
<b>Ref:</b> 80/00442/FUL	<b>Decision:</b> PERFPP	<b>Decision Date:</b> 4 August 1980
<b>Description:</b> Building for produce storage and grading		
<b>Ref:</b> 90/00645/OHL	<b>Decision:</b> PEROHL	<b>Decision Date:</b> 4 September 1990
<b>Description:</b> Diversion of 11000kv overhead lines		

- Ref:** 91/00226/FUL      **Decision:** PERFPP      **Decision Date:** 30 April 1991  
**Description:** Conversion into two dwellings
- Ref:** 01/00945/AGR      **Decision:** PAAGR      **Decision Date:** 5 December 2001  
**Description:** Prior notification of proposed erection of general purpose machine store
- Ref:** 03/00687/FUL      **Decision:** PERFPP      **Decision Date:** 5 April 2004  
**Description:** Erection of building for cleaning and processing vegetables
- Ref:** 07/00256/FUL      **Decision:** REFFPP      **Decision Date:** 24 April 2007  
**Description:** Revision to Planning Permission 03/00687/FUL by modification to condition 3
- Ref:** 13/00676/AGR      **Decision:** PAAGR      **Decision Date:** 7 August 2013  
**Description:** Agricultural determination for the construction of a farm track
- Ref:** 14/01208/AGR      **Decision:** PAAGR      **Decision Date:** 19 December 2014  
**Description:** Agricultural determination for the construction of an agricultural farm track
- Ref:** 16/00601/FUL      **Decision:** PERFPP      **Decision Date:** 12 February 2018  
**Description:** Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane
- Ref:** 18/00599/DEMCON      **Decision:** PERDEM      **Decision Date:** 10 July 2018  
**Description:** Application for prior determination for the demolition of 3no. steel portal framed buildings
- Ref:** 18/01148/MNMA      **Decision:** PEMMAZ      **Decision Date:** 6 February 2019  
**Description:** Minor non material amendment to planning permission 16/00601/FUL (Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane) involving an amendment to the site area (site edged red boundary) to the south of the farmhouse, compared to that approved under the original planning permission
- Ref:** 19/00701/DIS      **Decision:** PEDISZ      **Decision Date:** 17 October 2019  
**Description:** Application to discharge conditions 7 (surface water drainage strategy), 11 (site access and off-site highway works), 12 (construction management plan), and 14 (archaeological recording) of planning permission ref: 16/00601/FUL (Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane.)
- Ref:** 19/00706/DEMCON      **Decision:** PERDEM      **Decision Date:** 13 August 2019  
**Description:** Application for prior determination for the demolition of four agricultural buildings
- Ref:** 20/00028/CLPUD      **Decision:** PERPUD      **Decision Date:** 11 March 2020  
**Description:** Application for a certificate of lawfulness for a proposed single detached garage
- Ref:** 20/00686/FUL      **Decision:** PERFPP      **Decision Date:** 9 October 2020  
**Description:** Section 73 application to vary the approved plans of planning permission 16/00601/FUL (Demolition of the existing agricultural structures on site and the erection of four new dwellings (Use Class C3) with associated landscaping, and vehicular access to be taken from the existing access at Drinkhouse Lane) to change the position of one car parking space, amend the southern site boundary and change the exterior design of the buildings

**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
Proposed Site Plan	7000-L(02)02 Rev 04	19 January 2022
House Type A	7000-L(04)01 Rev 02	21 December 2021
House Type B	7000-L(04)02 Rev 02	21 December 2021
Location Plan	7000-L(01)01 Rev 01	22 December 2021
Boundary Treatment Details	7000-L(02)04	23 December 2021

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

3. Prior to occupation of any of the dwellings, details of a bin collection point for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The collection point shall be provided prior to the occupation of any of the dwellings.

*Reason: To ensure an appropriate collection point for refuse bins on collection day.*

4. Prior to excavation of the foundations for any dwellings hereby approved samples/details of all external facing and roofing materials for that phase (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.*

5. Prior to the laying of any hard landscaping (ground surfacing materials) full details of their colour, form and texture shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the details as approved, and shall be completed in all respects before the occupation of the final dwelling in that phase.

*Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.*

6. All the dwellings hereby approved shall achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations. No dwelling shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

*Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.*

7. The development shall be carried out entirely in accordance with the approved drainage strategy ref. CFC21070 Rev C (December 2021) and shall be fully implemented prior to commencement and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied.

*Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site and to ensure that water quality is not detrimentally impacted by the development proposal.*

8. Foul and surface water shall be drained on separate systems.

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

9. The development shall not be occupied until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

*Reasons: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.*

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification, no extensions, outbuildings or structures shall be erected on the permeable paving areas

*Reason: To ensure the site is able to use this permeable area as attenuation/storage and drain surface water effectively without posing flood risk on-site and off-site.*

11. No dwelling shall be occupied until any fences, walls and gates shown on the approved details to bound its plot have been erected in conformity with the approved details. Other fences shown in the approved details shall be erected in conformity with the approved details prior to substantial completion of the development.

*Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.*

12. The development shall be carried out in strict accordance with the programme of archaeological recording and analysis and written scheme of investigation approved as part of discharge of condition consent ref. 19/00701/DIS.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.*

13. The car parking spaces to serve each dwelling shall be surfaced or paved, drained and marked out all in accordance with the approved plan before that dwelling is first occupied. The car parking spaces and vehicle manoeuvring areas shall not thereafter be used for any purpose other than the parking of and manoeuvring of vehicles.

*Reason: To ensure adequate on site provision of car parking and manoeuvring areas.*

14. There shall be no access from the site through to the south. The existing access to the south shall be closed prior to occupation of any of the dwellings and remain permanently closed.

*Reason: Weight has been given in determining the application to the removal of access through the site to the south.*

15. Notwithstanding Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any subsequent re-enactment thereof no fences, walls or any other works permitted by the aforementioned class shall be constructed or erected other than those expressly authorised by this permission.

*Reason: The boundaries of the site have been designed as part of the scheme to retain the rural character of the area. The erection of other boundaries may erode this character.*

16. The garage(s) hereby approved shall be kept freely available for the parking of cars and shall not be converted to living accommodation, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015.

*Reason: To ensure adequate garaging/off street parking provision is made/maintained and thereby avoid hazards caused by on-street parking.*

17. A scheme for the landscaping of the development and its surroundings shall be submitted prior to any works taking place above DPC level. These details shall include the types and numbers of trees and shrubs to be planted, their distribution on site and those areas to be seeded, along with any changes in landform. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The content of the plan should include elements to provide a net gain in the biodiversity value of the site.

All landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

*Reason: In the interests of the visual amenity of the area and amenities of local residents.*

18. Prior to excavation of the foundations for any dwellings hereby approved, full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.*

19. The first 10 metres of the new site access (as measured from the boundary of the adopted highway) will need to be constructed in accordance with Lancashire County Council Specification for Estate Roads 2011 Edition.

*Reason: To ensure the new site access is constructed to a standard that won't lead to degradation of the adopted highway due to the new site access.*

20. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following -

1. Vehicle routing and the parking of vehicles of site operatives and visitors;
2. hours of operation (including deliveries) during construction;
3. loading and unloading of plant and materials;
4. storage of plant and materials used in constructing the development;
5. siting of cabins, site compounds and material storage area (ensuring it complies with the Great Crested Newt mitigation details);
6. the erection of security hoarding where appropriate;
7. wheel washing facilities;
8. measures to control the emission of dust and dirt during construction;
9. a scheme for recycling/disposing of waste resulting from demolition and construction works;
10. Fencing of the 15m buffer zone to the woodland during construction;
11. The use of flood resilient materials within the construction of the dwellings.
12. Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

*Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.*

21. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980.

*Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.*

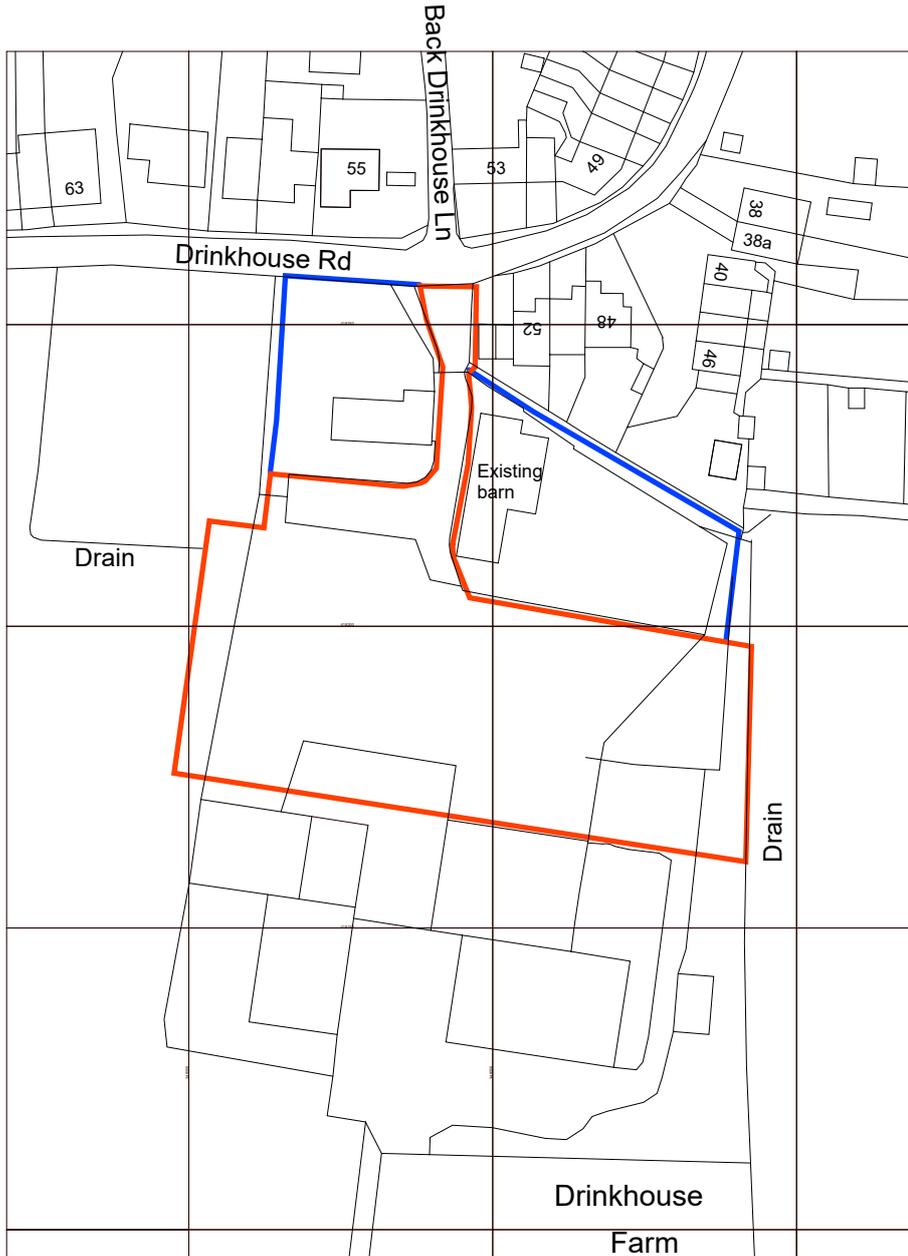
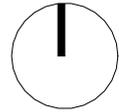
22. The two dwellings identified as "House Type B" on the submitted plans are to be fitted with roller shutter type garage doors and permanently maintained as such thereafter.

*Reason: To allow for the effective use of the parking areas.*

23. The car parking area and manoeuvring area of the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least subbase before any other development takes place within the site.

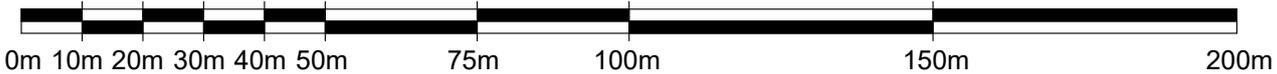
*Reason: To ensure that provision is made for the storage of materials and contracting staff.*

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1:1250 scale



01 14/12/21 Site boundary line amended

> NOTES > REV. > DATE > DESCRIPTION

> IMPORTANT  
 > © This drawings copyright remains the property of this practice  
 > Do not scale of this drawing  
 > All dimensions to be checked on site  
 > Positions of existing services to be confirmed prior to proceeding

> REVISION STATUS  
 S Information issued for feasibility or scheme design  
 T Information issued for tender purposes only  
 C Information issued for Construction  
 NB: Only those drawings containing a C revision to be used for construction

> CLIENT  
 BELLA HOMES NW LTD  
 > PROJECT  
 PROPOSED RESIDENTIAL DEVELOPMENT  
 > DRAWING TITLE  
 LOCATION PLAN  
 > STATUS  
 SCHEME DESIGN  
 > SCALE > DATE > DRAWN  
 1 : 1250@A4 11/11/21 JO  
 > DRG NO.  
 7000-L(01)01

> CODE  
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 > CHECKED  
 NA  
 > REV.  
 01



> FWP  
 6 & 7 RIBBLESDALE PLACE  
 PRESTON PR1 3NA  
 T (01772) 259824  
 F (01772) 203375  
 E mail@fwp.uk.com  
 www.fwpgroup.co.uk  
**Frank Whittle Partnership Limited**

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**APPLICATION REPORT – 21/01104/FUL**

**Validation Date: 13 September 2021**

**Ward: Croston, Mawdesley And Euxton South**

**Type of Application: Full Planning**

**Proposal: Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works (Resubmission of 20/00987/FUL)**

**Location: Mediterranean At Robin Hood Blue Stone Lane Mawdesley Ormskirk L40 2RG**

**Case Officer: Mr Iain Crossland**

**Applicant: TRHM Ltd**

**Agent: Housemartin Design**

**Consultation expiry: 8 October 2021**

**Decision due by: 4 February 2022 (Extension of time requested)**

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**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 at Mawdesley, approximately 1.8 miles to the north of the settlement of Mawdesley and 1.2 miles from Eccleston. It is occupied by the Mediterranean at the Robin Hood restaurant building and associated car parking areas. The site is bound by Blue Stone Lane and Syd Brook Lane to the east with some dwellings beyond. There is open land to the west and a dwelling at Sherwood to the south. The surrounding area is characterised by open agricultural land and clusters of dwellings and sporadic agricultural buildings
3. The application building is of a traditional design style reflective of its age and former use as a public house. The building is faced in painted render and has a roof laid in clay tiles. A number of unsympathetic extensions have been added to the building over time, and following a period of vacancy the building is in a poor and deteriorating state of repair. There is a hard surfaced parking area to the front, which opens out onto the highway and a larger more enclosed parking area to the rear. The rear part of the site is enclosed by trees and landscaping along the eastern and northern boundaries of the site. The building is not listed nor locally listed, however, it is a local landmark and has been in existence for a significant period of time. The applicant has previously submitted information in support of the application that demonstrates the lawful use of the building to be that of a restaurant.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

4. This application seeks planning permission for the conversion of the existing restaurant building, alongside partial demolition of more recent additions, to form a single dwellinghouse and the erection of 4no. dwellinghouses with associated/ancillary works in the area of the rear car park. The new build dwellings would be of a traditional cottage style and would be accessed via the existing car park access.

5. It is noted that the application is the resubmission of a previous application, and has been amended through the omission of garage and car port buildings, a substantial reduction in the scale and mass of the proposed dwellings and amendments to the site access.

### REPRESENTATIONS

6. Representations have been received from the occupiers of 2no. addresses citing the following grounds of objection:
  - Adverse impact on the character of the area.
7. One representation in support has been received.

### CONSULTATIONS

8. Mawdesley Parish Council: No comments have been received.
9. Greater Manchester Ecology Unit: Have no objection.
10. Waste & Contaminated Land: Have confirmed that they have no comments to make.
11. Lancashire County Council Highway Services (LCC Highway Services): Have confirmed that they considered the development proposal is acceptable on the basis of amendments to the site access, and no objections are raised subject to a number of highway related planning conditions being imposed.
12. United Utilities: Have no objections subject to conditions.

### PLANNING CONSIDERATIONS

#### Principle of the development in the Green Belt

13. The application site is located wholly within the Green Belt, and consists of a building comprising a restaurant with extensive hardstanding to the front and rear providing a large area of car parking. It is clear that the building has not been in use for some time and was previously run as a Mediterranean restaurant, but has since been mothballed. Information provided in support of a previous proposal demonstrates that the lawful use of the building is that of a restaurant.
14. National guidance on Green Belt is contained in Chapter 13 of the National Planning Policy Framework (The Framework) and states that the construction of new buildings should be regarded as inappropriate in the Green Belt, except in a limited number of specific circumstances. The relevant sections are set out below:

*137. The Government attaches great importance to Green Belts. 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.*

*138. Green Belt serves five purposes:*

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.*

*149. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) 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; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

*150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

- a) mineral extraction;*
- b) engineering operations;*
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.*

15. The Central Lancashire Core Strategy Policy 1: Locating Growth, criteria f) states that development 'in other places' – will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need. Mawdesley is considered to be an 'other place'. As the proposal involves a small scale development and the conversion of a building it is considered to be in line with this policy.
16. The proposal comprises two distinct elements that would result in the formation of a residential development scheme. The conversion of the public house to a dwelling and the erection of 4no. new build dwellings following the partial demolition of the existing building.
17. Dealing first with the conversion it is noted that paragraph 150.d) allows for the re-use of buildings provided that they are of permanent and substantial construction and provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
18. The proposed development involves the conversion of a building of permanent and substantial construction, which engages with paragraph 150.d) above. Some alterations and additions are proposed in addition to the removal of previously extended parts of the building, which are located predominantly to the rear.

19. Policy HS9 of the Chorley Local Plan 2012 – 2026 covers the Conversion of Rural Buildings in the Green Belt. This provides more detailed guidance as to the way in which buildings can be converted and states that proposals for the re-use of buildings in the Green Belt will be allowed provided that all of the following criteria are met:
- a) *The proposal does not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it;*
  - b) *The proposal would not harm the character or quality of the countryside or landscape;*
  - c) *The re-use of the building must not be likely to result in additional farm buildings which would have a harmful effect on the openness of the Green Belt;*
  - d) *If an agricultural building, it is not one substantially completed within ten years of the date of the application;*
  - e) *The building is of permanent and substantial construction and capable of conversion without more than 30% reconstruction;*
  - f) *The building must be capable of conversion without the need for additions or alterations which would change its existing form and character. Particular attention will be given to curtilage formation which should be drawn tightly around the building footprint and the requirement for outbuildings, which should be minimal;*
  - g) *The building must already have, or there exists the capability of creating, a reasonable vehicular access to a public highway that is available for use without creating traffic hazards and without the need for road improvements which would have an undue environmental impact;*
  - h) *The development would not result in the loss of or damage to any important wildlife habitat or protected species.*
20. The proposal to convert the existing building, involves removing a large extension to the rear, adding a new chimney stack and porch, whilst carrying out the necessary remedial works and internal alterations. As such there would be a reduction in the impact on openness of the Green Belt over and above the existing building. The building itself is of permanent and substantial construction and of sound structural integrity. The scheme would sympathetically convert the building, improving its appearance and form in a way that is more in keeping with its original character through the removal of poor quality extensions and additions. As such the character of the existing building would be retained and revived with no impact on the openness of the Green Belt.
21. The curtilage boundary would be drawn in a logical fashion around the southern part of the site allowing for a reasonable degree of amenity space without resulting in any encroachment into the Green Belt, and reflects the extent and form of boundaries at nearby and neighbouring dwellings and property.
22. An ecological survey has been submitted in support of the application. The surveys do not identify the presence of any protected species. The Greater Manchester Ecology Unit have assessed the survey and agree with the findings and have confirmed that the building has negligible bat roosting potential, whilst the roof has been repaired since the original assessment. It is, therefore, considered that the overall risk to bats is very low.
23. On the basis of the above, it is considered that overall this element of the proposal would not result in any inappropriate development, or other harm to the Green Belt.
24. In considering the erection of four new dwellings, it is noted that this part of the site forms the rear car park area and falls within the established curtilage of the restaurant. As such the site is considered to fall within the definition of previously developed land and, therefore, has the potential to engage with paragraph 149.g) of the Framework and policy BNE5 of Chorley Local Plan 2012 – 2026.
25. Policy BNE5 of Chorley Local Plan 2012 – 2026 relates to previously developed land within the Green Belt and reflects guidance contained within the Framework as follows:
- The reuse, infilling or redevelopment of previously developed sites in the Green Belt, will be permitted providing the following criteria are met:*

*In the case of re-use*

- a) *The proposal does not have a materially greater impact than the existing use on the openness of the Green Belt and the purposes of including land in it;*
- b) *The development respects the character of the landscape and has regard to the need to integrate the development with its surroundings, and will not be of significant detriment to features of historical or ecological importance.*

*In the case of infill:*

- c) *The proposal does not lead to a major increase in the developed portion of the site, resulting in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

*In the case of redevelopment:*

- d) *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.*

26. Whilst the test for the development of sites such as this relates to the impact on openness it is important to note that the Framework contains no specific definition of 'openness'. It is acknowledged that the site is a previously developed site, the majority of which is covered by hardsurfacing, however, other than the restaurant building there are no other buildings or structures. The restaurant building would be partially demolished as part of the proposal, which must be considered in the assessment of the development and its resultant impact on openness. It is also acknowledged that there are some temporary impacts from the periodic parking of cars associated with a restaurant use.
27. When considering the impact of a proposed development on a previously developed site it is important to note that any new buildings must not "have a greater impact on the openness of the Green Belt" than the existing development.
28. Whether the proposed development would have a greater impact on openness is a subjective judgment, which is considered further below. Objective criteria could include the volume of any existing buildings although it is important to note that the Framework does not include such an allowance or capacity test. To engage with the exceptions of paragraph 149.g) of the Framework, which is reflected in Policy BNE5 of the Chorley Local Plan, 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 application site, and in this respect it is noted that the conversion of the public house would involve the removal of existing built form.
29. Other than the public house, the application site does not comprise any other buildings. The proposal seeks to partially demolish the existing restaurant building retaining the older original part for conversion. The proposed dwellings would be of a traditional cottage style and of modest scale. These would have a greater cumulative volume than the volume of extensions and additions to be removed through the conversion of the existing building. They would also extend into an area of the site in which there is currently no built form. This would result in a greater spatial impact on openness than the existing development. The visual impact would be limited to some extent due to the screening provided by the retained building to the south of the site obstructing views from the south along Blue Stone Lane and by the presence of mature landscaping to the boundaries providing some filtering of views from the east along Syd Brook Lane. Overall, however, there would be an impact on the openness of the Green Belt that is greater than the existing development proposed to be removed.
30. Given that it has been established, that there is harm to the openness of the Green Belt and, therefore, harm to the Green Belt by definition, any other harm caused by the development must also be considered and added to the definitional harm.
31. There are five purposes of the Green Belt as set out in the Framework and detailed above:

32. Considering each in turn:

- Purpose 1 (to check the unrestricted sprawl of large built-up areas)  
The application site is located in a rural area which is separated from any large built up areas. It is not considered the application proposal represents unrestricted urban sprawl of a large built-up area.
- Purpose 2 (to prevent neighbouring towns merging into one another)  
The development of the site would not result in neighbouring towns merging into one another.
- Purpose 3 (to assist in safeguarding the countryside from encroachment)  
The proposed development would be contained within the previously developed area of the site and would not encroach into other open land.
- Purpose 4 (preserve the setting and special character of historic towns)  
The site is not located within or near to a historic town, and the proposed building would not be located within the setting of any listed buildings.
- Purpose 5 (to assist in urban regeneration by encouraging the recycling of derelict and other urban land)  
There would be no material impact on this purpose given that the proposed development is small scale development.

33. On the basis of the above, it is considered that there would be no other harm to the purposes of including land within the Green Belt.

34. As the proposed development would result in definitional harm and harm to the openness of the Green Belt there would have to be very special circumstances to justify the grant of planning permission that would outweigh this harm. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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

35. The application site is located in a prominent location at the junction of Blue Stone Lane and Syd Brook Lane in a rural part of the Borough at Mawdesley. Development is sparse in this area, but that which does exist is varied in appearance and largely of a traditional rural design style.

36. The proposed development involves conversion of the public house building into a dwelling, and in doing so removal of the previous extensions of poor quality and incongruous appearance, with the addition of some domestic features such as a porch and chimney, alongside necessary remedial works and minor alterations. The overall impact would be to improve the appearance of the building in comparison to its present appearance and to return it to a closer resemblance of its original character. A dry stone wall and landscaped frontage would be provided to the front of the building facing Blue Stone Lane, which would add to the quality of the scheme and provide a suitably domestic appearance with an appropriate level of enclosure. This conversion element of the proposal would be the most visually prominent and overall would result in a positive impact on the appearance of the site and character of the area.

37. The new build element proposed to the northern part of the site, currently occupied by the car park, would continue the rustic agrarian style of design carrying through a distinctive character in a mixture of house types. The dwellings would display many features of interest and would differ from one another creating a high degree of distinctiveness and character. Car parking would be set out in a linear form adjacent to Syd Brook Lane, and screened from it by retained landscaping. The proposed development would be commensurate with the size of the site providing an appropriate level of amenity space for residents, whilst making good use of the available space. The existing landscaped buffer to the east of the

site would be maintained and reinforced, which would soften the appearance and filter views from the lane.

38. The new build dwellings themselves would be laid out in a linear pattern to the rear of the building to be converted, which would reflect patterns of development in the locality, and would also ensure that the setting of the original building is not competed with or compromised on approach from the south. The development would be of high quality and would contribute positively to the character of the area.
39. Overall, the development would enhance the existing qualities of the site and would reflect the rural character of the locality. As such the proposal would be an appropriate design response in the context of the site and locality. The development is, therefore, considered to be in accordance with Policy BNE1 of the Chorley Local Plan 2012 – 2026 in respect of design considerations.

#### Impact on neighbour amenity

40. The conversion element of the proposed development would be located over 30m from the nearest property to the south at Sherwood and would have no impact over and above that which currently exists. The nearest property to the new build elements are at Syd Brook Cottage to the north east. This property would be located over 20m from the nearest proposed dwelling at unit 5, which would be positioned at an angle relative to Syd Brook Cottage. Given the degree of separation and positioning there would be no adverse impact on the amenity of the occupiers as a result of the proposed development.
41. Other properties are further away from the site and the degree of separation is such that there would be no impact on the amenity of the occupiers of any other property.
42. The relationship between the proposed dwellings would be such that future occupants would enjoy an appropriate degree of amenity with space between dwellings and extensive floorspace and outdoor amenity areas.

#### Highway safety

43. There is an existing vehicular access to the site from Blue Stone Lane, which runs across the site frontage. This would be used to provide direct access to the site. It is considered that the creation of five dwellings would have a limited impact on the highway network in this location, which would not result in a severe cumulative impact, particularly when considered in relation to the current lawful use of the site as a restaurant.
44. Although the development was considered to be acceptable in principle by LCC Highway Services, there were a number of issues regarding the site layout and access that resulted in highway safety concerns originating from the existing poor access arrangements that needed to be addressed in light of a change in the way that it would be used. A revised layout plan was subsequently submitted in response to the concerns raised by LCC Highway Services.
45. LCC Highway Services have noted that the developer is proposing two points of access to the development. The access to the single dwelling resulting from the conversion of the restaurant would be direct from Blue Stone Lane. This access would be narrowed to an appropriate width by a boundary wall as opposed to the open frontage that exists at present, whilst a pedestrian footway would be extended across the frontage.
46. The access to the remainder of the development would consist of a shared driveway connecting with Blue Stone Lane close to the junction with Syd Brook Lane. This would involve constructing a highway build out to deflect traffic travelling into Syd Brook Lane from the south and would provide a footway into the development on one side of the access driveway. The existing access arrangement that it was originally intended to be retained resulted in vehicles entering and exiting the development in a manner that was considered to be unsafe. LCC Highway Services consider that providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane has significant road safety benefits in that the manoeuvring of vehicles would become more conventional.

47. The proposed highway works would also result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.
48. The proposed layout would need to undergo a Road Safety Audit to acquire technical approval, however, the layout plan proposed now illustrates the scope of the amended highway arrangements that are necessary to satisfy LCC Highway Services.
49. The development proposal would also incorporate a footway for the full frontage of the site along Blue Stone Lane. This footway at 2m wide would ensure that the appropriate sightlines for the access are provided, and would be an important refuge for pedestrians.
50. The applicant has demonstrated that a refuse vehicle can enter the site and that adequate manoeuvring space within the site is available. The internal layout is not suitable for it to be offered to LCC for adoption and as such would remain private.
51. On the basis of the above, the developer would be required to enter into a s278 agreement with LCC to provide the following:
  - Amendment to the junction of Blue Stone Lane and Syd Brook Lane
  - Creation of 2 access points to Blue Stone Lane
  - Provision of 2m wide footway along the frontage to Blue Stone Lane
52. The development proposal is now considered to be acceptable in highway safety terms, subject to conditions requiring a scheme for the construction of the site access and off-site improvements and a Construction Management Plan (CMP).
53. The site plan demonstrates that off street parking of sufficient size to accommodate at least three cars per dwelling would be provided. On this basis, the scheme complies with the parking standards specified in policy ST4 of the Adopted Chorley Local Plan 2012 – 2026.

#### Ecology

54. The application is supported by an ecology report that has been reviewed by the Council's ecological advisor at Greater Manchester Ecology Unit (GMEU). The public house building was assessed for bats. No evidence of bats was found and no further surveys carried out. It is noted that the building has negligible bat roosting potential, whilst the roof has been repaired since the original assessment. Given that the development is for conversion, GMEU accept that the overall risk to bats is very low in this instance.
55. There is a pond around 100m to the south west of the site. This was assessed as having limited potential to support great crested newts owing to recreational use, which is assumed to be angling. GMEU are also aware that this pond was surveyed in 2020 as part of another application and that the results were negative. There are additional ponds to the north east in excess of 100m from the site, with the road forming a partial barrier. Given the nature of the site and the distance from these ponds, GMEU are satisfied that even if great crested newts were present in the ponds the risk of an offence would be very low.
56. No bird nests were located in the building to be converted or noted in the wider site, though as the survey occurred in March, it would have been early in the season for obvious signs of bird activity. Bird nesting habitat is, however, present around the boundary of the site, which is identified for retention.
57. Section 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment. The development is primarily restricted to hard standing with the higher value habitats on site retained. It is, therefore, considered that the development could comply with section 174. The applicant's ecological consultant recommends enhancement through provision of bat boxes and bird boxes as well as native planting, which is an appropriate approach.

Flood risk and drainage

58. The application site is not identified as being at risk of flooding from pluvial or fluvial sources, according to Environment Agency mapping data. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
59. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. As such the developer should consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
  2. to a surface water body;
  3. to a surface water sewer, highway drain, or another drainage system;
  4. to a combined sewer.
60. It is recommended that a condition be attached to any grant of planning permission requiring a surface water drainage scheme for the site that has been designed in consideration and in accordance with the surface water drainage hierarchy outlined above.

Public open space

61. 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.
62. 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.
63. 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
64. 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.
65. 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.
66. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, whilst 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 normally be required from this development. However, there are no identified schemes for new provision in the accessibility catchment therefore a contribution towards new provision is not required.

Sustainability

67. 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 1<sup>st</sup> 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.”*

68. Given this change, instead of meeting the code level, the new build 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 a condition.

#### Green Belt balancing exercise

69. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt. It is considered that there would not be any further harm. Development of this type should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
70. With a view to demonstrating very special circumstances the applicant has set out a number of factors in support of their proposal.
71. The applicant has set out a case whereby an alternative scenario would be to redevelop the whole of the site, including the demolition of the existing building rather than its retention. In the case of such a scenario an assessment would be carried out as the impact on openness in relation to the existing development to be replaced. This is typically considered on the basis of an assessment of volume, although there is no such allowance or capacity test in the Framework. When considering a volume of development that is not materially larger than an existing development the Council has no specific guideline in relation to previously developed sites. It does however, set out a more specific policy in relation to replacement dwellings at policy HW6, which states that increases of up to 30% (volume) are not considered to be materially larger. It is, therefore, logical to apply the same guideline to the redevelopment of a previously developed site in the absence of any specific figure, and such an approach has become custom and practice in Chorley.
72. In the instance of a redevelopment of this site the applicant has calculated that the volume of the existing buildings is 1399 cubic metres, and that this could provide a development volume of 1819 cubic metres, on the basis of the 30% uplift. This amounts to the same volume of development to that which is proposed as part of this current application. Therefore, if the proposed development were to be an entirely new build redevelopment scheme, rather than involving the retention of the original part of the existing building, then it is likely that it would be supported in policy terms and not considered inappropriate.

73. The building was previously the Robin Hood public house and is not listed, nor is it locally listed. It is, however, an historic building that has been in situ as a boarding house since the 1800s and is a local landmark and focal point. As such the retention and restoration of the original part of the building, alongside the removal of incongruous later additions, would be of benefit in relation to the character of the area and would be a positive outcome as part of any development scheme.
74. The scenario set out by the applicant is a realistic proposition that would be an acceptable approach in planning policy terms, and would result in the loss of the original public house building, which is of some value as a local landmark and in relation to the character of the locality. Therefore, the retention of the original part of the existing building is a positive benefit and would result in no greater eventual volume of development than if the site were redeveloped in its entirety. These factors are considered to carry significant weight in the planning balance.
75. The proposed development would also result in improvements to the site access and highway layout at the junction of Blue Stone Lane and Syd Brook Lane. LCC Highway Services have confirmed that the existing access arrangement is not to current standards and is considered to be unsafe. Vehicles also travel at speed directly from Blue Stone Lane into Syd Brook Lane when travelling from the south due to the highway arrangement. LCC Highway Services consider that by providing a small degree of separation at the junction between Blue Stone Lane and Syd Brook Lane this has significant road safety benefits in that the manoeuvring of vehicles would become more conventional. The proposed highway works would also result in a narrowing of Syd Brook Lane at its junction with Blue Stone Lane, which would lead to lower entry speeds, and a safer highway environment at the junction.
76. The highway improvement works would not be initiated or funded without the scale of the proposed development, or if the site were to remain as a restaurant. As the development would result in a safer highway arrangement and is considered to carry significant weight in the planning balance.
77. There is significant case law that supports the conclusion that a number of factors, none of them "very special" when considered in isolation, may when combined together amount to very special circumstances.
78. The factors set out above when considered cumulatively clearly amount to very special circumstances that carry significant weight and amount to the very special circumstances required to overcome the definitional harm to the Green Belt, which must be accorded substantial weight in line with the Framework.

#### Community Infrastructure Levy (CIL)

79. 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**

80. It is considered that the proposed conversion and alteration of the public house would not have a greater impact on the openness of the Green Belt or conflict with the Green Belt purposes. The proposed erection of the new build dwellings would have a greater impact on openness than the existing development to be replaced and would result in inappropriate development in the Green Belt. It is, however, considered that in this instance there are very special circumstances to overcome the definitional harm to the Green Belt, in consideration of a possible alternative redevelopment scheme for the site and the retention of the original public house building in addition to the highway safety improvements that would be implemented as a result of the scheme.

81. The impact on the character and appearance of the area is considered to be acceptable and there would be no adverse impact on neighbour amenity, highway safety or ecology. It is, therefore, recommended that the application be approved subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 74/00854/ADV      **Decision:** PERADV      **Decision Date:** 18 December 1974  
**Description:** Illuminated sign

**Ref:** 84/00575/FUL      **Decision:** PERFPP      **Decision Date:** 13 November 1984  
**Description:** Front entrance porch and side extension to form bottle store

**Ref:** 87/00839/FUL      **Decision:** PERFPP      **Decision Date:** 2 February 1988  
**Description:** Extensions and alterations to public house

**Ref:** 89/00728/FUL      **Decision:** PERFPP      **Decision Date:** 31 August 1989  
**Description:** Construction of a freezer store to rear

**Ref:** 90/00636/FUL      **Decision:** PERFPP      **Decision Date:** 18 December 1990  
**Description:** Construction of overflow car park

**Ref:** 94/00211/ADV      **Decision:** PERFPP      **Decision Date:** 28 April 1994  
**Description:** Display of various externally illuminated advertisement signs

**Ref:** 96/00646/FUL      **Decision:** PERFPP      **Decision Date:** 22 January 1997  
**Description:** Extension of existing car park to provide 15 additional spaces

**Ref:** 00/00170/ADV      **Decision:** PERADV      **Decision Date:** 28 April 2000  
**Description:** Display of illuminated post, projecting and fascia signs

**Ref:** 20/00987/FUL      **Decision:** WDN      **Decision Date:** 9 July 2021  
**Description:** Conversion of existing building (with partial demolition) to form a single dwellinghouse and erection of 4no. dwellinghouses with associated/ancillary works

**Ref:** 21/00880/FUL      **Decision:** PERFPP      **Decision Date:** 10 September 2021  
**Description:** Erection of single storey rear extension (retrospective)

**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

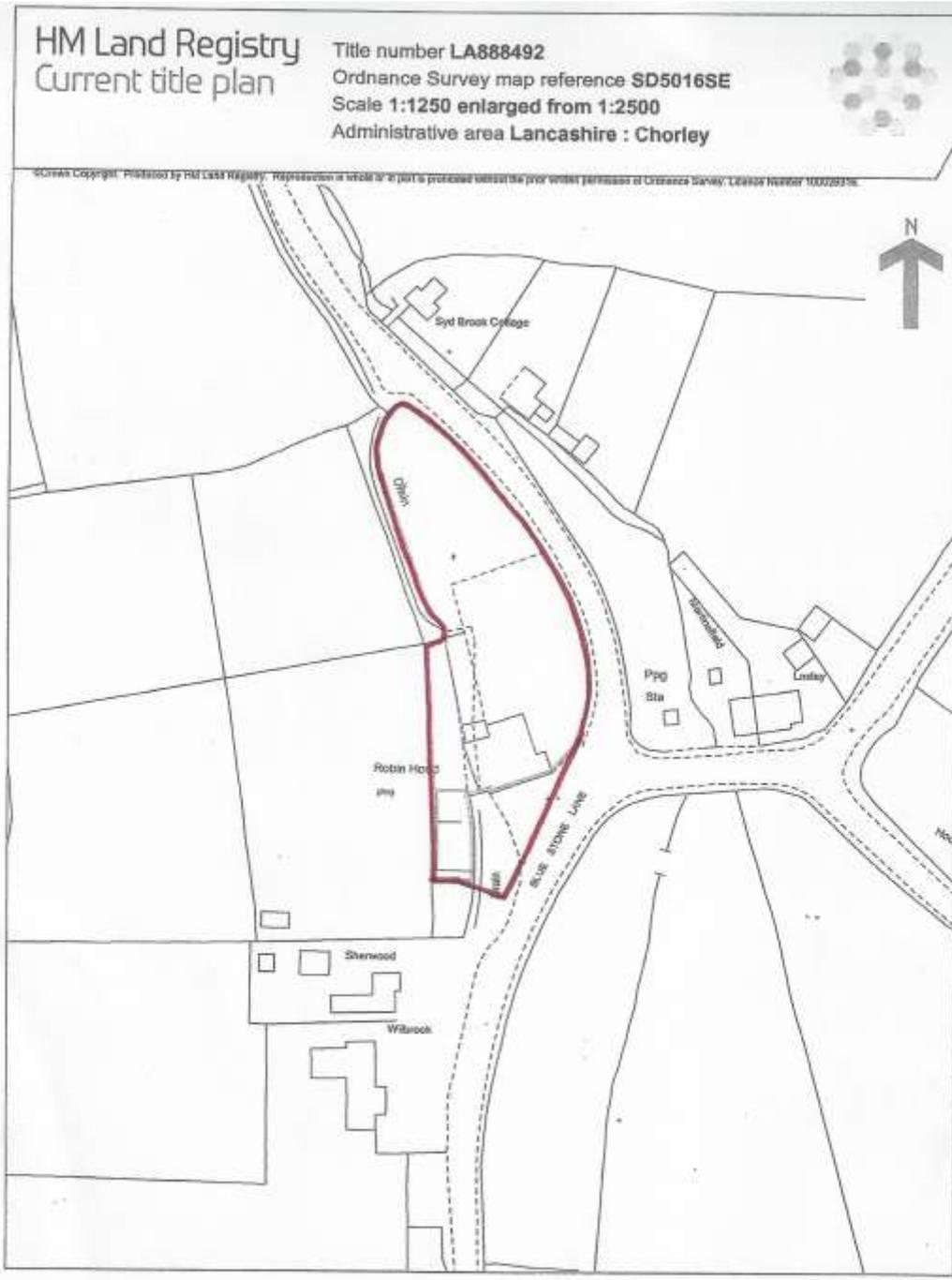
No.	Condition									
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i></p>									
2.	<p>The development shall be carried out in accordance with the following plans:</p> <table border="1"> <thead> <tr> <th>Title</th> <th>Drawing Reference</th> <th>Received date</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>11 January 2022</td> </tr> <tr> <td>Site Layout Plan</td> <td>HMD/PD/0438/01</td> <td>10 January 2022</td> </tr> </tbody> </table>	Title	Drawing Reference	Received date	Location Plan	N/A	11 January 2022	Site Layout Plan	HMD/PD/0438/01	10 January 2022
Title	Drawing Reference	Received date								
Location Plan	N/A	11 January 2022								
Site Layout Plan	HMD/PD/0438/01	10 January 2022								

		Rev. G	
	Proposed Floor Plans and Elevations (Unit No.3a)	HMD/PD/0438/04 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.4a)	HMD/PD/0438/05 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.5a)	HMD/PD/0438/06 Rev. A	13 September 2021
	Proposed Floor Plans and Elevations (Unit No.2a)	HMD/PD/0438/03 Rev. A	13 September 2021
	Robin Hood PH Conversion Scheme. Proposed Floor Plans and Elevations (Unit No.1)	HMD/PD/0438/02	13 September 2021
	<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>		
3.	<p>Prior to the commencement of development (excluding demolition and conversion works) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:</p> <p>(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365;</p> <p>(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;</p> <p>(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;</p> <p>(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and</p> <p>(v) Foul and surface water shall drain on separate systems within the site.</p> <p>The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.</p> <p>Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.</p> <p><i>Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.</i></p>		
4.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved samples 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.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>		
5.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved</p>		

	<p>details prior to substantial completion of the development.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</i></p>
6.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.</p> <p><i>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</i></p>
7.	<p>A scheme for the landscaping of the development and its surroundings shall be submitted prior to the erection of the superstructure of the new build dwellings hereby approved. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures. Landscaping proposals should comprise only native plant communities appropriate to the natural area.</p> <p>All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p><i>Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.</i></p>
8.	<p>No works to trees or hedgerows shall occur or building works commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: Nesting birds are a protected species.</i></p>
9.	<p>The dwellings hereby approved are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
10.	<p>Prior to the erection of the superstructures of the dwellings hereby approved details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with</p>

	<p>the approved details.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
11.	<p>No part of the development hereby approved shall commence until a scheme for the construction of the site access and off-site improvements has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The scope of the scheme shall be as set out on Site Layout Plan HMD/PD/0438/01 Rev G submitted 10 January 2022.</p> <p><i>Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</i></p>
12.	<p>No part of the development hereby approved shall be occupied until the approved scheme for the associated site access, sight lines and off-site highway works has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.</p> <p><i>Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users. To allow for the effective use of desirable sustainable transport and aid social inclusion.</i></p>
13.	<p>Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The CMP shall include and specify the provisions to be made for the following:-</p> <ul style="list-style-type: none"> <li>a) The parking of vehicles of site operatives and visitors;</li> <li>b) Loading and unloading of plant and materials used in the construction of the development;</li> <li>c) Storage of such plant and materials;</li> <li>d) Wheel washing and/or power wash and hardstanding area with road sweeping facilities, including details of how, when and where the facilities are to be used;</li> <li>e) Periods when plant and materials trips should not be made to and from the site (mainly school peak hours but the developer to identify times when trips of this nature should not be made);</li> <li>f) Routes to be used by vehicles carrying plant and materials to and from the site;</li> <li>g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.</li> </ul> <p><i>Reason: To protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.</i></p>
14.	<p>Prior to the erection of the superstructure of the new build dwellings hereby approved all demolition works as identified on the Demolition of Existing Building Floor Plans (Ref. HMD/PD/0438/10) and Demolition of Existing Building Elevations (Ref. HMD/PD/0438/11) submitted on 13 September 2021 shall have been carried out and all resultant materials removed from the site.</p>

	<p><i>Reason: To protect the openness of the Green Belt.</i></p>
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This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 09 May 2019 at 13:38:39. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Fylde Office.

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**APPLICATION REPORT – 21/01331/REM**

**Validation Date: 10 November 2021**

**Ward: Eccleston, Heskin And Charnock Richard**

**Type of Application: Reserved Matters**

**Proposal: Reserved matters application (details of appearance) pursuant to planning application reference 18/00416/OUT (Outline application for the erection of 6 detached dwellings following demolition of existing dwelling and stables including details of access, layout and scale)**

**Location: Latvian Consulate Pemberton House Farm Park Hall Road Charnock Richard Chorley PR7 5LP**

**Case Officer: Johndaniel Jaques**

**Applicant: Gareth Jones, Stocks Hall Care Homes 2**

**Agent: Martin Boote, D&B Design Works Ltd**

**Consultation expiry: 10 December 2021**

**Decision due by: 9 February 2022 (Extension of time agreed)**

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**RECOMMENDATION**

1. It is recommended that reserved matters consent is granted for the details of appearance subject to conditions.

**SITE DESCRIPTION**

2. The application site is located in the Green Belt at Charnock Richard and is occupied by a large split level dwelling of modern appearance and a stables building. It is positioned to the south of Park Hall Road opposite the major developed site of Park Hall / Camelot, which is located to the north side. There is an existing vehicular access to the site from Park Hall Road. The site is well screened by mature landscaping to the periphery and the topography slopes gradually down from the highway before dropping more steeply into the valley formed by Syd Brook to the south.
3. The site is presently unoccupied and in a severe state of disrepair following bouts of vandalism to the dwelling and outbuildings. The grounds themselves are somewhat overgrown.
4. The site also lies within the Low Risk Coal consultation zone with a small area within the High Risk Coal consultation zone. A public Right of way crosses part of the site at its eastern end.

**DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks reserved matters consent for the appearance of the development pursuant to outline planning application reference 18/00416/OUT, which was for the erection of 6no. detached dwellings following demolition of the existing dwelling and stables (which included details of access, layout and scale).

6. Details have also been submitted to satisfy the requirements of some of the conditions attached to the outline planning permission as follows:

Conditions nos.3a) and 3b) which related to details of the colour, form and texture of all external facing materials to the proposed dwellings and to all hard ground-surfacing materials. However, the level of information submitted is not adequate to satisfy the requirements of the condition.

Condition no.4 which related to a surface water drainage scheme.

Condition no.5 which related to a sustainable drainage management and maintenance plan.

Condition no.7 which related to a scheme for the construction of the site access and the off-site highway improvement works

7. The surface water drainage scheme outlines that as infiltration cannot be achieved surface water would discharge to the watercourse (Syd Brook) to the south of the site via an attenuation pond which would restrict run-off to a maximum of 5l/s. This would be instead of utilising the existing connection to the combined sewer.
8. The sustainable drainage and management plan outlines proposals to ensure that the sustainable drainage system is maintained and managed in perpetuity.
9. Details regarding the construction of the site access and markings at its junction with the highway have been provided.

#### **REPRESENTATIONS**

10. No representations have been received.

#### **CONSULTATIONS**

11. Lancashire County Council Archaeology Service – Have referred to previous comments and raise no objections subject to the imposition of a condition regarding a programme of archaeological recording and analysis.
12. United Utilities – Have confirmed that the drainage plan which proposes that surface water discharges to the watercourse is acceptable.
13. Lancashire County Council Public Rights of Way – No comments have been received.
14. Lancashire County Council Highway Services (LCC Highway Services) – Have confirmed that the proposed access alterations are acceptable. The applicant will need to contact Lancashire Highway Services to enter into the necessary agreement.
15. Charnock Richard Parish Council – Have confirmed that they have no objections.
16. CIL Officers – Have commented that the development is CIL liable and chargeable.

#### **PLANNING CONSIDERATIONS**

##### Principle of the development and impact on the Green Belt

17. The acceptability of the principle of development of the site with 6no. self-build dwellings has been established by the grant of outline planning permission. (Ref: 18/00416/OUT).

##### Design

18. *Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that 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.*

19. The proposal is to use buff natural stone to the walls, with buff natural stone surrounds/quoins/copings/heads and cills, and natural slate roofing along with grey or black aluminium double glazed window and doors and black UPVC gutters and downpipes to the properties.
20. Permeable block pavements would be used on the driveways/parking areas, and sandstone paving slabs for the patios. Asphalt is to be used in the access road, with grasscrete to the stub between plots 1 and 2.
21. It is considered that the proposed materials are acceptable in principle given that these are high quality materials appropriate to the rural location of the application site. The hardsurfacing is also considered to be of an appropriate quality and character for the site. However, the level of detail is not adequate to meet the requirements of the planning condition as the manufacturer's specifications are required.
22. Overall, it is considered that the proposal would not undermine the acceptability of the principle of the development that was established at outline stage which was considered to improve the appearance of the site whilst it was recognised that there would be little impact on the character and appearance of the wider area given that it is not particularly visible from public areas due to being screened by mature landscaping.

#### Highway safety

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 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.
24. Details of the construction of the access road have been provided and accord with the details provided at the outline stage, apart from the fact that the whole access road rather than just the small section at its southern end would be private and remain unadopted. This is considered acceptable. LCC Highway Services consider that the proposal is acceptable.

#### Drainage

25. Policy 17 of the Core Strategy promotes designs that will be adaptable to climate change and adopting principles of sustainable construction including Sustainable Drainage Systems. The proposed surface water drainage scheme which would discharge surface water to the watercourse (Syd Brook) via an attenuation pond and would restrict run-off to a maximum of 5l/s is considered acceptable by United Utilities.
26. The sustainable drainage and management plan is acceptable as it outlines proposals to ensure that the sustainable drainage system is maintained and managed in perpetuity.

#### Other matters

27. The Lancashire County Council Archaeology Service have requested a condition regarding a programme of archaeological recording and analysis. However, this was not attached to the outline planning permission and only conditions that directly relate to the reserved matters can be imposed. As an archaeology condition would not relate to the reserved matter being assessed (which is appearance) nor any condition applied on the outline permission. The requested condition is not recommended to be applied.

#### **CONCLUSION**

28. The details submitted in relation to the reserved matter applied for under this application, namely appearance, are acceptable. The details submitted in relation to certain conditions

attached to the outline planning permission namely conditions nos.4 (surface water drainage scheme), condition no.5 (sustainable drainage management and maintenance plan) and condition no.7 (construction of the site access and the off-site highway improvement works) are also acceptable. Therefore, it is recommended that the application is granted subject to conditions.

**RELEVANT HISTORY OF THE SITE**

**Ref:** 18/00416/OUT      **Decision:** PEROPP      **Decision Date:** 20 May 2019  
**Description:** Outline application for the erection of 6 detached dwellings following demolition of existing dwelling and stables including details of access, layout and scale

**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 development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	N/A	10 November 2021
Topographical Survey	DB1054-001	10 November 2021
Proposed Site Plan	DB1054-002	10 November 2021
Proposed Dwellings	DB1054-003	10 November 2021
Proposed Drainage	D3479-D-01 - REVP1	10 November 2021
Drainage - Typical Construction Details	D3479-D-02 – REVP1	10 November 2021
External Works Drawing	D3479-E-01 - REVP1	10 November 2021
S.278 Drawing	D3479-H-01 - REVP1	10 November 2021

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

2. The surface water drainage scheme shall be completed prior to the first occupation of any approved dwelling.

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

3. The site drainage scheme shall be managed and maintained in complete accordance with the approved Management and Maintenance Plan for The Sustainable Drainage System.

*Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.*

4. No part of the development hereby approved shall be occupied until the approved scheme of site access and highway improvement have been constructed and completed in accordance with the approved scheme details.

*Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.*



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Report of	Meeting	Date
Director of Planning and Development	Planning Committee	2 February 2022

## **PLANNING APPEALS AND DECISIONS RECEIVED BETWEEN 26 NOVEMBER 2021 AND 26 JANUARY 2022**

### **PLANNING APPEALS LODGED AND VALIDATED**

Local Planning Authority Reference: 21/00476/CLPUD - Inspectorate Reference: APP/D2320/X/21/3287938

Appeal by Mr Mark Dean against the delegated decision to refuse an application for a certificate of lawfulness for a proposed detached outbuilding to accommodate a swimming pool and home gymnasium.

Silcock Farm, Windmill Lane, Brindle, Chorley, PR6 8NX.

Inspectorate letter confirming appeal valid received 14 December 2021.

Local Planning Authority Reference: 21/00366/P3PAJ - Inspectorate Reference: APP/D2320/W/21/3286159

Appeal by Gemma Newell against the delegated decision to refuse prior approval under Part 3, Class O of The Town and Country (General Permitted Development) (England) Order 2015 for the change of use from office (Class B1a) to 8no. apartments (Class C3).

Brindle Mill, Bournes Row, Brindle.

Inspectorate letter confirming appeal valid received 4 January 2022.

Local Planning Authority Reference: 21/00261/FUL - Inspectorate Reference: APP/D2320/W/21/3288853

Appeal by Mr. Hammond against the Planning Committee decision to refuse planning permission for the erection of 3no. dwellings (comprising of 1no. detached dwelling house and 1no. pair of semi-detached dwellings) with access to Long Meadows.

Land Adjacent 69-70, Long Meadows, Chorley.

Inspectorate letter confirming appeal valid received 18 January 2022.

Local Planning Authority Reference: 21/00981/CLPUD - Inspectorate Reference: APP/D2320/X/22/3291325

Appeal by Mr Richard Ainscough against the delegated decision to refuse an application for a certificate of lawfulness a proposed detached outbuilding.

The Old Rectory, High Street, Mawdesley, Ormskirk, L40 3TD.

Inspectorate letter confirming appeal valid received 24 January 2022.

**PLANNING APPEAL DECISIONS**

None

**PLANNING APPEALS WITHDRAWN**

None

**ENFORCEMENT APPEALS LODGED**

None

**ENFORCEMENT APPEAL DECISIONS**

None

**ENFORCEMENT APPEALS WITHDRAWN**

None

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Adele Hayes	5228	26 January 2022	***